Social inclusion in the legal profession: a study of the solicitor apprenticeship

Elizabeth Polding

Regent's Park College

University of Oxford

Trinity Term 2023

Application for the degree of Doctor of Philosophy in Education

Dedication

Many thanks to my family for their encouragement, and to my supervisors, Susan James Relly and Nigel Fancourt for their invaluable advice and support. I am immensely grateful to the Edge Foundation and the ESRC for their sponsorship, and also for their support and encouragement, including bringing me into their research networks.

Contents

ABSTRACT 10

GLOSSARY 12

PROLOGUE 18

CHAPTER ONE: INTRODUCTION AND BACKGROUND 20

1.1 INTRODUCTION 20
1.2 SOCIAL MOBILITY 23
1.2.1 INTERGENERATIONAL AND INTRAGENERATIONAL MOBILITY 25
1.2.2 OCCUPATIONAL MOBILITY 26
1.2.3 OCCUPATIONAL MOBILITY IN THE LEGAL LABOUR MARKET 27
1.3 SOCIAL INCLUSION IN THE SOLICITORS' PROFESSION 29
1.4 STRUCTURE OF THESIS 32
1.5 CONCLUSION 36

CHAPTER TWO: THE APPRENTICESHIP CONTEXT 37

2.1 INTRODUCTION 37
2.2 APPRENTICESHIP POLICY 37
2.3 APPRENTICESHIPS: POLICY AND IMPLEMENTATION 40
2.4 THE SOLICITOR APPRENTICESHIP LANDSCAPE 43
2.5 THE SOLICITOR APPRENTICESHIP IN CONTEXT OF THE LEGAL PROFESSION 45
2.6 FUNDING 49
2.7 THE SOLICITOR APPRENTICESHIP STANDARD 52
2.8 SOLICITOR APPRENTICESHIPS AND INCLUSION 53
2.9 SOLICITOR TRAINING BEFORE AND AFTER THE SQE 55
2.10 CONCLUSION 58

CHAPTER THREE: LITERATURE REVIEW 59

3.1 INTRODUCTION 59
3.2 DEFINING INCLUSION AND ITS RELATIONSHIP WITH SOCIAL MOBILITY 61
3.2.1 MERITOCRACY 71

3.2.2 LEVEL PLAYING FIELDS 73
3.3 RECRUITING LEGAL PROFESSIONALS 74
3.4 DIVERSITY MANAGEMENT AND INCLUSION 76
3.5 WORKPLACE EXPERIENCE AS A POTENTIAL MECHANISM OF INCLUSION 78
3.6 THE PEDAGOGY OF WORK-BASED LEARNING 88
3.7. APPRENTICESHIPS IN HIGHER EDUCATION: ISSUES FOR PROVIDERS 89
3.8 RECRUITMENT 93
3.9 CONCLUSION 94

CHAPTER FOUR: MECHANISMS OF INCLUSION 95

4.1 INTRODUCTION 95
4.2 FAIR ACCESS TO THE LEGAL PROFESSION 95
4.3 SOCIAL ORIGINS AND EARLY EDUCATION 96
4.4 SECONDARY EDUCATION AND DISADVANTAGE 97
4.5 THE EFFECT OF HIGHER EDUCATION ON INCLUSION 99
4.6 ENGAGEMENT WITH EMPLOYERS DURING UNIVERSITY 102
4.7 INTERNSHIPS AND INCLUSION 104
4.8 THE EFFECT OF RECRUITMENT PRACTICES 106
4.9 CONCLUSION 110

CHAPTER FIVE: RESEARCH DESIGN AND METHODOLOGY 111

5.1 INTRODUCTION 111
5.2 RESEARCH DESIGN 113
5.3 RESEARCH INSTRUMENTS 117
5.4 SAMPLING STRATEGY 125
5.5 INITIAL CONTACT 127
5.6 INTERVIEWS 129
5.7 THE EFFECT OF REMOTE INTERVIEWS 134
5.8 THEMES, CODING, AND THEORY 137
5.9 VIGNETTES AND ORGANISATIONAL PROFILES 142
5.10 REFLEXIVITY 149
5.11 ETHICS 151
5.12 CONCLUSION 154

CHAPTER SIX: THE EXPERIENCES OF THE APPRENTICES 156

6.1 INTRODUCTION 156
6.2 SOCIAL AND EDUCATIONAL BACKGROUND 158
6.2.1 SOCIAL BACKGROUND 158
6.2.2 EDUCATIONAL BACKGROUND 163
6.3 HIGHER EDUCATION 165
6.3.1 UNIVERSITY 165
6.3.2 THE APPRENTICESHIP 168
6.4 WORKPLACE EXPERIENCE 183
6.5 INCLUSION 190
6.6 RETENTION 192
6.7 CONCLUSION 192

CHAPTER SEVEN: OTHER STAKEHOLDERS ENGAGED WITH THE DELIVERY OF SOLICITOR APPRENTICESHIPS 194

7.1 INTRODUCTION 194
7.2 STRATEGIC FACTORS IN THE DECISION TO EMPLOY APPRENTICES 195
7.2.1 RISK FACTORS IN RELATION TO APPRENTICESHIPS 197
7.2.2 CORPORATE SOCIAL RESPONSIBILITY AND THE SOLICITOR APPRENTICESHIP 198
7.2.3 RETENTION 200
7.2.4 PIPELINES AND POOLS OF TALENT 202
7.2.5 FINANCIAL CONSIDERATIONS 205
7.3 OUTREACH AND RECRUITMENT AS POTENTIAL MECHANISMS OF INCLUSION 210
7.4 FINDING OUT ABOUT THE APPRENTICESHIP 211
7.5 PROCESSES 214
7.6 RECRUITMENT CRITERIA FOR SOLICITOR APPRENTICES 221
7.7 CONCLUSION 224

CHAPTER EIGHT: INTEGRATION INTO THE COMMUNITY OF PRACTICE 225

8.1 INTRODUCTION 225
8.2 INTEGRATION INTO THE COMMUNITY OF PRACTICE 225
8.3 'BELONGING' AND THE EXPERIENCE OF THE APPRENTICESHIP 228
8.4 THE IMPORTANCE OF BEING MADE TO FEEL WELCOME 232
8.5 INVOLVEMENT AND INCLUSION 233
8.6 THE NEED FOR A SOLID AND VALUED ROLE 244
8.7 RECOGNITION AND APPRECIATION 248

8.8 THE IMPORTANCE OF BEING TRUSTED AND VALUED 250
8.9 THE IMPORTANCE OF REALISTIC EXPECTATIONS 254
8.10 APPRENTICES' FUTURES AS PART OF THEIR COMMUNITIES OF PRACTICE 255
8.11 CONCLUSION 258

CHAPTER NINE: AN APPRENTICESHIP INTO THE WIDER PROFESSION 259

9.1 INTRODUCTION 259
9.2. THE LEGAL PROFESSION AS A CONSTELLATION OF PRACTICE 259
9.2.1 PRECEDENT, CULTURE AND CHANGE 261
9.2.2 HIERARCHIES 270
9.2.3 'ALTERNATIVE' ROUTES AND INCLUSION 271
9.2.4 THE SIGNIFICANCE OF THE LAW DEGREE 273
9.3 THE WAR FOR TALENT 277
9.3.1 TALENT PIPELINES 278
9.3.2 PROFESSIONAL IDENTITY FORMATION IN THE WIDER PROFESSION 282
9.4 THE APPRENTICESHIP LEVY 284
9.5 EMPLOYERS WHO DO NOT EMPLOY SOLICITOR APPRENTICES 286
9.5.1 DETERRENTS TO APPRENTICESHIP PROGRAMMES 288
9.6 TRAINING PROVIDERS' EXPERIENCES OF APPRENTICESHIPS 290
9.6.1 CULTURE AND FIT WITHIN HIGHER EDUCATION 293
9.6.2 DESIGNING AND ADMINISTERING PROGRAMMES 297
9.7 THE FUTURE OF THE APPRENTICESHIP IN THE LEGAL PROFESSION 299
9.8 CONCLUSION 300

CHAPTER TEN: DISCUSSION 301

10.1 INTRODUCTION 301
10.2 MOULDING VERSUS POLISHING 302
10.2.1 POLISHING THROUGH INTERNSHIPS AND PLACEMENTS 305
10.2.2 ACCESS 307
10.2.3 MOULDING IN THE COMMUNITY OF PRACTICE 310
10.2.4 BELONGING 311
10.2.5 DURATION OF 'IMMERSION' AND THE FORMATION OF PROFESSIONAL IDENTITY 313
10.3 THE IMPORTANCE OF BREADTH IN THE APPRENTICESHIP EXPERIENCE 316
10.3.1 THE TRIPARTITE RELATIONSHIP 329
10.4 THE POWER OF CREDENTIALS 331

10.5 DISRUPTING THE LEGAL PROFESSION 336
10.5.1 INCLUSION STRATEGIES 341
10.5.2 OUTREACH 344
10.6 PROFESSIONAL APPRENTICESHIPS: THE WIDER IMPLICATIONS OF THE STUDY 349
10.7 CONCLUSION 353

CHAPTER ELEVEN: CONCLUSIONS 356

11.1 INTRODUCTION 356
11.2 LIMITATIONS 357
11.3 A MECHANISM OF SOCIAL INCLUSION 361
11.4 THE CONTRIBUTION TO KNOWLEDGE 364
11.5 THE STUDY'S WIDER IMPLICATIONS 366
11.6 APPRENTICESHIPS AND CURRENT POLICIES 369
11.7 FURTHER RESEARCH 370
11.8 CONCLUSION 372

REFERENCES 374

APPENDICES 418

APPENDIX ONE: QUALIFICATION AS A SOLICITOR: TIMELINE FROM 1280 TO 2021 419
APPENDIX TWO: STANDARDS FOR SOLICITORS AND SOLICITOR APPRENTICES 422
STATEMENT OF LEGAL KNOWLEDGE: UPDATED FEBRUARY 2021 422
STATEMENT OF SOLICITOR COMPETENCE: UPDATED 9 AUGUST 2022 451
THE THRESHOLD STANDARD FOR SOLICITORS 457
SOLICITOR APPRENTICESHIP STANDARD 458
APPENDIX THREE: LEGAL PROFESSIONAL EDUCATION: COMPARING THE ROUTES TO QUALIFICATION 462
APPENDIX FOUR: SURVEYS AND INTERVIEW THEMES 472
APPENDIX FIVE: PARTICIPANTS 520
APPENDIX SIX: CODING 533
APPENDIX SEVEN: ETHICS 548
APPENDIX EIGHT: MOULDING V POLISHING 595

List of figures and tables

Figure 2.1 The O Shaped Lawyer 48

Figure 2.2 Admissions to the Roll of Solicitors 2018-19 55

Table 3.1 Expansive-Restrictive Approaches to Apprenticeships and the Trailblazers 65

Figure 3.1 Summary: Wenger's Social Theory of Learning 86

Table 5.1 Operational Research Questions 114

Figure 5.1 Ethnicity of Participating Apprentices (n=26) 122

Figure 5.2 Age at the start of the apprenticeship (n=26) 123

Figure 5.3 Year of apprenticeship (surveyed) (n=26) 124

Figure 5.4 Year of apprenticeship (surveyed and interviewed n=13) 124

Table 5.2 Interviews conducted in chronological order 129

Table 5.3 Thematic Analysis 144

Figure 6.1 Parental education (n=26) 159

Figure 6.2 Parental Income at Age 14 (n=26) 159

Figure 6.3 Parental Occupation (n=26) 160

Figure 6.4 Choice to attend university if apprenticeship not available (n=26) 161

Figure 6.5 Apprentices' Educational Background (n=26) 163

Figure 6.6 Free school meals (n=26) 164

Figure 6.7 Wordcloud of attitudes towards the apprenticeship 170

Figure 6.8 Apprentices' views of equivalence with trainee solicitors (n=26) 176

Figure 6.9 Apprentices' views of how their employers perceive them in comparison to trainee solicitors (n=26) 177

Figure 7.1 Application processes for the participating organisations recruitment of trainees and apprentices 216

Figure 7.2 A level grades 222

Figure 8.1 Structure of the apprenticeships 229

Figure 8.2 Examples of Apprentices Tasks 234

Table 10.1 Expansive-Restrictive Apprenticeships (Fuller and Unwin, 2014b p5; Brockman and Laurie, 2020 p5) 321

Abstract

A current challenge for many types of professional education, including the legal profession is to develop more socially inclusive routes for candidates from more diverse backgrounds. The 2013 Legal Education and Training Review (LETR) recommended the introduction of an apprenticeship route with a number of aims, including addressing barriers to entry, and making the legal profession more socially inclusive. Following the LETR, the solicitor apprenticeship was introduced in 2015 as one of the trailblazer apprenticeships launched across several vocations. This study examines how the solicitor apprenticeship contributes to inclusion in the legal profession. The study draws on the experiences of a wide variety of stakeholders using a combination of surveys and semi-structured interviews. The stakeholders include apprentices, their employers, apprenticeship education providers, and others from the wider legal profession, including organisations which do not currently employ solicitor apprentices. The analysis was conducted iteratively, using thematic analysis, drawing on a range of literature in relation to social inclusion and examining how the solicitor apprenticeship promotes inclusion. Further, the study uses a social theory of learning to frame the stakeholders' experience of the apprenticeship as a mechanism of inclusion, both within the individual organisations as communities of practice, and in the wider legal constellations of practice that form the legal profession.

The findings indicate that the solicitor apprenticeship avoids some potential mechanisms which can adversely affect social inclusion. These include attending new universities, whose graduates are not as well-represented in the legal profession as their Russell Group counterparts. In addition, as participating apprentices were often school leavers rather than graduates, there were few expectations in relation to professional experience that might have been expected of more conventional trainee solicitor recruits. In many cases, participating employers' strategies for apprenticeship recruitment included outreach to new pools of talent, with the intention of addressing diversity and inclusion within the organisation; a commercial, as well as a corporate social responsibility strategy. The findings also indicate that the longer duration of the apprenticeship allows the apprentices significantly more time to become integrated into their organisations, moulding a professional identity and a sense of belonging within that organisation. This appears to act as a mechanism of inclusion, with the apprentices' learning, both on and off the job, supported by the tripartite relationship between the employer, the apprentice and the education provider. The use of an employer-led standard appears to address the risk of a 'restrictive' apprenticeship experience, and to provide a framework to ensure a more expansive experience. Finally, the addition of a law degree to the apprenticeship award by education

providers appears to address perceptions of apprenticeships as a ‘lesser’, or more risky route, and to promote parity of esteem between the apprenticeship and more traditional graduate recruitment.

Glossary

Apprenticeship funding band	The amount of levy funding which is available to pay for apprenticeship training (not for salary or other expenses at the time the data was collected)
Apprenticeship levy	A charge payable by qualifying employers which may be used to pay for apprenticeship training. The levy is payable at 0.5% of total payroll by employers whose annual payroll bill exceeds £3,000,000. Each levy-paying employer has a digital account for their levy funds which they may spend on apprentice training. Funds which are not used within 24 months of being paid into the account expire and are no longer available to the organisation. Organisations may 'surrender' a percentage of their levy funds to other employers on a voluntary basis. This enables other employers to pay for apprenticeship training using the surrendered funds.
Articles/Articled clerk	Until the 1990s, an individual's compulsory period of supervised work-based training to become a solicitor was known as 'articles', served while 'articled' to an individual within the legal services provider organisation. This individual would provide supervision and guidance to the 'articled clerk' during that time. The period of time involved varied from two to ten years, depending on the individual's educational qualifications and experience. Articled clerks became known as trainee solicitors in the 1990s.
Bar	The barristers' (see below) branch of the legal profession.
Bar Council	The body that represents barristers.
Bar Standards Board	The regulatory body for barristers.
Billing targets	Amounts of recorded time which are to be billed to clients in total by the individual during the course of the year. See Time Recording below.
Barrister	A lawyer whose qualification process focuses primarily on advocacy and giving legal opinions in relation to areas of expertise. A barrister is generally instructed by a solicitor (see below) in relation to court advocacy. Regulated by the Bar Standards Board and represented by the Bar Council, they are generally self-employed. It is not currently possible to qualify as a barrister through an apprenticeship route.
BTEC	Business and Technology Education Council technical qualifications that relate to particular sectors, such as IT and childcare. There are various levels: BTEC Firsts, which are levels 2 and 3, BTEC Nationals, which are usually level 3 and BTEC Apprenticeships, which are up to level 5.

Chartered legal executive/legal executive	Chartered legal executives or legal executives are qualified lawyers whose work is similar to the work carried out by a solicitor. The route to qualification does not require a degree, although in practice, many legal executives are graduates. It is possible to qualify as a legal executive through an apprenticeship route. It is also possible for legal executives to cross-qualify as solicitors in some circumstances.
CILEx	The Chartered Institute of Legal Executives is the regulatory body for legal executives; lawyers qualified through the route provided by CILEx to provide a range of legal services, but who are not barristers or solicitors. CILEx are an end point assessor for the Paralegal Apprenticeship (see below). It is possible for non-graduate level 6 CILEx fellows to cross-qualify as solicitors if they undertake the LPC (see below) and in some cases, a training contract (see below). From September 2021, it is possible to cross qualify by passing the SQE (see below).
Degree apprenticeship	An apprenticeship at level 6 or 7 which may include the award of a degree as part of the apprenticeship award.
End point assessment	The assessment which determines the final outcome of the apprenticeship, examining evidence compiled by the apprentice that they have met the outcomes set out in the relevant apprenticeship standard.
ESFA	The Education and Skills Funding Agency is an executive agency which is sponsored by the Department for Education. It has responsibility for funding education and skills at all levels, including children, apprentices and adult career-changers or those building their skill set.
Equivalent Means	A method of qualification as a solicitor which requires the candidate to submit a portfolio of evidence to the SRA (see below) demonstrating how they have met the outcomes relevant to a particular stage of training. The route is being phased out from 2021.
Framework apprenticeships	Apprenticeships that led to particular qualifications and were monitored by workplace assessors. They were criticised by the Richard Review in 2012 and have been phased out.
Graduate Diploma in Law	Also known as the Common Professional Examination or conversion course, this was a course undertaken by graduates in a subject other than law who wished to qualify as barristers or solicitors. The course included the compulsory elements of a law degree; contract, tort, criminal law, EU law, land law, constitutional law, and equity and trusts. Since the introduction of the SQE (see below) in 2021, this course is no longer mandated for the SQE route by the SRA (see below), although it continues to be

	required for those qualifying under the Legal Practice Course route during the transitional period.
Higher apprenticeship	An apprenticeship with an award at levels 4-7, which does not include a degree as part of the apprenticeship award, but which will be at an equivalent level.
Inns of Court	The professional associations for barristers. There are four: Gray's Inn, Middle Temple, Inner Temple and Lincoln's Inn. All are in London and barristers must join one before they are able to qualify.
Law Society LSF	The body that represents solicitors in England and Wales (previously also the regulator for solicitors until the creation of the Solicitors Regulation Authority in 2007 – see SRA below). The Law Society also regulated legal professional education until the SRA was created, including centralised assessments such as the Law Society Finals (LSF) until the introduction of the LPC (see below) in 1993.
LPC	The Legal Practice Course was introduced in 1993, to replace the LSF (see above). It was abolished, subject to transitional provisions) in 2021. The course consisted of a compulsory core of practice-focused legal skills and knowledge, combined with a prescribed number of 'elective' modules, which allowed students to specialise in practice areas. The course curriculum, together with a core syllabus, was set by the regulator, but individual institutions were able to offer their own versions of the course, with additional elements over and above the minimum requirements. Assessments were also set by the individual institutions, although both courses and assessments were subject to external validation by the regulator.
LETR	The Legal Education and Training Review, a comprehensive review of legal education published in 2013.
Levels	The stages of educational attainment from GCSE to Master's qualifications. Level 2 – GCSE standard Level 3 – A level standard Level 4 – Certificate of higher education or first year undergraduate Level 5 – Diploma in higher education or second year undergraduate Level 6 – Graduate level Level 7 – Master's level Higher apprenticeships may be at levels 6 and 7 without including an award of a degree.

NVQ	National Vocational Qualifications, which test the individual's performance to the required standard in work-related tasks. They are not based on a particular period of time, although they have a time period equated to them for completion, and are undertaken by individuals in employment or on work placement as a way of demonstrating competence in areas such as health, social care and management.
Paralegal	Paralegals carry out some types of legal work in a variety of contexts, but are not generally qualified as lawyers. They are not required to be graduates, although paralegal work is often carried out by law graduates to build experience before securing a training contract (see below).
Paralegal Apprenticeship	A level 3 apprenticeship (also offered at level 4 with an additional university award by some providers) for paralegals, assessed by the Chartered Institute of Legal Executives (see above). Some employers use the paralegal apprenticeship as an initial apprenticeship with the option to apply for the solicitor apprenticeship on completion. If awarded at level 4, it may be possible to enter the solicitor apprenticeship with credit for prior learning.
POLAR	Participation of Local Areas (POLAR) data relates to the participation of young people aged 18 or 19 in higher education by local area of the UK. The data is used to divide regions into quintiles, with quintile 1 indicating very low rates of higher education participation and quintile 5 indicating the highest rates of participation.
QLTS	The Qualified Lawyers Transfer Scheme is a series of assessments of skills and knowledge which allows lawyers qualified in other jurisdictions to qualify in England and Wales. It is similar to the SQE in terms of assessment content and structure (see below). It was replaced by the SQE from 2021, subject to transitional arrangements for those already qualifying using this route.
SMC	The Social Mobility Commission, which was formed in 2010 and carries out research, promotes social mobility, provides advice to ministers if requested, and publishes an annual report on progress in relation to social mobility.
Solicitor/NQ/PQE/Associate Solicitor/Senior Associate Solicitor	A solicitor is someone who has satisfied the requirements of the SRA (see below) and is entered on the Roll of Solicitors, a record of all solicitors in England and Wales. A newly qualified solicitor is generally referred to as 'NQ', with the individual's post-qualification experience identified as the number of years 'PQE'. An associate solicitor is a qualified solicitor, who may be promoted to senior associate solicitor once they have achieved seniority within the organisation.

Solicitor Apprenticeship	A direct route to qualification as a solicitor which is regarded as equivalent to a law degree. The end point assessment for the solicitor apprenticeship is the SQE (see below).
SQE	The Solicitors Qualification Examination, which was introduced in 2021 after a lengthy period of consultation. It comprises a two-part series of centralised examinations and a two-year period of work-based learning which may be carried out with up to four different organisations. The SQE also has a character and suitability requirement, as do all routes to qualification, and applicants must have a degree in any subject or an equivalent level qualification (such as a level 7 apprenticeship). The assessment format is entirely multiple choice for Part I, and consists of performance skills assessments for Part II. There are no regulated courses required to prepare for the assessments and candidates may prepare as they wish. Employers are no longer required to register a training contract or to be an approved provider in order to provide qualifying work experience. The SQE is the end point assessment for the solicitor apprenticeship (see above).
SRA	Solicitors Regulation Authority, the regulatory body for solicitors in England and Wales.
Sutton Trust	An educational charity which promotes access to education and the professions for learners from disadvantaged backgrounds.
Time recording Time sheets	Solicitors' and other employees' time during the working day is typically recorded in 6-minute units, which are input into an electronic system and used for billing. It is generally only client-facing employees who are required to record and bill time, but practices vary between organisations. In-house legal advisers may also record time, but this is more likely to be used as a management tool. In general, the more experienced the lawyer, the higher the hourly rate for ten six-minute units of chargeable time.
Trailblazer apprenticeships	The Trailblazers are apprenticeship 'standards' developed by groups of employers following the Richard Review in 2012, specifying the knowledge, skills and behaviours, and the occupational standards required for the award of the apprenticeship. The 'standard' includes an assessment plan for the 'end point assessment' which determines if the individual has completed the apprenticeship, and the allocated funding band (see above). This states the available funding for the apprentices' training and depends on the level of the apprenticeship and its duration. Funding levels are set by the Education and Skills Funding Agency (see above).

Trainee solicitor/Training contract	A training contract is an agreement between a trainee solicitor and an employer leading to qualification as a solicitor. The trainee solicitor undertakes a period of supervised work-based learning, usually lasting two years if full time. Trainee solicitors may be trained by organisations other than law firms, but training organisations must be registered with and approved by the SRA. Trainee solicitors replaced articled clerks (see above) in the 1990s. The introduction of the SQE in 2021 removed many of the previous requirements, although individuals are still required to undertake a period of recognised training lasting at least two years. The training may, however, be undertaken with up to four different organisations and need not be under a contract of employment (for example, volunteering at a free law or university law clinic).
UCAS points	The Universities and Colleges Admissions Service allocates points values to qualifications such as A levels. Universities, colleges and apprenticeship training providers state what level of UCAS points they require for admission.

Prologue

The introduction of the solicitor apprenticeship represented a significant change to how solicitors train and qualify; a change which was introduced partly to widen access to the legal profession. My own experience of the legal profession in a number of capacities extends over more than 25 years. I was admitted to the Roll of Solicitors in October 1997, and worked in commercial practice and in-house with the international accountants, PriceWaterhouseCoopers, in their Bristol office. I left practice in 2001 to teach on the Legal Practice Course ('LPC') at the Oxford Institute of Legal Practice as a principal lecturer, teaching a number of subjects on the professional postgraduate course, and serving as learning support officer in my first year, as well as providing pastoral support as a personal tutor. From 2007, I served as director of the part time LPC course, looking after the cohort in terms of both teaching and pastoral care. In 2010, I was recruited by BPP law school (now BPP University) to set up a new regional law school.

Law was not my initial choice as a career, partly because my own educational and social background is not typical for a lawyer; it simply was not something which would have occurred to me as an option at school. Until I was 16, I attended a number of different state schools, including schools for RAF children outside the UK. In sixth form, I attended a private school in Scotland, which I was able to do because my parents were posted abroad by the civil service and my fees were paid by the government. The contrast with my previous educational experiences was stark, and I found the environment very uncomfortable. Although I did not find the experience enjoyable, I was able to make substantial progress, passing my A levels well enough to go to university with the help of a means-tested grant. All these experiences have made me passionate about social inclusion, and providing opportunities for learners from all different backgrounds, particularly those who, like me, do not have family members who could advise them on entering professional life. I am the first person in my extended family to qualify as a solicitor, and I did not consider the possibility of a professional legal career until I had been working for several

years. My first employment was as a VAT officer with HM Customs & Excise, and I found that I enjoyed the 'law' aspect of my work, but found the financial commitment of taking further qualifications too onerous as I already had a second job in retail to help manage the cost of living in London. I investigated routes to qualification within the department of HM Customs & Excise, (now HM Revenue and Customs), and found that training as an accountant was an option, but that it was not possible to train as a solicitor while continuing my employment. I left, trained as a legal secretary, passed an A level in law and again took a second job to cover my fees for a law conversion course and the Legal Practice Course. I was employed as a trainee solicitor with a firm in Bristol who provided me with excellent training, but who were not able to provide sponsorship for course fees.

In my experience, the opportunity to access university and the professions is positive, and being treated equally and feeling that you belong in that environment once you are there are important to professional development and progression. For me, inclusion means that everyone has the opportunity for development, and a career trajectory that is fair, transparent and not dependent on factors over which the candidate has no control, such as social background. This study aims to determine how the solicitor apprenticeship serves as a mechanism of inclusion in the legal profession, using the experiences of a wide range of stakeholders.

Chapter One: Introduction and Background

1.1 Introduction

The Social Mobility Commission's State of the Nation report (Mobility Commission, 2019a p55) states that in 2016, 51% of solicitors, 71% of barristers and 74% of the judiciary were privately educated. In 2019, it was notable that 65% of senior judges had been educated at independent schools, and while the percentage represents a decrease of 6% since 2014, it remains substantial (Milburn and Lampl, 2019 p6). This is even more significant when considered in context. The percentage of privately educated students in the UK is approximately 7% (Milburn and Lampl, 2019 p4) and while some of those included may have attended those institutions with scholarships and bursaries, the numbers of scholarship students involved are unlikely to be statistically significant. Further, graduate recruitment into the legal profession is unevenly spread across the range of universities, with 76.5% of those recruited as trainee solicitors graduating from the Russell Group or Oxbridge (Chambers, 2019). In addition, while law was a popular choice of subject for 'first in family' students entering higher education, as a demographic, 55% of first in family students attended post 1992 universities (Coombs, 2021 p15). This appears to reflect the position with regard to higher education more widely (Reay, Crozier and Clayton, 2010). The Rt. Hon. Robert Halfon, MP discussed the position of less advantaged students in higher education during the Parliamentary Education Committee's meeting with representatives from higher education providers and stated that, '[t]he key to social mobility is education' (Halfon, 2022b). However, this was qualified by a further statement that '[g]raduate outcomes are likely to be worse for disadvantaged students' and the 'springboard' of a degree is therefore 'not level' for disadvantaged students. There was also a suggestion that numbers of degree apprentices should be significantly increased in order to avoid high levels of student debt (Halfon, 2022b).

Standards-based apprenticeships, including higher and degree apprenticeships were intended to play a role in promoting social mobility in addition to addressing employer concerns regarding skills gaps, (BIS, 2015; Mayhew-Smith and Sheerman, 2017). If graduate outcomes for less advantaged students are not equal to their more advantaged peers, increasing the number of higher and degree apprenticeships may provide a solution.

The solicitor apprenticeship represents a significant change to how solicitors have qualified since the profession became graduate-only for direct entry in the 1970s (Burrage, 1996). The introduction of 'trailblazer' apprenticeships, including the solicitor apprenticeship, in 2015 was part of a wider policy drive to achieve three million apprentices by 2020 (BIS, 2015). While the number of apprentices fell short of this target, the introduction of higher and degree apprenticeships provided a way to access the professions, including law, for candidates who, for whatever reason, were unable to attend university, or did not wish to do so. The first cohort of solicitor apprentices are now approaching qualification, following the introduction in 2021 of the Solicitors Qualification Examination ('SQE'; see Glossary). One of the first solicitor apprentices in a commercial organisation wrote about her experience with the solicitor apprenticeship in an article for the Law Society Gazette, a professional newsletter. She stated that she was:

> 'a state school educated first-generation university student, from a non-traditional background, seeing the struggles and disparities that those from … non-traditional backgrounds face. The legal profession felt out of reach during my education, meaning that after completing my A-Levels, I thought I would need to give up my goal of qualifying as a solicitor, as I didn't have the funds or financial support available to attend full time university, and I needed to enter the world of work.' (Moore, 2022)

The article gives an account of her experience as she approaches qualification as a solicitor through the apprenticeship, rather than the traditional graduate route. The solicitor apprenticeship route was intended to provide a 'non-graduate pathway into the regulated sector' (LETR, 2013 px), providing opportunities to access a career as a solicitor for those

who, like the author of the above article, did not consider that a career in law was accessible. The author also comments on the 'struggles and disparities' of those whose backgrounds are 'non-traditional' (Moore, 2022). Further, the article goes on to indicate that if the apprenticeship were to grow in size, this would lead to a more 'diverse, representative and inclusive profession' (ibid). This sets the background to this study.

This study considers how the solicitor apprenticeship might provide a more socially inclusive route into the profession, using the experiences of a range of stakeholders. It examines mechanisms of inclusion which have the potential to facilitate access to the legal profession for less advantaged applicants. Further, it reviews the experiences of all stakeholders in relation to how the solicitor apprenticeship may provide professional parity of esteem within the organisations which employ solicitor apprentices, and the wider legal profession. Finally, the study considers the implications of the findings for the professions more widely.

Although the focus of this research is on inclusion, the wider body of literature relates to exclusion. For example, the Social Exclusion Knowledge Network's report for the World Health Organisation in 2008 provided a broad overview of the concept of exclusion:

> 'Exclusion consists of dynamic, multi-dimensional processes driven by unequal power relationships interacting across four main dimensions – economic, political, social and cultural – and at different levels including individual, household, group, community, country and global levels. It results in a continuum of inclusion/exclusion characterised by unequal access to resources, capabilities and rights' (Popay et al., 2008 p2).

A 'continuum characterised by unequal access' (ibid) means that it is more difficult to bring about a number of beneficial outcomes including 'Enabl[ing] participatory and cohesive social systems. [and] Valu[ing] diversity' (Popay et al., 2008 p7). In the context of both apprenticeships and higher education, conceptualising exclusion as a process, rather than

an enduring state experienced by groups of people takes into account 'exclusionary processes' and acknowledges the relational nature of exclusion (ibid p8). It is not yet possible to determine how the apprenticeship will influence the career trajectories of those who accessed the legal profession through this route in the long term. It is possible though, that issues noted in relation to the difference in salary between advantaged and disadvantaged graduates of elite universities (Friedman and Laurison, 2019 p76) may emerge during the apprentices' careers. However, if exclusion, and by implication, inclusion, is a process, rather than a state which persists, it may be possible for apprentices to experience equivalent career trajectories to their graduate counterparts.

The literature relating to inclusion is considered in more detail in chapters three and four, which also present a working definition of the term which will be used throughout this study in section 3.2. It should be noted that much of the discourse around apprenticeships and inclusion in the professions draws on the literature in relation to social mobility. Indeed, during the data collection process, many of the participants, including employers, providers and other stakeholders referred both to social mobility as a concept, and to the role of apprenticeships in relation to promoting social mobility. This is considered in more detail in sections 6.5, 7.2.2, and 9.3. In addition to the participants in this study, many of the policy documents which inform the study use the term 'social mobility'. As the term appears to be significant to the literature considered in chapters three and four and is referenced in sections 6.5, 7.22 and 9.3, it is examined in outline below to establish how it is used in the literature, and how it appears to be understood by participants.

1.2 Social Mobility

During data collection, many of the employer participants discussed social mobility as an important part of the decision to recruit apprentices. In its broadest sense, social mobility denotes a change in an individual's social position (OECD, 2018), but this is a very general definition. Policy initiatives in relation to social mobility generally focus on equal opportunity;

'giving everyone a fair chance' (McFadden, 2010 p6). The importance of social mobility in relation to policy is arguably its association with the 'concept of equality of opportunity' (Major and Machin, 2020 p12) however, while the use of the term 'social mobility' in policy research is extensive, it is not a 'settled' term. For example, in 2010, the Prime Minister Gordon Brown discussed the importance of 'aspiration' in the Labour Party's future plans:

> 'Opportunity and reward cannot be hoarded at the top, and it is not enough to protect people at the bottom. Our values demand a genuine meritocracy for all British people, and I want to … spread opportunity across society and to realise the aspirations of all those on middle and modest incomes. Social mobility is not an alternative to social justice – *it is modern social justice*.' (Brown, 2010, emphasis added)

Meritocracy is considered in more detail in the literature review in section 3.2.1, but Brown's comment in relation to 'opportunity hoarding' is notable. It implies that if opportunities should be open to all, some of those who have opportunities available to them other than on a meritocratic basis, for example because of their social background, may, and possibly should, experience downward mobility, in order to make room for those who are moving upwards on merit. Yet, discussions in relation to social mobility generally relate to upward mobility on a meritocratic basis.

Further, the view that social mobility 'is modern social justice' is not universally accepted. For instance, Goldthorpe argues:

> 'Perhaps policy makers committed to the idea of 'greater opportunity for all' would do well to focus their efforts on reducing social inequalities of condition and on creating rising demand within the economy for personnel in high-level managerial and professional roles – and then leave social mobility to look after itself' (Goldthorpe, 2016 p107)

There are several different 'measures' of social mobility discussed in the literature, and these will be considered in more detail below.

1.2.1 Intergenerational and intragenerational mobility

Intergenerational mobility refers to changes in social status between parents and children. This can be in regard to levels of education, occupation or health (OECD, 2018); in effect, it is a movement away from your parents' status. Upward intergenerational mobility could be defined as 'earning more in real terms than your parents' (Major and Machin, 2020 p15). However, while income is one possible measure of mobility, it is arguable that, for example, occupational class provides a strong indication of intergenerational mobility (Friedman and Laurison, 2019).

There is evidence to suggest that while intergenerational mobility is possible, 'origins …remain strongly associated with destinations' (Friedman and Laurison, 2019 p24). Further, families already in strong social positions are likely to be concerned first about maintaining that position: 'advantaged families are so good at opportunity hoarding – deploying considerable resources to maintain their children's positions on the upper rungs of the ladder' (Major & Machin, 2020 p45). Where there is a lack of mobility between generations or 'generational persistence' there is little movement into or out of the higher social levels, reducing the size of the 'talent pool', leading not only to a lack of opportunity for individuals to achieve their potential, but to damage to 'the nation's overall economic productivity' (Major & Machin, 2020 p13).

In contrast, intragenerational mobility refers to the progression of an individual during their lifetime; movement between 'income or class positions' (Major and Machin, 2020 p15). Intragenerational mobility refers to 'mobility within an individual's working life, rather than mobility between generations' (Savage, 1988 p556). In relation to apprenticeship, and in particular professional, higher and degree apprenticeships, which will be considered further in section 2.3, the policy initiatives which led to their introduction indicate that they were intended to promote both intergenerational and intragenerational mobility, with individuals from 'low income backgrounds' having the opportunity to 'realise their potential' (McFadden,

2010 p2). The career trajectories of the solicitor apprentices in the future, for example, whether they are promoted following qualification, and if so, to what level, may provide indications of mobility, but will not necessarily indicate social inclusion within the organisation.

While movement between 'income and class position' (Major and Machin, 2020 p15) gives an indication of mobility, a focus on income as a measure of mobility is potentially problematic, particularly 'if [income] can only be measured in a 'one shot' fashion' (Jackson and Goldthorpe, 2007 p528). In contrast, class 'is quite crucial to the individual's economic life chances' (Jackson and Goldthorpe, 2007 p528) and it may be possible to determine 'class' movement, at least to some extent, by considering occupational mobility.

1.2.2 Occupational mobility

Occupational mobility is the movement of individuals between occupations, which may result in a change to their social class. While it is possible that the 'occupational composition' of social classes may shift over time, this is not likely to prove distortive to an analysis provided the 'employment relations' of that occupation do not change (Bukodi and Goldthorpe, 2019 p33).

If movement in social class, rather than income, is regarded as a more useful indicator of mobility, the movement from a 'semi-routine' occupation such as factory work to a professional ('salariat') role, such as a solicitor, could be an effective measure of intergenerational social mobility (Bukodi and Goldthorpe, 2019 p113). This can be readily determined using questions regarding the occupation of the parent who earns the primary income, indicating the social origins of the individual surveyed (Friedman and Laurison, 2019), and these questions are included in the surveys used in this study, as discussed in

more detail in section 5.3. Some commentators regard occupational mobility as 'the best single proxy mobility analysis has at its disposal' (Friedman and Laurison, 2019 p204).

1.2.3 Occupational mobility in the legal labour market

In addition to the introduction of the solicitor apprenticeship to encourage occupational mobility, the Solicitors Qualification Examination ('SQE') was introduced in September 2021, and now applies to all routes, subject to transitional arrangements. The change to the SQE will remove the 'barrier' of securing a training contract for aspiring solicitors, as the numbers of law graduates exceeds the number of training contracts available each year, which has the effect of restricting access to qualification as a solicitor. The training contract is usually a two-year period of work-based learning leading to qualification after completion of formal study (SRA, 2019b). Many legal services providers employ paralegals (see Glossary), who are often graduates who have passed the LPC and who undertake legal work, but who have not qualified as solicitors or been employed as trainees. Some firms recruit their trainees internally from the ranks of their paralegals, although this is sometimes perceived as a route for 'weaker' candidates who were not recruited at university (Rolfe and Anderson, 2002 p324). This can represent a route to occupational mobility within the profession for candidates who move from paralegal to solicitor.

As part of an investigation into possible reforms of the qualification process, a work-based learning pilot was run by the SRA between 2008 and 2010 (Costley, 2010). One of the pilot studies involved paralegals seeking to qualify as solicitors. Most of the paralegals indicated that failure to secure a training contract was due to either a degree class or the fact that their degree was from a 'minor', rather than a Russell Group, university; '[t]hose from less advantaged backgrounds that receive a higher education are more likely to attend the new universities' (Costley, 2010 p128). Their view was that they did not have parity of esteem

with trainee solicitors, citing a number of factors including 'an implied class issue' (ibid p69) which inhibited occupational mobility within the organisation.

On completion of the pilot, most of the law firms consulted said that they would not use the pilot's model of portfolios assessed by external organisations. The firms considered that external organisations could 'assess the skills application *but not whether the candidate is suitable for the firm or has reached a level of professionalism required*' (Costley, 2010 p74 emphasis added). Currently, a law firm 'signs off' trainees as fit and proper persons to become solicitors (SRA, 2019b). This 'sign off' will no longer be required following the introduction of the SQE (see Appendix One).

The removal of the 'sign off' may address some of the issues raised by the paralegals in the SRA pilot, who suggested that 'nepotism' and an 'implied class issue' may have impeded their professional development (Costley, 2010 p69). The Bridge Group (2018) report on the effect of socio-economic background on legal careers found evidence of 'microaggressions' towards a number of groups perceived as 'different'. The report also referred to unconscious bias linked to social background and interviewees reported in some cases, that they felt the need to 'assimilate':

> 'Difficulties with assimilating and perceptions of fit can lead to loss of confidence, less inclination to speak up in meetings, and less engagement in social interactions – all of which can provide senior colleagues with forms of 'evidence' that work against those from lower socio-economic backgrounds when decisions are made about work allocation and progression'(Bridge Group, 2018 p6)

The issue of identity in the legal professional context is examined in more detail in sections 6.4, 8.2, and 9.3.2, which examine the process of identity formation and 'moulding', rather than assimilation in more detail.

1.3 Social Inclusion in the solicitors' profession

It is arguable that the traditional two years' work experience that makes up the training contract (see Glossary) is a form of graduate apprenticeship. Until the requirement for a degree was introduced in the 1970s, an apprenticeship model ('articles') was the accepted qualification route (Mayson, 2011 p291). However, the significant increase in participation in higher education nationally since the introduction of the requirement for a degree (Bolton, 2022) combined with an increased emphasis on the 'knowledge economy' (BIS, 2016) has resulted in a very different legal job market to the one in which the requirement for a degree was introduced. Further, the term 'apprentice' is associated with 'vocational education', which is still not regarded as comparable with academic pathways, partly because of the 'massification' of higher education and its supposed role in social mobility (James Relly, 2021 p522). However, while the number of students accessing higher education has increased, the levels of participation across different sectors of society have been uneven, with areas of social deprivation showing lower rates of participation (OfS, 2022). Where there is participation in higher education, the social origins of less privileged participants appear to influence their choice of institution, (Reay, Crozier and Clayton, 2010). In addition, the legal profession, in common with other high-status professions, is regarded as competing for graduates from prestigious universities (Brown and Hesketh, 2004). This combination of circumstances may create 'barriers to entry' into the legal profession (LETR, 2013 pxvii); mechanisms which adversely affect inclusion. Indeed, the introduction of the solicitor apprenticeship was in response to concerns raised in the Legal Education and Training Review ('LETR'), which recommended the introduction of an apprenticeship route:

> 'Recommendation 21
>
> Work should proceed to develop higher apprenticeship qualifications at levels 6-7 as part of an additional non-graduate pathway into the regulated professions, but the quality and diversity effects of such pathways should be monitored' (LETR, 2013 pxvii).

In addition, the way in which legal professional training was structured until 2021 meant that it was difficult for those who 'lack the social and economic capital to take the risk of succeeding', so that they might 'be deterred from competing at all' (LETR, 2013 p54). Under the pre-2021 regulated route involving a degree, a Legal Practice Course ('LPC') and a training contract, there was a 'bottleneck' of applicants for training contracts, which meant that it was possible, and indeed, quite common, for candidates to complete a law degree, pass the LPC and still be unable to qualify because they could not secure a training contract (Bird, 2020). The Legal Education and Training Review noted that the legal profession valued 'academic results and credentials' and looked for 'good A levels and a 2:1 from a *good* university' (LETR, 2013 p54 emphasis added). A 'good' university for many legal employers appears to be a member of the Russell Group (Slingo, 2020a). Further, when recruiting graduates, research suggests that recruiters 'particularly value those with the same forms of social and cultural capital, which are closely associated with higher socio-economic status' (Ashley & Empson, 2017 pp212-213). These factors may contribute to 'a perception that many high-status occupations in the UK, such as law… [are] professions that have traditionally been, and remain today, stubbornly elitist' (Friedman & Laurison, 2019 p39).

The solicitor apprenticeship was intended to address issues of access to the profession, but also the issue that for candidates from disadvantaged backgrounds, the requirement for a degree, either in law or in another subject, combined with a GDL or conversion course (see Glossary), was in itself a potential barrier to entry into the profession. Although many employers sponsored the completion of the LPC, this was dependent on securing a training contract with that employer. If the individual did not have a training contract, or was training with an employer who did not offer sponsorship, it was possible to apply for another form of support, such as one of the ten diversity access scheme awards made by the Law Society each year (Law Society, 2020c). It was also possible to qualify as a solicitor by first

becoming a fellow of the Chartered Institute of Legal Executives (CILEx) (see Glossary), which can be a non-graduate route, and then completing a Legal Practice Course ('LPC' – see Glossary). This route is still available, but CILEx fellows will need to take the Solicitors Qualifying Examination ('SQE' - see Glossary), subject to transitional provisions. While this indirect route is available, reports in the legal press indicate that cross-qualifying in this way is not regarded as genuinely equivalent to the traditional graduate route by some employers (Hyde, 2019; Slingo, 2021b).

In view of the barriers to entry presented by the university route considered above, together with the apparent issues with parity of esteem with alternative routes, the 2013 Legal Education and Training Review recommended that apprenticeships should be 'monitored' in relation to the 'quality and diversity effects' that it might have (LETR, 2013 pxvii). This research seeks to better understand the effect of the apprenticeship on social inclusion within the legal profession, using the research question 'how, if at all, does the solicitor apprenticeship represent a more socially inclusive route into the legal profession?' The study considers the solicitor apprenticeship from the perspectives of a variety of stakeholders, including apprentices, whose backgrounds are examined using operational research question one: 'how do the experiences of participating apprentices indicate that solicitor apprenticeships represent a more socially inclusive route into the legal profession?' The study also examines the experiences of employers using operational research question two: 'how do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as mechanisms of inclusion in the legal profession?' Finally, the study analyses the experiences of all stakeholders, including those who provide off the job training, and stakeholders in the wider profession using the third operational research question: 'How do the experiences of all stakeholders indicate that solicitor apprenticeships serve as mechanisms of inclusion in the legal profession as a whole?'

1.4 Structure of thesis

The second chapter of this thesis examines the context of the solicitor apprenticeship and the apprenticeship itself in more detail. It examines the culture of the legal profession, referring to an initiative promoting cultural change, the O Shaped Lawyer (The O Shaped Lawyer, 2020), which some employer participants referenced in their interviews. Policy development and the various iterations of the apprenticeship are considered, in addition to an examination of current debates in this area. The solicitor apprenticeship standard is examined and its relationship to the traditional graduate route to qualification is considered. The chapter also considers 'alternative routes' into the legal profession, and examines solicitor education and training before and after the significant changes effected by the introduction of the Solicitors Qualification Examination in 2021.

The literature review in chapter three considers the literature in relation to social inclusion and establishes a definition of social inclusion which informs the discussions throughout this study. The relationship between social mobility and social inclusion is also considered. The chapter considers concepts used in education and training policy, focusing on the concept of meritocracy, a feature of policy discourse in relation to mobility and inclusion. It then moves to examine Wenger's (Wenger, 1999) theories in relation to social learning in the context of the community of practice represented by the individual organisations. Wenger's theories are then used to frame the wider context of the solicitors' profession as 'constellations' of practice, which are 'formed by interrelated communities of practice' (Wenger, 1999 p17). The chapter then examines the apprenticeship policy landscape, before moving on to consider the implications of apprenticeships in higher education, and the issues for providers of apprenticeship education and training.

Chapter four focuses on the literature in relation to mechanisms of inclusion. It considers the stages of education, and mechanisms which can be used to promote inclusion at each stage, beginning with early years. The chapter considers the significance of effective careers advice and guidance in preparation for the tertiary sector, before examining the

importance of university choice, and contact with employers, including internships and placements.

Chapter five sets out the methodology and research design for the study, which uses surveys and semi structured interviews with participants. The chapter justifies the sampling strategy, which involves a wide variety of stakeholders, including apprentices, trainee solicitors, employers, education providers and representatives of professional bodies. The chapter discusses the data collection process, including the effect of the pandemic, which meant that all interviews were conducted remotely. The analysis of the data was conducted using thematic analysis, and a deductive conceptual framework utilising Wenger's social theory of learning in the community of practice of the legal services organisations. The chapter further discusses ethical considerations, including power relations, and the potential distortions taken into account during the research process.

Chapter six focuses on answering the first operational research question. It discusses the social and educational experiences of the apprentices who were surveyed and interviewed before examining their views in relation to the perceptions of apprenticeships as a route. The chapter then considers their experiences of the apprenticeship, beginning with their initial discovery of the possible route, before discussing their recruitment experiences. The chapter then reviews their accounts of their experiences in the workplace, and their anticipated career paths, before discussing their views on the solicitor apprenticeship as an inclusive route to qualification.

Chapter seven examines the second operational question, on the experience of other stakeholders engaged in the solicitor apprenticeship programmes in the participating organisations. The strategic factors in relation to the decision to employ apprentices, together with the employers' views on recruitment, retention, and the commercial effects of

including apprentices in the pool of early talent are reviewed in detail. The chapter then examines the recruitment process and the criteria for selecting apprentices who are 'right' for the organisation. Chapter eight considers the experience of integrating the apprentices into the team, and ensuring that their experience contributes to a sense of belonging. The chapter examines the application of Wenger's (1999) social theory of learning using criteria developed in a study by Levett-Jones et al (2009), which applied Wenger's theory to a context in which both on and off the job learning were relevant. The chapter applies the criteria to the context of the legal communities of practice, providing a framework to present the participants' experiences. Finally, the chapter considers the employers' views on the future of the solicitor apprenticeship in their community of practice.

Chapter nine addresses the third operational research question. It broadens the focus of the study to the wider 'constellations of practice' (Wenger, 1999 p126) which make up the solicitors' profession, considering the views of all stakeholders, including the participating apprentices. The chapter examines the data in the context of the wider cultural issues considered in chapter two, discussing hierarchies and the significance of following an 'alternative' route to qualification. The chapter also considers the issue of 'talent', and the importance of new pipelines of talent to inclusion, some of which will attract apprenticeship levy funding. It also considers identity formation within the profession as a whole. The chapter also considers the experiences of training providers for off the job training, and the challenges that the apprenticeship model presents to providing a quality experience that aligns with on-the-job training for apprentices. The chapter examines the experiences of employers who do not offer the solicitor apprenticeship, before examining the future of the solicitor apprenticeship in the legal profession.

This is followed by chapter ten, which brings the literature and the findings together and considers them through the theoretical lens considered in chapters three to five inclusive. The chapter reflects on the mechanisms of inclusion outlined in chapters three and four, considering them in light of the findings from chapters six to nine, including the strategic factors for employers surrounding diversity and inclusion, and the commercial implications of apprenticeship schemes. The discussion is organized around four broad themes:

1. Moulding' versus 'polishing' in early career legal professionals;
2. The importance of breadth in the apprenticeship experience;
3. The power of credentials; and
4. Disruption to the legal profession

The chapter also considers the importance of the duration of the apprentices' 'immersion' in the culture and work of their organisation to promoting a sense of belonging and to their professional identity formation. In conclusion, the chapter examines the possible effect of the solicitor apprenticeship on the culture of the legal profession in the longer term, and the wider implications of the study.

The thesis then moves to chapter eleven, which sets out the study's conclusions and makes recommendations for further research. The chapter reflects on the implications of the findings, considering how the solicitor apprenticeship affects social inclusion, and the wider implications for apprenticeships in the professions more widely. It considers the possible effect of the perception that the 'war for talent' (Brown and Hesketh, 2004) means that outreach should be focused on some pools of talent and not others. The chapter also considers the importance of a law degree to the solicitor apprenticeship, and to the perception of degree apprenticeships more widely, before moving to examine how the study contributes to knowledge more widely. Finally, the chapter examines the importance of the workplace experience and the imperative of work-based learning to a quality apprenticeship,

and advocates for further research in relation to what constitutes a high quality apprenticeship in the wider professional landscape.

1.5 Conclusion

The issue of social inclusion in the legal profession appears to be ongoing; it does not appear to have been addressed through the graduate route. Further, there are wider policy discussions around whether graduate routes are, in fact, producing fair outcomes for all demographics. The introduction of higher and degree apprenticeships, including the solicitor apprenticeship, may provide an alternative to the graduate route into the legal profession, while addressing some of the concerns in relation to the differences in outcomes for less advantaged demographics. The chapter considers the concept of social mobility, to which the participants in the study refer, as this underpins both the literature considered in chapters three and four, and the data collected from the participants, which is presented in chapters six to nine inclusive. This leads into a consideration of the solicitor apprenticeship as a unit of analysis in chapter two.

Chapter Two: The Apprenticeship Context

2.1 Introduction

This chapter begins by examining the apprenticeship landscape more widely, before considering the legal professional context into which the solicitor apprenticeship is being introduced. The chapter then considers the apprenticeship levy, and the attitudes of the legal profession towards alternative routes to entry. The solicitor apprenticeship standard is then examined, and the apprenticeship's possible effect on inclusion, before considering the qualification process following the recent introduction of the Solicitors' Qualification Examination ('SQE': see Glossary).

The solicitor apprenticeship was introduced into an environment where significant changes to the legal professional education landscape were already underway. The solicitor apprenticeship is linked to these changes, not least because the solicitor apprenticeship end point assessment, the SQE (see Glossary) also became the central assessment for all routes to qualification as a solicitor from September 2021, subject to transitional arrangements. This means that it is important to understand where the solicitor apprenticeship fits in the legal professional context, as well as within the wider apprenticeship landscape.

2.2 Apprenticeship policy

Just as higher education and the graduate market have changed, so too has the role of apprenticeships: 'Apprenticeship is… a globally recognised, work-based model of learning that links on-the-job training … with institution-based or off-the-job training'(Chankseliani, Keep and Wilde, 2017 p15). Apprenticeship can be a 'bottom rung' of a 'career ladder', which allows workers to build up their skills and move up that ladder while in employment (Lauder, 2020). Traditional apprenticeships date back to medieval times and were a way for younger people to acquire skills and knowledge, enabling them to enter a trade or

profession. There were often explicit restrictions on who could enter into an apprenticeship; for example, age on commencement was previously capped at 21 (Wallis, 2019). This format continued up until the late twentieth century, with the introduction of 'youth training schemes' to combat rising unemployment among younger people. Although the programme was 'ambitious', and aimed for both 'quantity and quality', only the unemployed were guaranteed places, and the design of the programme was based on the premise that the quality of the scheme determined the employment outcomes of those participating; a 'modified market model' (Raffe, 2006). The scheme did not appear to deliver the sustainable jobs needed and in 1993, the Modern Apprenticeship was announced (Fuller, 2016). The Modern Apprenticeship was set at level 3 in the National Qualification Framework in contrast to previous training at levels 1 and 2, and was aimed at producing a 'more highly skilled workforce' (Fuller, 2016 p423). In 2001, a pathway training scheme, the National Traineeship, was 'rebadged' as a Foundation Modern Apprenticeship, with a corresponding rebrand of the 'Advanced Modern Apprenticeship'. The subsequent Train to Gain programme, which provided 'certification' for skills for those already in work in 2005 was criticised and the government withdrew it in 2010-11 (Fuller, 2016).

Although a number of recommendations for improvement in relation to modern apprenticeships, including a quality management strategy, were made in 2011 (Fuller and Unwin, 2014a), since 2013 this type of apprenticeship has begun to be phased out, replaced by the 'trailblazer' apprenticeships (Newton *et al.*, 2015). From 2015, the trailblazers included degree apprenticeships and now cover a number of occupations, such as financial services and nursing, with the introduction of further standards, including the solicitor apprenticeship (a higher apprenticeship) in 2015 (SRA, 2014b).

Trailblazers use employer-developed standards, while framework apprenticeships were based on qualifications, for example BTEC or NVQ. Framework apprenticeships did not necessarily prepare the apprentices for a job and many apprenticeships were not 'employment' in any real sense; the focus was on obtaining a qualification (Richard, 2012).

The framework apprenticeship model was also criticised as 'micro-level prescription … which drive[s] a focus on continuous bureaucratic box-ticking and assessment' (ibid p8). In addition, framework apprenticeships included 'over 700 pathways' through approximately 230 different apprenticeships, raising concerns that the frameworks lacked clarity and did not guarantee competence (BIS, 2015). Traditionally, the apprenticeship was a legally binding obligation on both parties, and would result in the apprentice being required to serve a term of years with the individual to whom they were apprenticed (Mirza-Davies, 2015) A number of more recent initiatives made significant changes to the apprenticeship landscape, with the introduction of higher apprentices at foundation degree level or above (ibid), and the Richard Review (Richard, 2012) leading to further changes in relation to how apprenticeships are funded. The Review recommended that 'framework' apprenticeships should be phased out and replaced by new 'apprenticeship qualifications' designed by 'employers or employer-led coalitions' to ensure that they were 'fit for purpose' (ibid p7); that is, standards-based apprenticeships. The trailblazer apprenticeships were intended to make things simpler. The report refers to 'unitisation', which effectively divided the relevant qualifications (some of which could be awarded by multiple different bodies) into 'constituent elements' (ibid p44). This meant that there was a high volume of qualifications available for public funding, yet only 30% of the 12,800 different qualifications available had actually made awards to apprentices (ibid p43).

In contrast with framework apprenticeships, the trailblazers were developed by employers in accordance with sector requirements. While the framework apprenticeships may have offered more flexibility, the trailblazers have clear specifications, including a minimum period of apprenticeship of at least 12 months for a minimum of 30 hours per week, 20% of which must be off the job study (BIS, 2015). The training provider delivers the 'off the job' training element and liaises with the employer to ensure appropriate work experience (ibid). The trailblazers are assessed by means of an industry standard end point assessment, which

allows apprentices to demonstrate their competence in the role (ibid). The policy reforms which led to the introduction have been driven to at least some extent by concerns long expressed by employers regarding 'skills gaps', and difficulties with finding suitable recruits to fill them (Gray and Morgan, 1998; Richard, 2012; CIPD, 2022b). However, it is notable that employers have been criticised for what appears to be a reluctance to engage with training in some cases (Keep, 2020). The introduction of the apprenticeship levy in 2017 was intended to provide funding for trailblazer apprenticeships, and while it has been criticised (Whittaker, 2016; Richmond, 2020; Hextell, 2022), it has provided an incentive for employers to engage with training and apprenticeships.

While entry requirements for apprenticeships vary, they typically include GCSEs in English and maths, and in some cases, level 3 qualifications such as A levels (UCAS, 2019). In addition, the introduction of T levels in a number of qualifications provides an alternative route to accessing higher education and apprenticeships (Straw and Sims, 2019). Concerns remain that more needs to be done to promote the T level as a credible route into the apprenticeships and university (Straw and Sims, 2019).

2.3 Apprenticeships: policy and implementation

As the number of graduates in the market has increased, there appear to be fewer opportunities for non-graduates. This has removed many opportunities to 'work your way up' for people from disadvantaged backgrounds (Milburn, 2009a) raising the issue of 'social exclusion' in relation to the professions (Ashley and Empson, 2017). Early reviews of the trailblazer apprenticeships suggest that 'students who normally would not have come to university are engaging in university learning and applying their learning in the workplace' (Irons, 2017 p112).

The expansion of apprenticeships may provide a credible alternative route into the professions for non-graduates (Milburn, 2009b). In theory, the availability of a range of different apprenticeship levels improves access and progression for younger and less privileged candidates. However, a number of reports indicated that this is not necessarily the case in practice (Battiston *et al.*, 2020; Cullinane and Doherty, 2020a; Richmond, 2020). Importantly, in relation to the issue of progression, apprentices from 'lower socio-economic backgrounds are clustered in lower returning and lower level apprenticeships. However, [participation in apprenticeships at] Level[s] 2 and 3… decreased by 16 and 38 per cent [respectively] in 2017/18'. In the same period, 'higher level apprenticeships, which are typically entered by more affluent people, grew by 32 per cent' (Mobility Commission, 2019a pix). In summary, it was more difficult for disadvantaged candidates to get 'a first step on the career ladder' (ibid). Conversely, now that the relationship between higher education and apprenticeships is no longer mutually exclusive, middle class parents appear to be shifting their view that apprenticeships are for 'other people's children' (Crawford-Lee and Moorwood, 2019 p213). Further, it appears that the shift from lower level to higher apprenticeships may be due to the distortive effect of the apprenticeship levy (Richmond Tom, 2018; Richmond, 2020) For example, employers understandably wish to maximise the amount that they spend from their levy 'pot', and, in some cases, may use an apprenticeship to deliver training which was already included in their strategy in order to use levy funds (ibid).

The discussions in relation to apprenticeship quality are addressed in chapter three where the concept of 'expansive-restrictive' apprenticeships (Fuller and Unwin, 2003a) is examined. The study considers other debates regarding apprenticeships, including issues of scalability, and in particular the challenges that apprenticeships represent for small and medium enterprises (SMEs) (Hodgson, Spours and Smith, 2017) The study considers an interview with an SME which does not pay the apprenticeship levy, together with the

practicalities of employing a solicitor apprentice in section 9.5. With regard to policy discussion and implementation, Hodgson et al note that 'SMEs do not always have the capacity to develop the new standards and are often not fully conversant with the reforms. They are thus dependent on others to operate as 'mediators' of national policy' (Hodgson, Spours and Smith, 2017 p658). Larger organisations, which are more likely to have resources not only to support apprentices, but to be able to contribute to policy debates, are less likely to appreciate the perspective of SME organisations, and their support needs. The authors suggest that this could be addressed using partnerships between employers. There is some evidence that the use of the apprenticeship levy surrender mechanism has allowed organisations which are unable to spend all their levy (see section 9.4 and Glossary) to support other organisations, including SMEs and non-profit organisations (University of Oxford, 2021). While the shift in apprenticeship policy, and in vocational education in general, has 'sought to create a demand-led … system' (Gambin and Hogarth, 2021 p498), the introduction of the levy could be regarded as a 'supply-side measure' (ibid), which seemed unlikely to create any 'substantial increase in the number of apprentices'. While 'demand-led' apprenticeship policy is likely to serve employer needs more effectively, and to influence training and education providers to be 'responsive to employer needs' (ibid). Brockman and Laurie (2020) note that employers are traditionally reluctant to play a central role in the training of their employees. This therefore means that not only do providers need to be responsive to employer requirements, but they also need to play a central role in providing training for apprentices, given that it is 'the training provider's responsibility to ensure that the mandatory requirements for funding are fulfilled' (Brockman and Laurie, 2020 p12).

With regard to the effect of higher and degree apprenticeships, the requirement for a degree may, of itself, deter applicants from disadvantaged backgrounds from entering the professions (Mobility Commission, 2019b). The LETR (2013 px) recommendations in relation

to access and mobility included the introduction of apprenticeships at level 6 or 7 and an 'enhance[ment] and increase [in] opportunities for career progression and mobility within paralegal work', an issue recognised by the first report on the SRA's work based learning pilot (Costley, 2010).

2.4 The solicitor apprenticeship landscape

As discussed in 2.2 and 2.3 above, outside the legal profession, apprenticeships have a long history of providing training and introducing new members to a number of trades and professions (Mirza-Davies, 2015).

In 2015, the 'Trailblazer' apprenticeship standards, which were employer-led, as recommended by the Richard Review (2012), were implemented and began the transition from framework apprenticeships, which, as discussed, were essentially qualification-led. The solicitor apprenticeship standard was under review at the time of writing, and some changes to apprenticeship standards generally have been implemented. For example, recent changes to the apprenticeship include the removal of the requirement for apprentices to spend 20% of their time carrying out off-the-job training, replacing this with a minimum of 6 hours per week off-the-job training, even if the apprentice works more than 30 hours per week (Depart for Education, 2022 p4). However, it is important to note the data collection for the study pre-dates these changes, and participants were providing information on the basis of a 20% off the job learning requirement, and the study therefore assumes this unless otherwise stated.

The solicitor apprenticeship standard is a level 7 award developed by a group of employers and other stakeholders involved with that occupation. The apprenticeship allows apprentices to qualify as solicitors, but the standard does not include the award of a degree as part of its specified outcomes, since this is not required by the Solicitors Regulation

Authority ('SRA': see Glossary) (Institute for Apprenticeships, 2022b). The SRA treats the award of an apprenticeship as 'equivalent' to a law degree for the purpose of qualification, and does not require an integrated law degree (SRA, 2022b). In spite of the apprenticeship's equivalent status, apprenticeship education providers at the time of writing have either included a degree or have partnered with an organisation with degree awarding powers in order to be able to offer a degree as part of the programme (Gov.Uk, 2022). Whether a degree is 'mandated' as part of the apprenticeship itself depends on Institute of Apprenticeship criteria which are 'focused on current labour market requirements' (Institute for Apprenticeships, 2022a). As the SRA states that the solicitor apprenticeship is 'equivalent' to a law degree for the purpose of qualification, no separate degree award is mandated. The standards that solicitor apprentices are required to meet in order to qualify are the 'day one outcomes' for solicitors, and the end point assessment for solicitor apprentices is the Solicitors Qualification Examination, Parts I and II, which now applies, subject to transitional arrangements, to all routes to qualification (SRA, 2020b). The standard is set out in Appendix Two, together with the SRA's Statement of Competence, Statement of Legal Knowledge and the Threshold Standard. Solicitor apprentices and graduate entrants to the solicitors' profession have the same centralised assessments, and are required to meet the same standards (ibid).

With regard to the legal landscape, the Legal Services Act 2007 (*Legal Services Act*, 2007) made significant changes to the way in which legal services were delivered, and opened up the legal services market to competition from non-solicitors. As a result of these changes, together with advances in technology, such as artificial intelligence, services which were previously provided by a solicitor could be 'disaggregate[d]', or broken up into their constituent tasks (Susskind, 2017 p32). Later work in this area refers to the 'disaggregation' process as 'vertical' (Eisenberg and Susskind, 2021), so that instead of some tasks being entirely non-legal, and below the level where a solicitor or other lawyer would need to be

involved, legal involvement would be required at all levels to at least some extent. As a result, tasks could still be divided up in a way which would allow for more cost-effective delivery of services. Work could be delegated to more junior members of a team for completion under supervision, rather than requiring more experienced (and therefore more expensive) members of the team to do all the tasks (Eisenberg and Susskind, 2021). This provides opportunities for more junior team members with less experience and knowledge, such as apprentices, to become involved in legal work under supervision at an early stage.

2.5 The solicitor apprenticeship in context of the legal profession

The legal profession has long been criticised for perceived elitism, for example in 'Elitist Britain', the 2019 report by the Social Mobility Commission and the Sutton Trust, which pointed to the disproportionately high levels of public school and Oxbridge attendance by senior judges (Milburn and Lampl, 2019). In July 2021, the Law Society's press release on social mobility expressed concern that 'professional workers are more likely to come from privileged, rather than working class backgrounds', indicating a lack of inclusivity in the profession (The Law Society, 2021). These reports are consistent with an earlier review of diversity in the legal profession in 2010 which noted that a 2:1 degree from an 'old' university was regarded as an indication of 'merit' in potential recruits (Sommerlad et al., 2010 p9). The issues surrounding education and social inclusion in the legal profession and more widely are considered in the literature review in chapters three and four, while the available routes to qualification as a solicitor are set out in Appendix Three. This section now considers the legal professional education context for the solicitor apprenticeship.

The Solicitors Qualification Examination ('SQE') was introduced in September 2021, abolishing, subject to transitional provisions, the 'process model of curriculum' (Gleeson, 2013 p928) of prescribed courses regulated by the SRA. The SQE is a centralised

assessment regime which is based on achieving the required outcomes specified by the SRA. It applies to all routes to qualification from 2021 onwards, although candidates who had already begun to follow one of the previous routes to qualification may, if they wish, continue to follow that route during the transitional period. The introduction of the level 7 solicitor apprenticeship in 2015 includes a partial reversal of the changes which abolished the non-graduate articles route in the 1970s, permitting apprentices to qualify with the 'equivalent' of a law degree for this purpose (SRA, 2014b). The solicitor apprentices, like their graduate counterparts, will be required to take the SQE, as it forms the end point assessment (see Glossary) that enables them to pass their apprenticeship.

When the Legal Education and Training Review (LETR) recommended the introduction of the solicitor apprenticeship 'as a non-graduate pathway into the regulated sector' (LETR, 2013 px), it also discussed the issue of 'consistency of standards' between course providers (LETR, 2013 p5). In response, the SRA's 'Training for Tomorrow' consultation exercise examined not only these issues, but also the structure of the qualification process, which separated the academic and practical elements of the study of law (Coleman, 2013). In the academic stage of training, the Qualifying Law Degree has several mandatory elements, which are replicated in the Graduate Diploma in Law or Common Professional Examination (GDL or CPE) conversion course (see Glossary) and which are required to register for the LPC (SRA, 2019a). While legal professional education is very knowledge based, it is important to ensure that students are also 'taught how to be lawyers' and that the curriculum should reflect this need to prepare students for the practice of law, and to develop a 'professional identity' (Sullivan *et al.*, 2007; Niedwiecki, 2012; Westwood and Barton, 2015). In order to address this point, the LPC included 'a face-to-face requirement [which] has been set to ensure there are opportunities for all students to interact with each other and with tutors and to develop together their professional skills, attitudes and behaviours' (SRA, 2019a). The SQE does not include an attendance requirement (SRA, 2017b), although

professional skills, attitudes and behaviours continue to be included in the day one outcomes for solicitors, regardless of the route to qualification, (see Appendix Two).

It is notable that the solicitor apprenticeship route continues to regulate the process by which the apprentices are developed, rather than focusing only on the outcomes, whereas the SQE essentially moves the legal curriculum from a 'process' model, with mandatory regulated courses, to a 'product' model which focuses on centralised assessment (Gleeson, 2013 p925). In addition, while the SQE route includes a requirement for a period of work-based learning (the 'qualifying work experience'), it does not regulate that work experience over and above the requirement for an employer to confirm that the candidate has had the opportunity to meet the required outcomes (SRA, 2017b). Experience in the workplace is important to the process of professional identity formation and the need for appropriate work-based learning during a training contract (Ching, 2012). This may raise issues with regard to the quality of work experience for new solicitors qualifying under SQE and may enhance the popularity of the apprenticeship route in comparison going forward (discussed further in sections 8.2 and 9.2.1).

Although there has been significant growth in solicitor apprenticeship numbers, at the time of writing, the apprenticeship remained a minority route. The earliest date on which an apprenticeship start could begin was 3 September 2015, but the earliest recorded statistics from the SRA begin in 2016/17. Solicitor apprenticeship numbers are still relatively low, but before the pandemic, the numbers of available apprenticeships expanded significantly, from 30 in 2016/17 to 242 in 2019/20 (SRA, 2021b). While the pandemic did affect recruitment for apprenticeships generally, levels of apprenticeship recruitment appear to be recovering following the lifting of pandemic restrictions (Moules, 2022). The solicitor apprenticeship has grown significantly, with large commercial law firm Allen & Overy announcing the launch of

their apprenticeship scheme in 2021, the first of the 'city' law firms to do so (Slingo, 2021a). While numbers of apprenticeship starts appear to be growing, concerns remain regarding levels of completion of apprentices in general, (Camden, 2021), with the Parliamentary Under Secretary of State for Skills writing to providers to set out measures that they should take to reach a target of 67% completions for all apprenticeships by 2025 (ibid). The solicitor apprenticeship is still in its early stages, with the first cohorts qualifying in 2022. Data in relation to completion rates for the solicitor apprenticeship specifically has therefore not yet been collected for analysis.

There is a perceived issue of risk in offering a new route, particularly a route which involves such a lengthy commitment (see sections 6.3.2, 6.4, 7.2.4, 9.3.1, and 9.6.1). This may have affected numbers initially, with only 30 starts in 2016/17. The general culture of the legal profession is acknowledged to be risk averse, and professional initiatives such as the O Shaped Lawyer (2022) have been set up to attempt to address this issue, using research commissioned by the founder of the initiative, which examined what made an effective lawyer (O Shaped Lawyer, 2022). The initiative's website acknowledges the issues with the legal profession's culture, referring to five 'mindsets' that the O Shaped Lawyer framework aims to promote in order to address these issues. The mindsets, which are set out in more detail on the O Shaped Lawyer website, are summarised in figure 2.1 below:

Figure 2.1 The O Shaped Lawyer

Optimistic: lawyers are trained to find fault. There is a need to create a positive mindset.

Ownership: more ownership of business decisions

Open-minded: need for a growth, rather than a fixed, mindset

Opportunistic: move away from a 'risk avoidance' mindset

Original: lawyer training is 'steeped in precedent and largely backward looking'; more creativity is needed

Our purpose

To make the legal profession better for those who are in it, those who use it and those who are entering it

Our Vision

To realise the potential of every legal professional to create a more engaged, inclusive and healthy profession

(O Shaped Lawyer, 2022)

The 'mindsets' discussed above acknowledge the risk averse culture of the legal profession, which may in itself impact social inclusion, affecting access to, and development within that community. Some of the participants referred to the O Shaped Lawyer initiative in relation to their strategy, and identified being part of the network as having informed their approach to the apprenticeship. This is discussed in more detail in sections 9.3.1 and 10.4.

2.6 Funding

Apprenticeship funding is complex. At this point it is important to understand the mechanisms of funding as they pertain to all apprenticeships as there is no delineation for individual sectors. Consequently, the following examines how solicitor apprenticeships are funded in the context of broader funding principles and policies. There have been a number of different funding models for apprenticeships, for example 'modern apprenticeships' receiving funding from Training and Education Councils (Gray and Morgan, 1998), while the engineering and construction sectors 'operate[d] mandatory levies' prior to the introduction of the current funding system (BIS, 2015 para 6.7). The use of a mandatory levy to fund apprenticeships was extended to all employers with a payroll in excess of £3,000,000 per year in 2017. From 2017 onwards, employers subject to the levy would be required to

contribute 0.5% of total annual payroll to a levy 'pot', which could be drawn down to cover the cost of training for eligible apprenticeships (DfE, 2019). Funds are available for training, rather than salary costs, and expire 24 months after they are paid into the employer's account with HMRC (DfE, 2019). Employers who do not meet the payroll criteria may still draw down funds to pay for training for eligible apprentices, subject to terms and conditions (ibid para 35-37). Moreover, levy funding is only available for two years after it is paid into the employer's digital account with HMRC, providing an incentive to use as it as quickly as possible (Richmond, 2020 p18). The levy cannot be used to pay for wider costs not specified in the funding rules (Department for Education, 2022a). This means that they cannot, for example, be used to pay apprentices' salaries.

For employers who do not pay the levy because their annual payroll is below £3,000,000, there is still an opportunity to apply for levy funding, but only to cover 95 per cent of the cost of the apprentices' training; non levy paying employers must pay the remaining 5 per cent of these training costs (HMRC, 2019). There are exceptions to this rule, but they are limited to 'small' employers taking on care leavers aged 19-24 or apprentices who are 16-18 (DfE, 2019 para 38). There are no restrictions on access to the levy funds for levy paying employers, and prior to the pandemic, there was a 'surge in demand' from non levy paying employers who were 'understandably keen to draw down the funds available to them' (Richmond, 2020 p19). As a result of this 'surge', there were concerns that levy funding would be insufficient to meet demand, and that the system would need to prioritise funding allocation (Lemin and Wright, 2019). For example, there were calls to withdraw funding from level 6 and 7 apprenticeships (Whieldon, 2019). This would, in effect, prioritise level 2 and 3 apprenticeships, which were more likely to be undertaken by those from disadvantaged backgrounds (Battiston *et al.*, 2020). Due to the pandemic, there has been a surplus of unspent levy funding across all sectors, including law, which has been clawed back by the government (Belgutay and Parker, 2021; Strauss, 2021). However, even prior to the

pandemic, there were indications that legal employers did not always utilise their levy funds as they regarded the 'technical legal requirements' as a 'unhelpful' (Hextell, 2022). in fact, apprenticeship starts reduced during lockdown, with over £1 billion of levy funding expiring because employers did not use it in the period from May 2020 to February 2021 (Belgutay and Parker, 2021). It is not clear whether the situation which led to calls for funding to be targeted more at lower-level apprenticeships will re-occur following the removal of covid restrictions. There have been some recent changes to the rules regarding levy funding, but other than costs and incentive payments set out in the rules, the levy's use is confined primarily to costs of training (Department for Education, 2022a).

The level of funding available to pay for training is determined using 30 funding bands ranging from £1,500 to £27,000; the amount available for each apprenticeship is capped at the specified level for that particular apprenticeship (HMRC, 2019). These funding bands allocate funding to the apprenticeships based on factors including complexity and duration. For example, the level 7 Senior Leadership apprenticeship, which has recently been revised, uses £14,000 of levy funding for a 24-month apprenticeship (Institute for Apprenticeships, 2020b). Funds paid into an employer's levy account expire after two years, creating an incentive to spend as much as possible, as quickly as possible (Richmond, 2020), which may be easier with higher cost apprenticeships. Further, the practice of using levy funding for apprenticeships undertaken by existing employees in more senior positions has been criticised as 'deadweight' training (Richmond, 2020 p8). In contrast, the solicitor apprenticeship attracts funding of £27,000, but over a period of 60 months (HMRC, 2019), and most solicitor apprentices are under 25 (81 per cent) (Cullinane & Doherty, 2020a p19), suggesting that solicitor apprenticeships are not contributing to this practice.

With regard to the administration of the apprenticeship, the report of the Federation of Awarding Bodies in February 2022 noted the 'growing discontent and disillusionment with a system of qualifications regulation across the UK that is increasingly becoming more and more complex; with overlapping and competing bodies, often requesting similar and multiple types of the same information' (Bewick, 2022 p1). The report also 'anticipate[s] that the new regulatory approval mechanisms for vocational and technical qualifications … will add [a] significant additional cost burden that Awarding Organisations … must meet' (ibid p2). This will be considered further in section 9.6 in relation to the experience of apprenticeship training providers.

2.7 The solicitor apprenticeship standard

The solicitor apprenticeship standard was developed by an 'employer-led coalition' (Richard, 2012 p7) of legal employers. The legal profession's own review of training had been published in 2013, and its recommendation was that apprenticeships should be introduced as a route into the legal profession (LETR, 2013). This review recommended that higher apprenticeships at levels 6 and 7 should be developed, but that these should represent a 'non-graduate' entry route into the profession (LETR, 2013). Members of the Chartered Institute of Legal Executives (see Glossary) are able to cross-qualify as solicitors without a degree provided they meet the necessary requirements, which include a qualification at level 6, such as CILEX level 6 (SRA, 2022b). Although the CILEx route is available, the numbers qualifying as solicitors in this way remain modest, with less than 2% of CILEx members reporting that they were dual qualified in 2015 (CILEx, 2015). Further, CILEx Lawschool has partnered with City University to offer the solicitor apprenticeship with a separate award of a degree (City, 2022). From September 2021, cross-qualification is possible with the SQE, although until 2032, candidates may take the Legal Practice Course in some circumstances (SRA, 2022b). The details of the Legal Practice Course are set out in Appendix Three.

The solicitor apprenticeship standard is included in full in Appendix Two and mirrors the statement of solicitor competence (SRA, 2015). The standard is currently being revised to align it with the SQE standards (Institute for Apprenticeships, 2022b). The apprenticeship standard includes details of professional requirements under a number of headings, including ethics, professionalism and judgement. The issue of professionalism is considered further in 6.5 and 9.3.2, in relation to the development of a professional identity by the apprentices, which requires that they be able to exercise the required level of professional judgement in their community of practice.

Although the apprenticeship funding is payable over a period of 60 months, the standard states that it is typically 5-6 years in duration, subject to reduction if the apprentice is exempt from any element (Institute for Apprenticeships, 2022b). In practice, for some of the organisations participating in the study, solicitor apprentices had previously undertaken a paralegal apprenticeship with the organisation and this reduced the duration of their solicitor apprenticeship as credit could be given for prior learning. The apprenticeship standard does not require apprentices to remain with a single organisation throughout their apprenticeship (Institute for Apprenticeships, 2022b). However, none of the apprentices participating in this study had changed employer, or indicated that they proposed to move to another employer, although a small number indicated that secondment was available to them.

2.8 Solicitor apprenticeships and inclusion

The introduction of the solicitor apprenticeship was one of a number of recommendations to address concerns regarding inclusion by promoting 'fair access' and addressing 'barriers to entry' into the solicitors' profession (LETR, 2013 p233). The full solicitor apprenticeship represents a six-year commitment with no interim awards (Law Society, 2020c). However, it is one of several apprenticeships in the legal sector, including the paralegal apprenticeship

(see Glossary), which has the same high level outcomes in its standard as the solicitor apprenticeship, although at level 3, rather than level 7 (Institute for Apprenticeships, 2015). This provides opportunities for occupational mobility, inclusion, and progression within the legal profession and may also count towards the solicitor apprenticeship (CILEX, 2020). In terms of numbers, in 2018/19, solicitor apprenticeships had 170 starts, 19% of which involved apprentices aged over 25, suggesting that the majority were school leavers, or establishing their careers. In contrast, the more established accountancy/tax apprenticeship had 6,811 starts in 2018/19, with 29% of those apprentices aged over 25 (Cullinane and Doherty, 2020a p19). Moreover, using POLAR data (see Glossary), the data compiled by the government which shows participation in higher education by geographical area, solicitor apprenticeship starters for 2018/19 are spread across a range of backgrounds. For quintile 1 (the area of lowest HE participation) the figure is 16%, quintiles 2 and 3 are slightly higher at 20% and 22% respectively, while quintiles 4 and 5 are both slightly lower at 18% for each (ibid p28). In summary, access appears to be lowest for apprenticeships in areas which also have low participation in higher education. It should be noted that these figures had not been updated by the SRA at the time of writing, due to the distortive effect of the pandemic on the subsequent periods.

With regard to entry criteria, solicitor apprenticeships require similar academic qualifications to those required to attend university (UCAS, 2019). The Institute for Apprenticeships recommends 3 A levels, grade C or above (Institute for Apprenticeships, 2015). However, law firms may specify their own requirements, including equivalent qualifications or another apprenticeship at a lower level, for example, the paralegal apprenticeship, which is at level 3 (Law Society, 2020c). This provides a degree of flexibility, but it remains to be seen if it will encourage those who would not have considered going to university to consider the apprenticeship route.

2.9 Solicitor training before and after the SQE

Before the introduction of the SQE, and until 2032 under transitional provisions, qualification as a solicitor required a qualifying law degree or conversion course, a Legal Practice Course and a period of recognised training, usually known as a training contract (SRA, 2022a). There were various 'equivalent means' routes, whereby it was possible to submit evidence of having completed one of these stages, for example, the training contract, by an alternative means (SRA, 2022c), but this remained a relatively small route into the profession despite being introduced as a way of improving diversity (Langdon-Down, 2014). The most recent statistical report from the Law Society (2018-19; the 2019-20 report has been subject to delay) states that the main routes to admission in 2018-19 were 'traditional' (see Figure 2.2):

Figure 2.2 Admissions to the Roll of Solicitors 2018-19

Direct entry	5,756
Overseas lawyers	607
Barristers	8
ILEx	344
Unknown route	257
Total admissions to the Roll of Solicitors	6,972

(Law Society, 2020a p51)

While there is no specific discussion of equivalent means as a route, it is notable that the ILEx routes which involve cross-qualification from the Chartered Institute of Legal Executives, combined with the 'unknown routes' category account for 8.6% of admissions in the year. Apprentice admissions are not included in the statistics as the first cohort qualified in 2022.

Following the introduction of the SQE, all those admitted onto the Roll of Solicitors (subject to transitional provisions until 2032 (Law Society, 2022), including apprentices, will be required to take the SQE. The detail of the SQE assessments and other requirements are set out in Appendix Three, but essentially the route requires:

- a degree in any subject or equivalent level 6 qualification;
- a pass in both stages of the SQE assessment (SQE part I must be successfully completed before a part II assessment may be booked);
- two years' full-time (or equivalent) qualifying work experience; and
- the individual meets the character and suitability requirements

(SRA, 2022f).

The SQE will ultimately replace all routes, and its effect is to remove SRA regulation from the processes leading to the assessment and replace them with a centralised form of assessment. This allows the system to be very flexible, and for individuals to accumulate work-based learning without having to secure a training contract, but as discussed in sections 8.2, 9.2.1, and 9.2.4, some participants expressed concerns regarding quality assurance in relation to work experience under the new regime.

The SQE not only replaces the academic requirements for qualification as a solicitor, but also replaces the training contract of two years' work-based learning with qualifying work experience ('QWE'). This allows candidates to obtain work experience in up to four different places to build two years' experience independently, rather than being required to register

their two-year training contract with the SRA, usually with a single employer authorised to offer training contracts (SRA, 2022f).

The QWE element of the SQE qualification can be gained in a variety of ways, including placements and voluntary work, and need only be registered when applying for admission to the Roll of Solicitors, the SRA's central record of all qualified solicitors. This contrasts with the requirement to register a training contract within a specified period of commencing employment, as previously applied with a training contract (SRA, 2022f). Further, it is not necessary for the organisation with which the experience is obtained to be an authorised training provider approved by the SRA (SRA, 2014a). With regard to the quality of experience, while the apprentices are required to provide evidence that they have met the solicitor outcomes, graduates following the SQE route would only have to obtain confirmation that they have 'had the opportunity' to meet the outcomes during their QWE (SRA, 2022f).

Previously, a qualifying law degree and the LPC were required for direct entry into the profession (SRA, 2022a), and these courses had to be delivered by a regulated provider. The introduction of the SQE removed the requirement to complete a regulated course; candidates may prepare for their assessments as they wish. In contrast, the solicitor apprenticeship off the job training may only be delivered by an SRA approved training body (Institute for Apprenticeships, 2022b). In effect, while both the graduate and the apprenticeship route have the same centrally-set assessment in that both are required to complete the SQE, the 'academic' component of the apprenticeship is still regulated, while the academic element of the graduate route is not.

While the introduction of the SQE is undoubtedly more flexible, the initial reports on the results of the first SQE sittings indicated that white candidates appeared to be more likely to pass than candidates with other ethnic profiles (G Coombe, 2022; Geoff Coombe, 2022). With regard to other factors related to diversity and inclusion, there are, as yet, no verifiable data. Some providers of legal professional education have commented that the SQE as an assessment provides a 'floor' rather than a 'ceiling' in terms of the level of qualification (Pugh, 2017), and the SQE, including work experience, is considered in sections 8.2, 9.2.1, and 9.2.4.

2.10 Conclusion

The chapter has examined the context of the solicitor apprenticeship, both in terms of apprenticeships more widely, and in terms of the legal professional landscape. The chapter has also considered how the solicitor apprenticeship may contribute to social inclusion, and how initiatives such as the O Shaped Lawyer challenge the culture of the legal profession. Finally, the chapter has examined the apprenticeship route, which is based on the standards for newly qualified solicitors, and its relationship with the newly-introduced SQE, including consideration of the ongoing regulation of the solicitor apprenticeship, in contrast to the lower levels of regulation for the graduate route.

Chapter Three: Literature Review

3.1 Introduction

Access to the professions, including law, is often identified as a driver of social inclusion and social mobility, but the professions continue to be regarded as less socially inclusive than routine or semi-routine occupations (Milburn, 2009a). This research considers how the solicitor apprenticeship affects social inclusion in the legal profession. The relevant literature involves several different fields of research, the most significant of which relates to social mobility, and the linked concept of meritocracy. While social inclusion and social mobility are not interchangeable, the concepts of social mobility and meritocracy underpin the literature relating to social inclusion. The literature in relation to social mobility was introduced and considered in sections 1.2 - 1.2.3, and informs the discussion below. It is notable that the majority of the literature in relation to social inclusion is considered from the perspective of exclusion, rather than its inverse, and the concept of meritocracy, which features strongly in this strand of the literature, is therefore considered in relation to discussions of social exclusion.

With regard to its positioning within the literature, the study draws on Reay's work in relation to schools and higher education, and the concepts of 'field' and 'habitus' derived from Bourdieu's work. Further, the study draws on the experiences of working class students at university, discussed by Reay (Reay, 2006, 2018, 2021) and extends the concepts and conclusions into professional education. While the two fields do not map exactly, since the majority of the learning undertaken by the apprentices is on, rather than off the job, the development of the apprentices' identities as professionals, and the issues of 'fitting in or standing out' remain concerns. For example, Reay's 1998 paper in relation to familial and institutional habituses and higher education choice (Reay, 1998) argues that applicants from different backgrounds 'can be seen as engaged in highly differentiated, unequal processes'

(ibid p519). In the context of the study, the process of applying to a legal employer as a graduate, considered in section 3.3, also indicates that candidates from different backgrounds are also engaged in 'highly differentiated, unequal processes' (ibid).

Further, the study uses the concept of cultural capital differences (Reay, 1998 p522) between less advantaged applicants, and the traditional 'polished' (Ashley and Empson, 2017) recruits into the legal profession. Reay's use of the term is in the context of applicants to higher education, while the study moves the context into access to the legal profession. The concept of 'institutional habituses' that Reay examines in the context of higher education also translates into the context of the study, with an acknowledgement that legal employers have individual cultures, and that applicants' perception of the culture of legal employers may be a factor in a potential applicant's decision as to whether to apply to that organisation. This may be due to the perceived difference between the 'institutional habitus' of the organisation, and the 'familial habitus' of the potential applicant, which may discourage them, or make them consider that the organisation, or even the profession, is not for 'people like us' (ibid p526). These concepts inform the study, which builds on Reay's work, and uses her findings in the context of apprenticeship, rather than higher education.

In addition, the literature in relation to apprenticeships relates primarily to non-professional contexts, not least because professional and degree apprenticeships were introduced through the Trailblazer policy initiative in 2015 (BIS, 2015). Again, the study draws on this aspect of the literature, and extends the concepts, such as expansive apprenticeships, into the context of legal professional education. In essence, the study examines how we train and educate lawyers, specifically solicitors, and the sociological implications of educating lawyers through the apprenticeship route in terms of promoting social inclusion.

This chapter then examines meritocracy as a concept and considers its implications, before examining the literature relating to the recruitment of legal professionals, and in relation to diversity management. The chapter then considers the workplace experience as a possible mechanism of inclusion.

Having considered the literature related to inclusion and meritocracy, the chapter examines the policy goals of apprenticeships as a pathway, reviewing the literature related to apprenticeships in higher education. Finally, the chapter examines the literature around recruitment onto the solicitor apprenticeship before summarising the key points.

3.2 Defining inclusion and its relationship with social mobility

Chapter one includes a discussion of social mobility, the term used widely in public discourse, and by participants in this study. The chapter examines the various definitions of the term, and uses a shift in occupation, for example, from a routine occupation to a professional role, such as becoming a solicitor, as a way to measure social mobility. Social mobility, and in particular social mobility attributed to higher education is a common theme in discussions related to social justice (Brown, 2010), and 'levelling up' (Secretary of State for levelling up, 2022). Education, particularly higher education, as a means by which to promote social mobility, has been a feature of policy for over two decades. For example, the speech by the then Prime Minister, Tony Blair in 2001, prioritising 'education, education, education' as a way to develop young people so that they could 'give something back to their community', and improve their employment prospects, with a specific goal of 50% of young people attending university (Blair, 2001). The positive sociological impact of higher education underpinned the policy set out in the election manifesto. The sociology of education is discussed by Diane Reay in 2020, almost two decades later. Reay refers to the 'inward focus' of the discipline, 'that risks losing sight of the bigger picture of growing

economic and social inequalities (Reay, 2020 p817). The assumption that education would ensure social mobility, which underpinned Blair's 2001 policy ignores the fact that 'the problem of social class in higher education has not gone away, rather it has transmuted from one of restricted access to one of 'who goes where'' (Reay, 2016 p1). Goldthorpe's view is that the focus should be on addressing inequalities, and that social mobility can 'look after itself' (Goldthorpe, 2016 p107).

Building on these ideas, recent literature has begun to address the view that not only has improving access to higher education failed to address concerns about inequality, but that social mobility needs to shift focus:

> '[i]t is time to challenge the injustice of the current prevailing view of social mobility, that the vulnerable and disadvantaged have somehow failed and they should become more middle class, pass the required number of exams followed by university. In contrast we should reflect on the thinking and action needed to change if every child is to be included, regardless of their background, challenge or need' (Blandford, 2021).

If the increase in access to higher education has not significantly reduced social inequality, then the definition of social mobility discussed in section 1.2 above, which suggests a movement away from your background, needs to be reconsidered. As a measurement of whether mobility has actually occurred, a change of occupation indicates movement. However, movement does not appear to be enough; inclusion involves more than access to education, or to professional life. The Office for Students recognised in its 2018 report on supporting social mobility that:

> 'For some people, higher education can achieve social mobility through a transformational experience, involving residential study away from home and entry to elite professions. … In order for individuals to unlock their potential, they need not just to gain access to higher education, but also to have a successful experience during their studies. [Further], employment prospects after graduation can … be affected [by] your social and economic capital … we can conclude that higher education has enabled absolute, but not relative social mobility during the last two decades. It has increased opportunity, but not secured equality of opportunity' (The Office for Students, 2018 pp2-4)

The Office for Students' paper concludes that it is important to address 'gaps in attainment within and progression from higher education' (ibid p4), and that retention and progression are key to ensuring that this is the case. Diane Reay's 2018 article, which considers working class educational transitions to university emphasises the need to 'recognise that excluding behaviour is a consequence of the middle and upper class institutional culture in Russell Group universities in the UK rather than being attributable to deficits or self-exclusion in the individual working class student, [and] it becomes clear that the institution needs to be the focus for radical change rather than the working class individual.' (Reay 2018 p538). The view of higher education, or access to professional life as 'transformational' may be moving away from a view that 'transformation' is the abandonment of your 'real' identity in an attempt to 'fit in' (Reay, Crozier and Clayton, 2010). Nor need it mean that accessing higher education or the professions involves a negative and uncomfortable experience, or being subject to 'excluding behaviour' by peers. In essence, social mobility indicates movement in social position, through access to higher education or to the professions, but once access has been achieved, social inclusion addresses the participation and attainment of those individuals, including them in the organisation.

For example, some demographics found that the prospect of a career as a barrister was 'a foreboding one. Reasons given … included … feeling that they did not 'fit in' due to unfamiliarity with the profession's social norms' (Freer, 2018 p7). Freer acknowledges that it is important to address these perceptions, and in particular, to 'counterbalance potentially erroneous advice from informal sources such as family and friends' (ibid p8). Freer also discusses the significance of recruitment practices which reflect 'best practice' and monitor social mobility (ibid p11). Further, Freer refers to social inclusion programmes as having been focused on 'some of the least privileged students', but points out that 'mainstream recruitment' has tended to result in recruitment from the 'most privileged' (ibid p14). In

essence, Freer indicates that for those who are not in the most privileged group, support will be needed to ensure that they will 'fit in', even if they are not familiar with the 'social norms' considered above. Reay's point in relation to the culture of higher education is equally valid in the context of entry into the legal profession; the support to succeed is needed once access has been achieved, rather than there being an expectation that the recruits need to adopt new identities. The 'polish' (Ashley and Empson, 2017) that is expected of graduate recruits into elite legal organisations is discussed in section 3.3, and as the data will demonstrate in section 7.6, participating employers acknowledge that the apprentices should not have to be 'polished' in order to be given opportunities to access the legal profession, and that the support to succeed should help the apprentices develop their professional identities.

The significance of support to succeed in an apprenticeship, and the need for an appropriate format for delivering the apprenticeship is examined in the literature, in particular in relation to the examination of expansive and restrictive apprenticeships (Fuller and Unwin, 2003b, 2014a). The expansive-restrictive framework is summarised in the table below (Fuller and Unwin, 2014b p5), together with comments on how the trailblazer apprenticeship format might address the 'restrictive' risks. This is considered further in relation to the solicitor apprenticeship, and the data collected from the study, in chapter 10. Expansive apprenticeships provide opportunities to 'acquire skills and knowledge that will help [the apprentices] … progress in their occupation and their developing expertise is seen by their employers as central to success' (Fuller & Unwin, 2014a p4).

Table 3.1 Expansive-Restrictive Approaches to Apprenticeships and the Trailblazers

Expansive	**Restrictive**	**Trailblazer policy** (IATE, 2020)
C1 Apprenticeship develops occupational expertise to a standard recognised by industry	Apprenticeship develops skills for a limited job role	Employer-led standards recognised by the industry or profession
C2 Employer and provider understand that apprenticeship is a platform for career progression and occupational recognition/registration	Apprenticeship doesn't build the capacity to progress beyond present job role	Apprenticeship standard includes occupational recognition
C3 Apprentice has dual status as learner and employee: explicit recognition of, and support for, apprentice as learner	Status as employee dominates: limited recognition of, and support for, apprentice as learner	Apprentices have an off the job learning requirement built into the apprenticeship agreement
C4 Apprentice makes a gradual transition to productive worker and is stretched to develop expertise in their occupational field	Fast transition to productive worker with limited knowledge of occupational field	The requirement for regular review is intended to address this issue

Expansive	**Restrictive**	**Trailblazer policy** (IATE, 2020)
C5 Apprentice is treated as a member of an occupational community with access to the community's rules, history, occupational knowledge and practical expertise	Apprentice treated as extra pair of hands who only needs access to limited knowledge and skills to perform job	The structure of the apprenticeship standard and the requirement to meet the outcomes as part of the end point assessment are intended to address this issue
C6 Apprentice participates in different communities of practice inside and outside the workplace	Training restricted to narrowly-defined job role and work station	This may be addressed by the standard, and there is an opportunity to address this issue in the off the job learning element of the apprenticeship
C7 Apprentice's work tasks and training mapped onto the occupational standard and assessment requirements to ensure they become fully competent	Weak relationship between workplace tasks, the occupational standard and assessment procedures	The nature of the standard, and the requirement to demonstrate outcomes for the end point assessment should address these issues
C8 Apprentice gains qualifications that have labour market currency and support	Apprentice doesn't have the opportunity to gain valuable and portable qualifications	There is a requirement for an industry recognised standard

Expansive	**Restrictive**	**Trailblazer policy** (IATE, 2020)
progression to next level (career and/or education)		
C9 Off-the-job training includes time for reflection and stretches apprentice to reach their full potential	Supporting individual apprentice to fulfil their potential is not seen as a priority	The requirements of the end point assessment include reflective elements
C10 Apprentice's existing skills and knowledge recognised and valued and used as platform for new learning	Apprentice is regarded as a 'blank sheet' or 'empty vessel'	The trailblazer standard does not necessarily address this point, but for early career and school leaver recruits, this should not restrict progression
C11 Apprentice's progress closely monitored and involves regular constructive feedback from range of employer and provider personnel who take a holistic approach	Apprentice's progress monitored for job performance with limited developmental feedback	The requirement for regular tripartite reviews, and the outcomes of the standard should address these points

(Fuller and Unwin, 2014b p5)

As the concept pre-dates the trailblazer apprenticeship, some of the issues identified should be addressed by the regulated structure of the apprenticeship as considered in the table above, for example, the tripartite regulatory compliance requirements of the off the job learning element (Institute for Apprenticeships, 2015). Further, the nature of the trailblazer apprenticeships is that they include a professional qualification, which is by its nature transferable and broader than the job role. This framework is considered further in chapter 10 in the context of a trailblazer apprenticeship. The trailblazer standards appear to require an expansive approach (IATE, 2020), and several regulatory bodies are involved in ensuring that this is the case (ibid). Ensuring quality in apprenticeships may contribute to their acceptance as a valid route into professional life, and to the social inclusion of apprentices in those professions.

Social inclusion as a concept suggests going beyond a movement in social position, and addressing the issue of how those who have undergone the shift in social position can be supported to succeed once they have accessed their new profession. With regard to how the term is used in the literature, while there appear to be several possible definitions, there are a number of recurrent factors in the discussion of inclusion as a concept. Some of the literature uses the term 'social exclusion', focusing on the failure to include certain demographics. For example, Atkinson and Hills break down the concept of exclusion into relativity, agency and dynamics (Atkinson and Hills, 1998). Here, 'relativity' refers to the fact that individuals may not be included in 'a particular society … a particular place and time' (ibid p13). In a society which is characterised as meritocratic, it should be possible for all demographics to have the opportunity to access professional careers. If there are 'barriers to entry' (LETR, 2013 p233) into, for example, the legal profession, there is an adverse effect on inclusion in a particular context; 'relativity' in Atkinson and Hills' definition (ibid). Indeed, 'traditional professions' such as law appear to attract higher levels of entrants from

professional and managerial backgrounds, while ‘newer’ professions such as IT appeared to have a more diverse range of recruits (Friedman, Laurison and Miles, 2015; Smith *et al.*, 2021).

Atkinson and Hills consider the concept of agency in relation to a failure to include an individual or a demographic as ‘an act with an agent or agents’ (Atkinson & Hills, 1998 p14). Failing to include can be regarded as an act by a person who has not been included, such as where the individual self-selects in relation to an opportunity, or by a third party ‘who is doing the excluding’ (Burchardt et al., 2002 p32). Finally, ‘dynamics’ relates to the opportunities or ‘prospects’ that an individual or group may have and the extent to which they have capacity to take advantage of those opportunities (Atkinson and Hills, 1998). Further, the Panel on Fair Access to the Professions (Milburn, 2009a), takes the view that social inclusion is part of a range of concepts, which relate to the wider field of social mobility.

In relation to the term ‘inclusion’ itself, the ‘working definition’ used by Burchardt et al 2002 p30) states that:

‘An individual is [not] socially … [included] if he or she does not participate in key activities of the society in which he or she lives … [and]

1. the individual is not participating for reasons beyond his/her control, and
2. he or she would like to participate (ibid p32)

To paraphrase Burchardt’s definition, individuals are socially included if they are able to participate in key activities in which they wish to participate (for example by accessing a professional career) in the society in which they live.

For the purposes of the study, the concept of inclusion as a process, and the practical definition proposed by Burchardt et al will be used as a working definition, with further

discussion of the mechanisms that affect social inclusion in the context of entry into the professions more widely, before narrowing the discussion to the solicitors' profession.

Higher education has long been considered a significant mechanism for overcoming disadvantage (Milburn, 2009a, 2012b; BIS, 2016), although it has been acknowledged that simply increasing numbers of disadvantaged students in higher education is not enough on its own (Brown, 2014). However, there are concerns that outcomes for disadvantaged learners in higher education are not equivalent to those of their more advantaged peers (Halfon, 2022). In contrast, the creation of other routes into professional roles through the introduction of higher and degree apprenticeships (BIS, 2015) promote the view of Britain as a 'meritocracy' (Saunders, 1996), where social inclusivity and mobility are entirely possible. Meritocracy, which is considered in more detail in 3.2.1 below, features extensively in the policy literature which references social mobility (Milburn, 2009a; Clegg, 2011; BIS, 2016).

3.2.1 Meritocracy

Meritocracy was originally a term used by Michael Young in his satirical book, 'The Rise of the Meritocracy' in 1958. The book posited a future in which 'an aristocracy of birth' was replaced by 'a true meritocracy of talent' (Young, 2017 pxii). But although the means by which social positions are to be attained moves from inheritance or 'gentlemanly capitalism' (Ashley & Empson, 2017 p213)to a merit-based system, the system remains. If society is regarded as meritocratic, it provides a means of justifying power and wealth on the grounds that those who have them must have obtained them by personal merit, and therefore deserve them. In essence, those in better social positions argue that because they must be where they are on merit, acting to protect their social position is justifiable (Young, 2017). Young's work satirised this perspective, pointing out that:

> 'If the rich and powerful were encouraged by the general culture to believe that they fully deserved all they had, how arrogant they could become, and if they were convinced it was all for the common good, how ruthless in pursuing their own advantage … Even if it could be demonstrated that ordinary people have less native

> ability than those selected for high position, that would not mean that they deserved to get less.' (Young, 2017 pxvi)

The contrast between meritocratic societies and those which rely on patronage has been posited as evidence that a meritocratic system may promote inclusion (Hayek and Caldwell, 2014). After all, meritocracy is a system where individuals are solely responsible for their social positions, through hard work and innate ability (Saunders, 1996) and as a system, it therefore appears equitable. Indeed in the second half of the twentieth century, the term ceased to be used in a 'pejorative sense' and came to represent a 'positive ideal' (A. Allen, 2011 p367). Young's (2001) article in the Guardian, commenting on the distorted way in which 'meritocracy' as a concept was being used at the start of the twenty-first century, is entitled 'Down with Meritocracy', and he criticised the use of the term by the Blair government of the day (Young, 2001). Young's article considered that the then Prime Minister had not understood the 'dangers of what he [was] advocating' when he 'caught on to the word'. The sense in which the term was now being used had, Young considered, actually exacerbated social inequality, while justifying '[t]op bonuses and golden handshakes' on the grounds that the recipients of these rewards 'deserve whatever they can get'. The implication is that those who do not achieve do so because they do not have the required 'merit' to achieve the same rewards (Young, 2001). The Blair government's view of meritocracy as equitable, and thus the rewards of success as deserved and open to all with ability, is referenced in a number of reports, policy documents and white papers (Milburn, 2012a; BIS, 2015; Milburn and Lampl, 2019). The expectation that success is the result of talent and hard work suggests that other factors are less relevant, or possibly not relevant at all. It also suggests that poverty or a failure to succeed are the fault of the individual; a 'personality defect' according to Margaret Thatcher (Dowden, 1978).

3.2.2 Level playing fields

Attitudes towards poverty and a lack of social mobility suggest that they are regarded not as the results of exclusion, but of individual failings. For example, the Rowntree Foundation reported that survey respondents had 'highly individualised' attitudes towards those in poverty, assuming them to be complicit in their failure to advance (Bamfield and Horton, 2009 p23). This view takes very little, if any, account of any other factors. Some later literature in relation to meritocracy discusses the concept as a central tenet of market-based philosophies, most notably neoliberalism (Major and Machin, 2020). As Littler (2017) argues, the concept 'rests on the idea of a level playing field, conveniently ignoring systematic inequality, … and the head start accrued by children of those at the top or high up the social ladder' (Littler, 2017 p3) which helps perpetuate the social exclusivity of some occupations.

Indeed, '[w]ere opportunities to get into professional careers truly meritocratic, we would expect to see substantially more social mobility in Britain than we do at present' (Milburn, 2009b p43); it is not simply a question of students from disadvantaged backgrounds ruling themselves out of professional life. The SRA has agreed that in the solicitors' profession, more progress towards social mobility and inclusivity would be needed before it could be shown that individuals could pursue the careers that they wished, irrespective of their social position (SRA, 2010). The legal profession is not alone in acknowledging these concerns, and in wishing to address them. For example, the British Medical Association's report in 2009 indicated that 'many students from disadvantaged backgrounds may psychologically exclude themselves as potential candidates for medicine at an early age, due to a lack of the social and cultural capital that gives middle-class students the confidence and familiarity to view themselves as future doctors' (Sandhu, 2009 p19). The BMA's webpage entitled 'People like us don't become doctors' gives examples of individuals from disadvantaged backgrounds who qualified as doctors and provides advice on inclusion as an initiative challenging the 'exclusive' image of the medical profession (British Medical Association,

2022). This may be regarded as an example of self-selection, where the individual is not trying and failing to access a profession, but either ruling out that profession after consideration, or not considering it at all.

In effect, a meritocractic system emphasises achievement through individual ability and effort; but this is premised on the idea that everyone has equality of opportunity, and that everyone can choose to take up those opportunities if they wish, which is not necessarily the case (Littler, 2017). Poverty often creates a 'disorderly environment', which makes it less likely that those born in poverty will be able to benefit from education (Bloodworth, 2016). But if it is assumed that it is a matter of 'equipping yourself to compete and win' and that everyone is equally well-placed to do so, then 'those who land on top come to believe that they deserve their success. And, if opportunities are truly equal, it means those who are left behind deserve their fate as well' (Sandel, 2020 p4). Basing policy decisions on the assumption that society is meritocratic and that this guarantees fairness and genuine equality of opportunity appears to contribute to exclusion, rather than alleviating it. If there is no 'level playing field' and there is 'systemic inequality' (Littler, 2017 pp 50 & 64), and this affects participation in professional life, the mechanisms that affect participation and inclusion should be considered in more detail, and this is the subject of chapter four.

3.3 Recruiting legal professionals

Whether entry into any profession is entirely meritocratic is disputed, but whatever the criteria for entry, in most professions, including law, entry is competitive. For the solicitors' profession, while 16,499 students graduated in law in 2019, only 6,344 training contracts were registered in the same year (Law Society, 2020b p43), even though training contract numbers increased. The Bar registered 568 pupils for their first six months of pupillage in the same period (Bar Standards Board, 2020). There was at the time at least a one-year lead-in

time between graduation and beginning a training contract, to allow for professional training; those taking up these training places would have graduated in the previous year or earlier. Even allowing for this, and for places taken by non-law graduates, there is still a significant gap between the number of graduates and the available professional roles. However, the skills, behaviours and attitudes developed during a law degree are attractive to a range of employers. The statistics for 2017, for example, show law graduates were employed in a variety of areas of work, with the majority in professional roles (HESA, 2018). Even so, the SRA has acknowledged that some recruitment criteria for trainees are 'rooted in social exclusivity' (SRA, 2010 para 15). Solicitors and other providers of legal services have in most cases adopted 'best practice' recruitment strategies used in the employment market by high status firms. These are considered at 4.6 and 4.8 and are used to attract high quality candidates, even though these practices actually appear to have a 'detrimental impact on social inclusion' (Ashley and Empson, 2017 p213). For example, it is important to note that individuals with 'the same forms of social and cultural capital' as the organisation, which are 'closely associated with higher socio-economic status' were 'particularly valued' by recruiters at elite law firms (Ashley and Empson, 2017 p213). Moreover, as noted above, the preference for relationship-building between law firms and students from their 'preferred universities' including presentations, sponsorship of societies and events, disadvantaging students at 'new' universities (Rolfe and Anderson, 2002 p320) arguably creates an exclusive 'pipeline' to high status roles.

Although the importance of a candidate's choice of university when applying for a professional position has been considered (Rolfe and Anderson, 2002; Ashley and Empson, 2017), most large firms recruit in advance of graduation (SRA, 2021b). As degree classifications will not be finalised at the time of application, academic achievement is assessed by A level grades (Rolfe and Anderson, 2002 p323), a practice which the SRA has indicated may perpetuate 'social exclusivity' as those from disadvantaged backgrounds are

'likely to have lower A-level results' than their more advantaged peers (SRA, 2010). However, in recognition of this issue, some legal services providers have announced that they will no longer consider A level grades in relation to graduate applications (Slingo, 2020c).

In addition, for those who are selected, there are expectations that their self-presentation will indicate that they have 'the right background' and 'fit into our culture' (Ashley and Empson, 2017 p222). As discussed, recognition that the expectation of 'polish' and 'fit' (ibid) from new recruits may adversely affect inclusion has contributed to the debate on how to widen access, leading to changes to legal professional education and the development of the apprenticeship route (LETR, 2013).

3.4 Diversity management and inclusion

The participants in this study acknowledged that diversity was an important issue in professional life. The introduction of the solicitor apprenticeship was also intended to address social exclusion in the profession (LETR, 2013), providing early career opportunities and support for those who would not otherwise have been able to access the profession. This change is happening at a time when the business implications of demonstrating diversity are more significant in terms of reputation and business culture; for example, the announcement by Nokia in 2021 that it would 'score' firms on its solicitor panel in relation to progress on diversity (Fouzder, 2021). Indeed, a key justification for the introduction of the SQE was the promotion of diversity (Bridge Group, 2017).

Diversity management is part of the corporate social responsibility agenda (sometimes referred to as economic, social and governance ('ESG')), and has long been a 'policy focus' for law firms (Uberoi, 2020). Corporate social responsibility has no single definition,

however, the broad definition used by the World Business Council for Sustainable Development is:

> 'Corporate social responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large. (WBCSD Stakeholder Dialogue on CSR, The Netherlands, Sept 6-8, 1998)' Cited in (WBCSD, 1999 p3)

This definition covers a range of policies and actions undertaken by employers, including the promotion of social mobility and inclusion.

In view of these issues, the importance not just of equal opportunity, but of a 'diversity discourse' is recognised by the legal profession, which increasingly makes use of some form of diversity management (Ashley, 2010 p711). However, the research undertaken in 2010 refers to a policy by one participant organisation of recruiting almost exclusively from Oxford and Cambridge, which was perceived at the time as a positive decision in terms of becoming a 'smarter' organisation (ibid). The research also notes that none of the 'elite' organisations involved in the 2010 study had any 'active relationships' with 'new universities' (ibid). While embracing diversity was acknowledged as appropriate, the issue of fitting into the culture of the organisation continued to be significant, and this was assessed in a number of ways, such as an impression formed at interview. It also included social events which were described as being informal, but which formed a significant part of the recruitment process (ibid). The social events were acknowledged to potentially disadvantage 'someone from a poor working class background who hasn't been exposed to that kind of thing before … [and would] lose out purely on the basis of the final part of the thing' (ibid 721). The research did, however, conclude that while the existing diversity strategies were not necessarily addressing the issues, social class was not, at that time, a particular priority in relation to diversity (ibid).

Further, the concept of 'homosociability' or preference for recruits who resemble the recruiter (Kenny et al., 2011 p40), and the role of this concept in maintaining the culture of an organisation may influence recruitment. At the time of writing, there were concerns of 'growing scepticism around the rhetoric of diversity', and concern that '[f]air treatment is only offered when there is an economic rationale (Kenny et al., 2011 p50). Diversity programmes have previously been described elsewhere as 'impression management' (Rivera, 2012 p80). However, the increasing importance of diversity, including social diversity, is recognised by the SRA as a business issue, rather than only a corporate social responsibility issue. The SRA has called for better monitoring and reporting of diversity within the legal profession (SRA, 2018), which would make diversity issues more visible, leading to potential reputational issues. The conclusion of Ashley's (2010) examination of diversity initiatives in elite law firms was that diversity management was not necessarily resolving diversity issues, and indeed there was little incentive at that stage for elite organisations to make significant changes. However, the research also acknowledged the importance of initiatives such as the Sutton Trust's Pathways to Law (Sutton Trust, 2020), which engages with the issue of social inclusion by providing early career support.

3.5 Workplace experience as a potential mechanism of inclusion

Much of the literature in relation to mobility and inclusion relates to the significance of providing access to opportunities:

> 'The emphasis on rates of upward mobility … has often carried with it the implication that entry into elite occupations is the end point of a person's mobility trajectory' (Friedman et al., 2015 p260).

Once an individual has entered an 'elite' occupation, the experience of the workplace and the approach to on the job training are significant in relation to inclusion in the longer term.

Apprentices are generally in the early stages of their careers, and if they are school leavers with no previous experience, the levels of training and supervision required are likely to be high. It may be possible for apprentices to make 'an immediate contribution' to the employers' business (Antcliff, Baines and Gorb, 2016 p378). For example, the breaking down of complex tasks into smaller elements (Susskind, 2017), while a cause of concern in terms of 'globalising' such tasks so that they can be done anywhere (Philip Brown, Lauder and Ashton, 2011), may also facilitate the inclusion of apprentices at the initial stages of a larger task.

The significance of work based learning in inclusion is examined in 'Situated Learning: legitimate peripheral participation' (Lave and Wenger, 1991), which considers the experience of work based or 'situated' learning (ibid). The theory of legitimate peripheral participation examines how, through learning, the learner becomes part of the community of practice as a 'whole person', engaging in a way which means that 'learning is not merely a condition for membership, but is itself an evolving form of membership' (ibid p53). Indeed, 'learning is viewed as an aspect of all activity' (ibid p37). Further, in his later work, Wenger examines the attitude towards learning which is based on the view of learning as 'pieces of information stored in the brain', which would necessitate 'learning events', such as a lecture, or seminar (Wenger, 1999 p10). If the transfer of information is only part of learning, there is less requirement for a 'learning event' in order for learning to occur; engagement with the community of practice is also a form of learning. The form and extent of the learner's engagement contribute to learning to be a part of that community of practice in a way which involves both integration and ongoing development; 'legitimate peripheral participation' (ibid). 'Peripheral participation is about being located in the social world … peripherality, when it is enabled, suggests an opening, a way of gaining access to sources for understanding through growing involvement' (Lave and Wenger, 1991 pp36-37). In addition, legitimate peripheral participation is 'predicated on claims that knowledge can be decontextualized (sic)

[and involves] developing identities of mastery' (ibid pp40-41). The 'legitimacy' of the participation derives from the view that the 'new-comer', or apprentice, is a 'legitimate' participant in the community because their participation leads, and is intended to lead, to mastery, to becoming a full member of that community of practice. The concept of communities of practice is expanded in Wenger's later work, which examines these communities in more detail, discussing their development through 'mutual engagement' into 'joint enterprise[s] … [with] a shared repertoire' of knowledge and skills (Wenger, 1999 p73).

The individual's participation in such communities is focused on them as a 'person in the world …[who is] … part of the socio-cultural community' (Lave and Wenger, 1991 p52). In the context of apprenticeships, the 'learning and work practices' are 'indivisible', since they occur in the same context (ibid p61). In the context of a trailblazer apprenticeships such as the solicitor apprenticeship, there is both on and off the job learning, but the majority of the learning will occur in the context of the workplace. This 'involves *participation* as a way of learning – of both absorbing and being absorbed in – the "culture of practice". An extended period of legitimate peripherality provides learners with opportunities to make the culture of practice theirs' (ibid p95, emphasis in the text). Wenger refers to the 'social formation of the person … and the creation and use of markers of membership such as rites of passage and social categories.' (Wenger, 1999 p13).

The development of a professional identity is 'central to the careers of newcomers in communities of practice' (Lave and Wenger, 1991 p115), and while there is likely to be 'tension' between 'new-comers and old-timers' it is important to recognise that learning in this context is not about knowledge or skills 'acquisition', or about the 'transmission' of either:

> '*Knowing* is inherent in the growth and transformation of identities and it is located in relations among practitioners, their practice, and artifacts (sic) of that practice, and

> the social organization (sic) and the political economy of communities of practice' (Lave and Wenger, 1991 p122).

For Wenger, Identity is 'a way of talking about how learning changes who we are and creates personal histories of becoming in the context of our communities' (Wenger, 1999 p5). For the solicitor apprentices, the personal history of becoming involves them developing as solicitors, either in the context of a team, or by moving into a team into which they will qualify. In essence, they are not just becoming a solicitor, but becoming their own version of being a solicitor within that particular community of practice, and by extension, within the constellations of practice (Wenger, 1999 p126) that form the wider profession and the sectors within it.

Further, Wenger's later work in exploring situated learning within the community of practice builds on these ideas, examining the 'community of practice', and its role in developing a sense of inclusion or 'belonging' (Wenger, 1999). Wenger's work examines the concept of communities of practice, and acknowledges that most individuals will be members of multiple communities of practice, social, familial, and even sporting or recreational groups. The study focuses on the communities of practice formed by legal services organisations where the apprentices are employed. Communities of practice are therefore part of everyday life, although they would rarely be considered as such 'explicit[ly]' (ibid p7). For Wenger, 'engagement … defines belonging' (ibid p74), and 'engagement' for this purpose is defined as 'being included in what matters' (ibid). This can be linked to the concept of expansive apprenticeships considered above at section 3.2. Simply being present in the workplace is not enough; the engagement must include the appropriate experiences to ensure that the apprenticeship is 'expansive ' and develops the individual beyond the immediate job role (Fuller and Unwin, 2014b p5).

Wenger also considers the concept of marginality. Peripherality, as considered above, indicates that the individual is not participating fully in the community of practice, but there is an intention, on their part, and on the part of the community, that they should participate fully in the future. Their 'peripherality' is a learning opportunity; they are not participating fully at this point, because they need to develop in order to be able to participate at that higher level. Individuals who are legitimate peripheral participants are not expected to participate fully at the start, they are not an 'extra pair of hands' (Fuller and Unwin, 2014b p5) but a 'newcomer' who will learn and develop appropriately. For marginalised individuals, the non-participation has a different quality. The lack of full participation is not an opportunity to learn and develop so that they may ultimately achieve '[an identity] of mastery' (Lave and Wenger, 1991 p41) , but actually a form of barrier. Wenger uses the example of women who are aiming for equality, but are often relegated to 'identities of non-participation'. Wenger suggests that this form of identity could lead to 'non-membership' or to a 'marginal position' (Wenger, 1999 p167). In the context of the study, the apprenticeship route may address the 'identities of non-participation' discussed by paralegals who were not being offered full participation as trainee solicitors by their organisations (Costley, 2010). The apprenticeship route was introduced with the intention of creating a non-graduate pathway into the legal profession, bringing in newcomers, who might otherwise not have been able to access the community of practice (LETR, 2013). Their peripherality is intended to provide a learning opportunity, with the intention of full participation as qualified solicitors on completion of the apprenticeship.

Wenger considers the need for 'belonging' (Wenger, 1999 p173), and discusses the concepts of imagination and alignment as aspects of belonging. In the solicitor apprenticeship context, undertaking genuine tasks which are part of the work of the organisation, and being able to see how they contribute to that work, are important to developing a sense of belonging.

For graduates, a sense of 'belonging' is important in the choice of university for some demographics of student (Reay, 2018). This sense of 'belongingness' during work-based learning is also important (Wenger, 1999), not only in building confidence and in the development of professional skills, but also in understanding of what constitutes good practice in that occupation:

> 'The need to belong is universal and pervasive, exerting a powerful influence on thought processes, emotions, behaviour, health and happiness' (Levett-Jones et al., 2009 p316).

The apprentices are joining a community of practice as 'newcomers', with a view to qualifying as solicitors, integrating into that community and becoming 'relative old-timers', developing their professional identity and knowledge through that workplace learning experience (Wenger, 1999 p90). Their integration is achieved by means of fostering a feeling of 'belongingness', which is potentially enhanced by the longer period of immersion in the culture of the organisation that apprentices experience. With regard to the wider solicitors' profession, in Wenger's terms, this could be regarded as a 'constellation of practice', with organisations aligning with their competitors, and the whole profession being subject to the same regulatory regime. Wenger's theory in relation to communities of practice suggests that organisations which are 'seen as a configuration' even though there are 'discontinuities' between them which mean that they could not be regarded as a single community of practice, may be regarded as 'constellations of practices', including professions (Wenger, 1999 p126-128). In this case, the solicitors' profession connects its members in a number of ways beyond the internal policies and cultures of the individual organisations. For example, the conduct of solicitors as individuals and in their organisations is governed by the regulator, the SRA, and by rules in relation to qualification, discipline and how its members interact with the public. In this chapter, the 'constellation of practice' is the wider solicitors' profession, rather than the individual organisations which

make up the profession, which provides valuable insights, and therefore the study relates to the apprenticeship as a whole as a unit of analysis, rather than to individual case studies (Punch and Oancea, 2014).

This concept has been applied in other professional education settings (Levett-Jones *et al.*, 2009). A 2009 study applied Wenger's theories in relation to learning in a community of practice in the context of the clinical stage of nursing training. The study found that students felt a 'direct link' between their sense of 'belongingness' and whether they felt that the nursing staff and other members of the team included them or excluded them (ibid). The factors involved in building the feeling of inclusion related to:

- Being involved and included (students as 'an inherent part of the team culture');
- Being involved in patient care;
- Informal social activities (e.g. joining other staff for meal breaks); and
- Social exclusion (e.g. whether students were allowed to use the staff room)

(Levett-Jones et al., 2009 p319-320).

Further, the students wanted to feel that they were 'valued' and that theirs was a valid role; for example, not pointing out errors in front of a patient, but taking the opportunity to pick up the teaching points raised away from the patient (ibid). In addition, students did not want to feel that they were 'a nuisance' (ibid p320), but they did wish to be 'challenged' and 'supported' without overloading them or knocking their confidence (ibid p321).

In other research, participants in smaller departments considered that their managers were able to take more of an interest in their 'work integrated learning' projects, which encouraged them to improve both their academic grades for off the job learning and their standing at

work (Konstantinou and Miller, 2020). Other studies also emphasised the importance of 'belonging' and the impact on learning and 'acculturation' into a community of practice as a process of identity formation (Chan, 2016 p13). For apprentices who continue in their apprenticeship, rather than interrupting or dropping out, there is a sense of agency; the apprentices are engaging through choice and their personal aspirations are aligning with those of the organisation (ibid). The nature of the support received at work was regarded as important, including strong, supportive workplace relationships as part of '[w]orkplace structures or cultures supporting learning in the workplace' (ibid p21), together with a need for employers to have an understanding of the apprentices' training and support needs. Further, the quality of the experience in terms of supportive relationships and 'acculturation' (ibid) appears to impact the apprenticeship outcome:

> 'Supporting apprentices to establish a sense of belonging to a workplace assists with retention and eventual completion of apprenticeship' (Chan, 2016 p24).

For apprentices, the support for both on and off the job learning represents a three way relationship (Brown, Harte and Warnes, 2007), where the apprentice, their workplace mentor and their higher education liaison work in collaboration (Roberts, Storm and Flynn, 2019). Effective communication and alignment of objectives between the employer and the education provider is important to the successful completion of the apprenticeship, with 'frustration' for the parties if the relationships are not working effectively (Skills Commission, 2019). Where the relationships are working together effectively, this is beneficial to progress for the apprentice (Hughes and Saieva, 2019).

For employers and providers, a curriculum which meets the requirements of both parties and engages the apprentice is key. Curriculum design has a vital role in ensuring that the apprentice's experience at work is aligned to the relevant standard in order to allow them to collate evidence for their end point assessment (Hughes and Saieva, 2019). Research into

solicitor training noted that it was important to be exposed to the quality and range of experience required for development as a professional (Ching, 2012). It is also important that access to and opportunities for learning are not restricted (Fuller and Unwin, 2003b); this is less likely to be an issue where students are an 'inherent part of team culture' as discussed by Levett-Jones above (Levett-Jones *et al.*, 2009). In organisations which valued apprentices, the opportunity to 'train people in the company's own ways and within a particular work culture was deemed vital' (Gambin & Hogarth, 2016 p510). For those who were trained through an apprenticeship model, learning 'on the job', had both practical and theoretical knowledge and they were able to perform more effectively than graduate trainees who did not have the same practical experience (Gambin and Hogarth, 2016).

The sense of 'belonging' and the 'acculturation' of those who are undertaking work based learning in order to become part of the community of practice are further considered in relation to their role in identity formation, and this is framed using the theory summarised in figure 3.1 below:

Figure 3.1 Summary: Wenger's Social Theory of Learning

Practice	Learning as doing
Community	Learning as belonging
Meaning	Learning as experience
Identity	Learning as becoming

(Wenger, 1998, figure 0.1).

Wenger's theory expands on the theory of legitimate peripheral participation considered above (Lave and Wenger, 1991), focusing on the issue of learning within communities of practice. While the solicitor apprentices' learning experience includes off the job learning, the majority of their time is spent in the workplace, and the solicitor apprenticeship standard

includes work based learning. Where there is effective learning in the workplace, the learning is multi-dimensional and fulfils several different roles in the development of the learner. If the apprentices' learning develops their identity and brings them into the community of practice, their identity and sense of belonging are linked to that experience and practice within that community. Indeed, it is acknowledged that improved retention is an attraction of the apprenticeship; employers consider that apprentices are more likely to stay on completion of their apprenticeship (Lester and Bravenboer, 2020). Further, while an apprenticeship should effectively prepare the 'newcomer' to undertake the role, it should also allow them to 'continuously develop and maintain competence', and form the 'basis of lifelong learning' in order to meet the demands of future work (Poortman et al., 2011 p267).

Retention and improved competence are sound business reasons to provide effective work-based learning for apprentices. In the context of the employer's business, a report by the World Health Organisation (Popay *et al.*, 2008) indicates that a business rationale for addressing issues related to social inclusion is important to the success of any initiative undertaken by an employer. The inclusion of apprentices in business strategy and their incorporation into the business will be considered in more detail in sections 7.2.1-7.2.5 inclusive, and throughout chapter eight. The report also suggests that while it is beneficial in relation to the reputation of the company, as a factor for change, 'corporate social responsibility initiatives' by employers are generally 'voluntary' and their impact 'relatively modest *when …[they are]… driven only by philanthropic values'* (Popay et al., 2008 p20, emphasis added). For some employers, establishing a 'broader, more diverse talent pool which may ultimately impact the workforce dynamics and performance in a positive way' may be the motivation, rather than corporate social responsibility strategies alone (Bradley, Newhouse and Mirza, 2019 p16).

In relation to diversity management policy, Rivera's research into recruitment and hiring from the perspective of diversity indicated that 'diversity job fairs', which prospective candidates

viewed as ‘legitimate opportunities to get in the door’ did not appear to lead to significant hiring, but were essentially ‘impression management’ (Rivera, 2012 p80). In addition, Ashley’s 2010 research into diversity management suggested that while it was regarded as ‘the right thing to do’, it did not necessarily mean substantial change to hiring practices (Ashley, 2010 p720).

3.6 The pedagogy of work-based learning

Once the apprentices have been recruited, as discussed in section 3.3, the apprentices’ learning as members of the community of practice begins, with most of their learning occurring in the work place. Work based learning is defined as:

a) learning for work
b) learning at work and
c) learning through work (Seagraves et al., 1996 p15)

In their 1998 paper, Fuller and Unwin (Fuller and Unwin, 1998) discuss activity theory, examining the move away from the idea that learning is simply the transmission of information, with the apprentice as a ‘passive recipient’ [ibid p159]. The ‘andragogical’ relationships of work based learning reflect the fact that the learners are adults, and the context of their learning is their place of work (Costley and Dikerdem, 2011) Further:

> ‘A work based epistemology is the basis for the field of work based learning in higher education. This includes a framework of values that does not encourage conformity to rigid systems or restrict the individual’s freedom to represent working knowledge in relation to the context in which it is understood’ (Costley and Dikerdem, 2011 p38).

Devins’ 2015 paper (Devins, Ferrández-Berrueco and Kekale, 2015) discusses employer influence on pedagogy, and the importance of acknowledging that ‘work based learning’ does not necessarily mean a higher education programme which includes placements. In the case of the apprenticeship, the apprentices’ time is primarily spent in the workplace, rather than in a higher education environment, necessitating a different approach to teaching

and learning in both contexts. With regard to general theories of learning, the context in which the learning occurs is significant:

(1) 'Who are the subjects of learning, how are they defined and located?;
(2) Why do they learn, what makes them make the effort?;
(3) What do they learn, what are the contents and outcomes of learning?; and
(4) How do they learn, what are the key actions and processes of learning?' (Engeström, 2001 p133)

Further, a 'matrix of expansive learning' adds additional factors to each of the above dimensions to create a grid in which the response to each question can be analysed using each of the following perspectives:

- Activity system as a unit of analysis
- Multi-voicedness
- Historicity
- Contradictions
- Expansive cycles

Together, these create a 'matrix' with which to analyse 'expansive learning' (Engeström, 2001 p138). Expansive learning in a work context 'produces culturally new patterns of activity' (ibid p139), and these are acknowledged in the work of Lave and Wenger, discussed above. In summary, on the job learning is contextual, and does not depend on 'learning events' such as lectures or seminars. Further, on the job learning cannot be characterised as a transfer of knowledge, but experientially, in a culture which promotes expansive learning.

(Irons, 2017 p112)(Irons, 2017 p112)

3.7. Apprenticeships in higher education: issues for providers

With regard to the effect of higher and degree apprenticeships on inclusion, a requirement for a degree may, of itself, deter applicants from disadvantaged backgrounds from entering

the professions (Mobility Commission, 2019b) . The Legal Education and Training Review (LETR, 2013 px) recommendations in relation to access and mobility included the introduction of apprenticeships at level 6 or 7 and an 'enhance[ment] and increase [in] opportunities for career progression and mobility within paralegal work' (ibid px), an issue recognised by the first report on the SRA's work based learning pilot (Costley, 2010).

The introduction of higher and degree apprenticeships in 2015 has involved the higher education sector in the provision of this type of qualification, in some cases for the first time, as apprenticeship levels 4-7 are diploma, degree and masters level awards. Higher education has been the subject of a 'heavy bias' in its favour in terms of public money, at the expense of other education and training sectors such as further education (Mason, 2020 p468) Concerns regarding the numbers of graduates working in sectors which do not generally require a degree, and in relation to the 'work-readiness' of graduates, has led to suggestions that 'relevant employability skills are probably best learned in workplaces rather than through full-time education courses' (ibid p471). In order for degree and higher apprenticeships to succeed in the long term, 'collaboration and partnership, programme design, and the workplace environment' are all key areas that stakeholders need to ensure work together (Lester, 2020 p708).

If higher and degree apprenticeships are to be developed to meet the needs of employers, it is likely that providers will need to collaborate to develop the required programmes 'working directly with employers' (Bradley et al., 2019 p8). It is important that an apprenticeship programme is not an 'academic programme with some work based activities' (Minton & Lowe, 2019 p200). If programmes are developed collaboratively in this way, providers will then be in competition with each other to recruit for those programmes (ibid), producing a cultural shift. In view of these issues, in order for the apprenticeship programme to succeed it is key that there is 'buy in from students, from academic staff, from support staff, from the faculty and the University' (Irons, 2017 p120). Some institutions may have concerns that

degree apprenticeships actually represent ‘a threat’ to full time undergraduate programmes. The prospect of a ‘debt-free’ version of some university courses appears to be leading to deferrals in the expectation that more degree apprenticeships will be made available in the future, although the universities may also have concerns about completion rates for apprenticeships (Rowe, Perrin and Wall, 2016). Further, the apprentices are employees, and their curriculum is essentially driven by the standard developed by employers, rather than by the university, a further cultural shift (Powell and Walsh, 2018).

For academics already working in the universities, their ‘academic identity’ may come under pressure when designing and delivering programmes which take into account both academic and professional requirements (Martin, Lord and Warren-Smith, 2020). For example, the need to ‘map’ university credits onto professional training programmes not necessarily suited to that purpose, and the potential issues with regard to how the degree and the apprenticeship are awarded; there may be less incentive for apprentices to complete their apprenticeship if they have already been awarded a degree (Mulkeen *et al.*, 2019). Further, ‘university teachers, however, ‘vocational’ their speciality, are making their careers as academics and researchers, not as practitioners of whatever profession, trade or calling they teach … [and] …universities will always be an imperfect place for acquiring certain vocationally-related skills’ (Wolf, 2015 p75).

At the time of writing, all institutions with degree awarding powers which offer the solicitor apprenticeship are post 1992 universities, including private providers. This is unsurprising, since there is substantial overlap between institutions which offered the LPC, and those which are offering the solicitor apprenticeship programme. Not all LPC providers are currently offering solicitor apprenticeships, and some new providers have emerged, but in general, solicitor apprenticeship providers are either LPC providers or partnered with LPC

providers. Institutions which offer the LPC are generally post-1992 universities (SRA, 2022e). Post-1992 universities have been described as being more engaged with the agenda of widening participation, partly because they 'can rarely rely on tradition, prestige or their standings in international university rankings in their marketing … [and] have to recruit largely from social cohorts least likely to attend higher education, with the least likelihood of having familial experience of HE' (McCaig, 2015 p10). The universities offering the apprenticeship programme are therefore likely to be engaged with widening participation and to have higher levels of part time, mature, and first in family learners, cohorts which are less likely to engage with higher education.

With regard to administration and compliance, it is unlikely that the process and documentation required to set up a degree apprenticeship programme will fit comfortably with the university's validation processes for 'standard' degree programmes (Irons, 2017). There will also be a need to comply with additional regulatory and quality assurance requirements, some of which may conflict, and which will lead to substantial compliance resourcing needs (Rowe, Perrin and Wall, 2016; Felce, 2019). Further, there will need to be 'engagement with employers … from the outset', in order to ensure that the programme is viewed 'holistically' (Minton & Lowe, 2019 pp 200 & 208). There may also be a need for engagement with the relevant professional body where the apprenticeship is linked to a professional qualification (Lester, 2020). In addition, the learning agreements in relation to programmes are between the employer, the apprentice, and the provider of education; the experiences at work and in the classroom will need to align, requiring a practice-based context for learning off the job and a 'facilitator' approach to delivery, making it very difficult to use or repurpose existing degree programmes (Lester, 2020). Further, it is important that both academic and professional standards be maintained to ensure the quality of the apprenticeship (Felce, 2019).

Universities which have moved into the apprenticeship space noted that a ‘major theme’ was the relationship between providers and employers, which was essentially collaborative in nature, but which was not always ‘as effective as it could be’ (Lester, 2020 p710). For universities moving into this space, as discussed above, there are significant issues to address to ensure a quality experience.

3.8 Recruitment

Apprenticeships offer the opportunity to enter the profession without having to pay tuition fees and while earning a salary (Law Society, 2020c). However, what is not clear at this stage is whether the social origins of those being recruited to the solicitor apprenticeship are different from the graduate recruits, or whether the same demographic is simply being recruited earlier. In addition, some research (Battiston et al., 2020; Cullinane and Doherty, 2020a; Richmond, 2020) has indicated that the apprenticeship levy may ‘incentivise employers to train existing, higher-skilled employees instead of disadvantaged apprentices’ (Battiston et al., 2020 p15). Further, early research into the solicitor apprenticeship indicates that the route may be regarded as ‘unfamiliar’ and ‘risky’ by less advantaged candidates (Casey and Wakeling, 2022). However, it is not yet clear how the introduction of the SQE as a graduate route into the profession will affect these perceptions. The decision to award a law degree in addition to the apprenticeship by all providers to date and the increased profile of apprenticeships more widely may affect decisions in this regard. In addition, the SQE, which has now been introduced, was intended to address diversity issues (Bridge Group, 2017). While the Bridge Group’s report indicates that the SQE may be effective in promoting inclusion and improving diversity, the new regime has been heavily criticised, not least because it is based on the assumption that employers will recruit solely on the basis of the applicant’s SQE score, rather than looking for other, more familiar ‘markers of excellence’ (Guth and Dutton, 2018 p432).

3.9 Conclusion

The chapter examined the literature in relation inclusion, before discussing meritocracy, and considered how the meaning of a term originally used in 1958 had become distorted, and used to justify outcomes which did not necessarily promote equality in the way in which the term now implies. The recruitment of legal professionals, and the place of diversity management in the promotion of inclusion were also considered, examining how mechanisms affecting inclusion may be addressed where the apprenticeship is part of a diversity management strategy. Research considered above indicates that the diversity management requires a commercial imperative in order to avoid being effectively 'impression management' (Rivera, 2012 p80). Further, the apprentices are either being 'upskilled' as existing staff, or, as is the case with the participants in this study, they are early recruits, rather than graduates, which essentially avoids many mechanisms which affect inclusion. Finally, the duration of the apprenticeship as an immersive, employment based experience provides an opportunity for the apprentices to develop their professional identities within the culture of the employer community of practice, which may address the issues of 'fit' experienced by graduate recruits whose employment is significantly shorter.

Chapter Four: Mechanisms of Inclusion

4.1 Introduction

The literature has considered the context in which the solicitor apprenticeship was developed, and in which it now operates. However, this study considers how the solicitor apprenticeship affects social inclusion in the solicitors' profession. Chapter four therefore focuses on the ways in which the solicitor apprenticeship serves as a mechanism of inclusion in terms of access to the profession. For example, solicitor apprentices recruited at the start of their careers would generally avoid some 'barriers' (LETR, 2013) that they might otherwise need to overcome:

> 'Overall, I think the apprenticeship is the best option for anyone who is serious about a career in law. It is skipping all the vacation schemes, applications for training contracts and put[s] you in a much better position than a law graduate as you have far greater experience and knowledge than that of a law graduate.' (Laurence, first year apprentice)

This chapter examines these potential obstacles to access, and considers how the solicitor apprenticeship serves as a mechanism of inclusion in addressing them.

4.2 Fair access to the legal profession

The Legal Education and Training Review in 2013 discusses the need for employers to select future lawyers from 'a wide talent pool that is shaped more by ability than historic opportunity' and advocated for 'effective fair access policies' (LETR, 2013 p233). The issues which the report regarded as adversely affecting access to these wider pools of talent are grouped under headings:

- 'diversity and the cost of [training];
- Informational barriers;

- Recruitment criteria and processes;
- The role and impact of diversity schemes.' (ibid p233)

These concepts map broadly onto the mechanisms of inclusion which will be considered in the study, although with some variations in how they are framed. In using the term 'mechanisms', rather than barriers, the study allows for the possibility that the solicitor apprenticeship itself may serve as positive mechanism of inclusion. With regard to the term 'mechanism' itself, or the purpose of the study, the following definition is used:

> 'Mechanisms are causal forces that produce observable and cumulative effects. … an exclusionary mechanisms (sic) limits access to rights, resources and capabilities for a certain group while promoting access to those same rights, resources and capabilities to another group. In this sense, exclusion consists of an asymmetric relationship to access and, by that very fact, asymmetric power relations.' (Adam & Potvin, 2016 p783).

Conversely, a mechanism of inclusion may serve to address and balance these 'asymmetric relationships to access' (ibid).

4.3 Social origins and early education

In relation to access to and success within professional life, those with a social advantage appear to have a 'head start'. Indeed, access to high quality early education as a way of narrowing 'gaps' in child development is of particular importance for disadvantaged children (Stewart and Waldfogel, 2017). The risk of being behind more advantaged peers is high, with, arguably, a form of 'stratification' and social distinction in place when children begin their formal education (Boudon, 1974; Bourdieu, 2010). The contention that those who are born privileged tend to remain so may be explained by this view (Bloodworth, 2016). Further, early positioning appears to 'compound' at each stage of education (Rolfe and Anderson, 2002 p321; Skills Commission, 2019). Research into the academic decisions of

year 9 school students highlighted the importance of high-quality careers advice in school, for example when choosing options, particularly for those 'lacking in social, cultural and economic capital' (Haynes, McCrone and Wade, 2013 p479). The options chosen and the school curriculum can also play a role in overcoming or compounding disadvantage when considered together with school type (Iannelli, 2013). A study on the difference made by attending a grammar school, rather than a comprehensive, suggested that if the analysis controlled for the attributes of the child, (grammar schools being selective), there appeared to be no increased chance of social mobility for 'low-origin' children, although the extent of mobility for those who did 'move up' did appear to be affected (Boliver & Swift, 2011 p89). In contrast, the percentage of private school graduates who enter the professions despite representing 7% of the population suggests that attending fee-paying schools, rather than any type of state school, does appear to confer advantage (M. Milburn & Lampl, 2019).

4.4 Secondary education and disadvantage

As children progress to secondary education and beyond, 'networking', facilitated by social position, allows individuals to utilise their contacts to secure prestigious roles which may not be accessible to those outside the network (Bloodworth, 2016). In addition, children whose parents are in professional roles not only appear to have more access to these networks, but are more likely to be able to provide valuable insights and contacts than those in routine occupations. In 2012, 56% of children whose parents worked in professional roles aspired to do so themselves, whereas only 13% of their peer group whose parents were in routine occupations had the same aspiration (Milburn, 2012a p17).

If school students are not able to access information and careers advice through social networks it is important to ensure that this information is available from other sources if the route is to be accessed (Smith *et al.*, 2021). It is notable that while the 'Baker Amendment' required apprenticeships to be included in careers information, the Skills Commission Spotlight report on Apprenticeships and Social Mobility in 2017 recommended that Ofsted

monitor how this obligation was implemented in order to ensure that apprenticeships were given ‘equal weight’ (Mayhew-Smith and Sheerman, 2017 p6) Recent legislative changes appear to have addressed this issue, but at the time the data was collected, these changes were yet to be enacted (Halfon, 2022a) . There is a need for appropriate information, both for school leavers and for their parents, in order to ‘challenge traditional parental attitudes that tend to favour academic routes over vocational ones and to address the needs of those who are not ready or able to go into full-time HE at 18’ (McKnight et al., 2019 p152). Indeed, parity of esteem between academic and vocational routes appears to be an ongoing issue (Skills Commission, 2019).

In addition to careers information available from schools, it is also possible for less advantaged learners to obtain information regarding possible career paths, through employer engagement. In relation to schools, employers may engage in a number of ways, for example as part of a Business Education Partnership (Education Business Partnership, 2022). However, corporate support is not necessarily evenly spread, with employers targeting ‘the best’ schools and students, rather than the ‘neediest’ schools (Greenwald, 2004 p176). Further, employer involvement in rural, deprived areas, or areas with smaller numbers of employers was likely to be low (Quality and Performance Improvement Division, 1997).

This may mean that the insights and contacts that would encourage school students to aspire to professional careers, as considered by Alan Milburn in his report on fair access to the professions (Milburn, 2009a), may be absent in the school environment as well as in the social environment for the most disadvantaged students, which is likely to adversely affect inclusion.

4.5 The effect of higher education on inclusion

The important role played by education in promoting social inclusivity is the subject of a 'wide political consensus' (Bukodi and Goldthorpe, 2019 p49), and while early interventions such as the Sure Start programme (Belsky, Melhuish and Barnes, 2007) attempted to address the 'stratification' which was arguably in place before children began school (Boudon, 1974), there has also been a significant policy focus on higher education's role in promoting 'employability' (BIS, 2016). Higher education is described as 'an engine of social mobility' and 'a sound … investment' (BIS, 2016 p7). However, it is arguable that the benefit of higher education is relative:

> 'What is implied is that any equalisation that may have been achieved in educational attainment in relation to class origins has been in some degree… offset, so far as its potential impact on social fluidity is concerned, *by a decline in the class return that education brings*' (Bukodi and Goldthorpe, 2019 p92 emphasis in the text).

The expansion of higher education does not appear to have led to a corresponding expansion of social mobility (Smith *et al.*, 2021). In effect, an oversupply of graduates means that a degree is no longer enough and that employers 'gravitate towards global elite universities because they are believed to have the best and brightest students' (Brown, Lauder and Ashton, 2011 p9). Indeed, as early as 1976, Dore referred to 'qualification escalation', the phenomenon that the level of qualification required for a particular role tended to increase as numbers of applicants increase (Dore, 1976 p5). Further, Dore referred to the professions, including law 'rely[ing] only half-heartedly on university training' (ibid) at a time when the solicitors' profession became graduate only (ibid). This suggests that the legal profession may not regard university 'training' as essential to performance once employed, but does appear to regard attendance at an elite university as an indication of suitability for the role.

Since Dore's work was first published in 1976, the 'qualification escalation' (ibid) appears to have increased so that a degree is no longer enough; the reputation of the university from

which the degree was earned is now also a factor (Philip Brown, Lauder and Ashton, 2011). This is due in part to the fact that, for example, in 2010, participation in higher education rose to over 40% of the population (Stuart, 2012 p16). However, while expansion has increased numbers of disadvantaged students participating in higher education overall, this participation has not necessarily been evenly spread across all universities. Indeed, a study of Russell Group university admissions suggested that it was more likely that 'applicants from more socio-economically advantaged backgrounds' would be offered a place than their less advantaged counterparts with the same A level grades and subjects (Waller et al., 2017 p45).

In response to these concerns, many universities use 'contextual admissions' protocols, which take into account factors such as family background, including finance, and the school attended (Patel, 2020), which is intended to support social inclusion, although the figures considered above do not necessarily suggest that this is making a significant difference. While it may be desirable from a social mobility and inclusion perspective for employers to adopt a similar approach, this is unlikely to be widely enforced (Smith *et al.*, 2021). In addition, even where access is available, the financial outcomes do not appear to be equivalent in all cases: 'among Oxbridge graduates, those from privileged backgrounds earn around £5,000 a year more than graduates with less advantaged origins' (Friedman and Laurison, 2019 p76). Further, in a legal context, research by the Bridge Group suggests that the career progression of 'first generation early career solicitors' is slower than their more advantaged peers (Bridge Group, 2018 p4).

With regard to access, the criteria for admission are set by universities and relate primarily to University and College Admissions Service ('UCAS') points, which may be satisfied by A levels or equivalent qualifications (UCAS, 2022c). The number of UCAS points required by

a university varies, but in general, more prestigious universities will require a higher tariff of points for admission. The underrepresentation of students from less advantaged backgrounds was considered above (section 1.2.3), and is noted in research in relation to a study examining equality of access to 'prestigious' universities (Boliver, 2013). The study examined admissions procedures, noting that 'over half' of university entrants to Russell Group universities were from private schools, in contrast to one fifth of entrants from state schools. In relation to post-1992 universities, one quarter were from private schools, and 60% from state schools (Boliver, 2013 p351). In 2018, 65% of those going to 'top' institutions were from private schools, while the percentage from state schools was lower at 23%, although it should be noted that Oxford and Cambridge admissions from state schools in the same period stood at 58% and 63% respectively (Montacute and Cullinane, 2018 p10). However, while rates of application to post-1992 universities by state school students are substantially higher than rates of application to Russell Group Universities, the study considered that access to prestigious universities was not 'fair' and that 'school background' could be regarded as a factor (Boliver, 2013 p358). Since Boliver's research was conducted, policies in relation to widening participation at university have been introduced, although research in 2015 suggested that the response from 'old' universities, taking into account the need to maintain position in league tables, was likely to focus on the ''*most able, least likely*' group of bright young pupils that show potential to succeed at Russell Group Universities' (McCaig, 2015 p19 emphasis in the text). Further research, also in 2015, refers to 'distinct stratification of outcomes by university attended' in terms of securing 'elite positions' and notes that the expansion of higher education has not made it easier for disadvantaged groups to access 'high-status' universities (Wakeling and Savage, 2015 p290). However the disparities in admissions occur, admission to university appears to have a significant effect on social inclusion.

4.6 Engagement with employers during university

When recruiting, elite employers may specify qualities which they look for which constitute 'an ability to accrue and display highly valued (and unequally distributed) capitals which are given value [by the potential employer], which privileges certain graduates and excludes others' (Ingram & Allen, 2019 p731). Employers may consider that these most talented candidates are to be found among the graduates of 'elite universities' (Philip Brown, Lauder and Ashton, 2011).

For less advantaged students, concerns regarding whether they will 'fit in' at an elite university may influence their choice as to where they study, which means they may turn away from these elite institutions (Reay, Crozier and Clayton, 2010). Where this occurs, less advantaged students in higher education are not 'engaged in the same process', but in 'highly differentiated, unequal processes', with social class making a 'significant difference' to their choices and experiences (Reay, 1998 p519). 'Working class students' are more likely to attend post-1992 universities, 'a process that involves accumulating high levels of debt whilst often failing to secure them a graduate job' (Reay, 2018 p532). Part of the motivation for these choices was the desire to 'fit in' or feel a sense of 'belonging' (Reay, 2018; Thompson, 2019). However, there is evidence that attending particular 'elite universities is associated with advantaged economic positions, even controlling for known influential factors, (e.g. attending independent schools, coming from advantaged class backgrounds)' (Wakeling & Savage, 2015 p291).

Further, employers may undertake outreach events at universities in various forms such as sponsorship of events, hiring campus ambassadors, giving mock interviews, networking and competitions. In many cases this engagement is facilitated by the relevant university's careers team (Oxford University Careers Service, no date). However, the levels of engagement are not necessarily uniform across the sector. Elite organisations in particular tend to focus on Russell Group universities in their outreach, in many cases providing

support for potential applicants in relation to the application process, for example by providing mentoring, or giving coaching sessions on their application processes (Ashley *et al.*, 2015). Russell Group universities typically require higher A level grades than post-1992 universities, and Universities UK acknowledges that there is a 'strong correlation between a pupil's prior attainment at school and their outcomes at and beyond university' (Dandridge, 2017 p1). However, students from schools in areas of social deprivation generally have lower A level grades than their more advantaged counterparts (SRA, 2010), although, as considered in 4.5, many universities are now contextualising admissions in order to address this issue (Patel, 2020). Through whichever routes the individual may have accessed university, employers are looking for the best 'talent', which includes factors such as 'polish' in terms of how the individual presents (Ashley and Empson, 2017 p222). In addition to how the individual presents themselves, intelligence is also an important part of being 'talented', and A level grades and other academic achievements are regarded as a strong indicator of that talent (Ashley *et al.*, 2015). The 'pool' of potential candidates with the appropriate academic background (Phillip Brown, Lauder and Ashton, 2011 p94) is then narrowed still further by the requirements in relation to candidates within that pool. In particular, the 'strong emphasis on 'polish'', the requirement for individuals to show that they will fit into the culture of the organisation (Ashley & Empson, 2017 p222), meant that the profession was not effectively 'harnessing the abilities of those who should succeed on merit but who currently fail to complete the required legal education and training or abandon their careers in the law' (LETR, 2013 pvii). The LETR made a number of recommendations, including the introduction of an apprenticeship route in order to address what were regarded as unhelpful recruitment practices.

As a result of these targeted recruitment strategies, which are intended to recruit the best 'talent', leading accountancy firms received 40-50% of their applications from the Russell Group and 60-70% of all job offers are received by the same group of universities (Ashley et

al., 2015 p9). It is possible that applicants may self-select, and not submit applications to the employing organisations in question, perhaps because they have had less or no contact with those organisations through their universities, or possibly because they are concerned that they will not 'fit in' (ibid). It is also possible, however, that applications made by students at institutions which do not benefit from the same level of contact and support as their Russell Group counterparts would be less likely to succeed (ibid). Outreach strategies of this kind both encourage applications from the 'best' students and prepare them for the application process, but may also serve to discourage applications from students from post-1992 universities. Research published by Universities UK in 2017 indicated that the work of higher education institutions to promote inclusion risked being 'undermined' if employers' recruitment practices were not similarly inclusive (Dandridge, 2017 p39). Solicitor apprentices are generally recruited in early career, rather than as graduates and their choice of university is more likely to be made by their employer. In effect, the solicitor apprenticeship allows the apprentices to avoid the potential obstacles to inclusion which higher education may involve for less advantaged demographics.

4.7 Internships and inclusion

Internships and placements undertaken during school or while at university are also likely to play a role in social mobility (Grey, 2019). They provide an opportunity not only to learn the 'rules' considered above, but to allow candidates to interact with employers before they move on to the formal application process. This also provides employers with an opportunity to consider candidates before the application process proper (Hooley, 2020). The link with the recruitment process appears to be strong, with 60% of students who completed internships or placements being subsequently hired into graduate roles in 2021 (Institute of Student Employers, 2021). Although placements appear to be beneficial, research conducted in 2010 indicated that there appeared to be no benefit from making such placements a compulsory part of a degree (Klein and Weiss, 2011).

Whether compulsory or otherwise, placements and internships provide an opportunity 'to build up social networks with elite professionals which will go beyond … social backgrounds and family connections' (Wang & Crawford, 2019 p1961). However, there are concerns that placements are also a way of 'filtering' candidates against criteria which may advantage middle class participants, and that in some sectors, there was an expectation that students would complete placements which they would, in many cases, arrange for themselves (Allen *et al.*, 2012). Further, less advantaged students appear to find securing and completing placements more difficult for reasons related to time, money and a lack of 'industry contacts'. Placements could therefore be regarded as 'powerful but tacit mechanisms of exclusion' (Allen et al., 2012 p439-440). For example, where placements are unpaid, and the student is working to support themselves, they could be disadvantaged by having to miss out on paid work in order to conduct unpaid work, something that would be less problematic for a student in a more secure financial position. Unpaid internships are less accessible to students whose financial position is insecure, but internships which are not advertised, but secured informally, exclude less advantaged students altogether as they are less likely to have access to networks which would facilitate this access (Friedman and Laurison, 2019; Major and Machin, 2020). Further, there may be travel or accommodation costs, which may not be covered by the employer. In effect, disadvantaged students' existing issues with opportunities to develop industry contacts and an understanding of the workplace could potentially be compounded if they are unable to complete placements or to undertake the placements that they would prefer (Allen *et al.*, 2012). In a study of paid placements in accounting firms and investment banks, financial disadvantage did not present the same barrier to access; all applicants who were high academic achievers were eligible to apply (Wang and Crawford, 2019). However, the recruitment process for the year-long placements was comparable with a graduate recruitment process, and the study also noted

that it was possible that ‘class and cultural matching’ made it likely that middle class students would have an advantage when securing such placements (Crawford and Wang, 2019).

The research noted that:

> ‘Working class students do not inherit upper middle class capital within the home but they can acquire some desirable social and embodied capital such as interest in the profession and professional appearance highly valued by elite firms by taking placements with them’ (Crawford & Wang, 2019 p514)

Where the placements were paid and of longer duration, allowing working class students to access them, there appeared to be significant benefits to those students in terms of professional development, which was likely to improve their chances of being employed in the same type of organisation after graduation (Wang and Crawford, 2019). The study found that working class graduates who did well at university and in a placement achieved parity with ‘their upper middle class counterparts’ in terms of securing ‘elite employment after graduation’ (Crawford & Wang, 2019 p526). However, more recent research in this area refers to the practice of ‘stacking’ a number of internships, including ‘high status’ internships, by upper middle class students, potentially giving them an advantage over other students (Wright and Mulvey, 2021 p346).

4.8 The effect of recruitment practices

The university at which the candidate has studied influences the move into a ‘graduate job’. Employers appear to rate qualifications based on the ‘reputational capital’ of the university which awarded them (Brown and Hesketh, 2004 p89), not least because leading employers appear to consider it important to their reputation that they be ‘*seen* to recruit the best’ (ibid p190, emphasis in the text). This reduces the ‘pool’ from which employers recruit to one ‘lacking in social and cognitive diversity’ (Major and Machin, 2020 p27). In addition, the criteria for recruitment require that the individual should employ the appropriate ‘behaviour codes’, including those related to appearance, indicating that they are the ‘right type’ and

that they ‘fit’ (Friedman and Laurison, 2019 p142) with the organisations to which they are applying (Major and Machin, 2020). The market for graduate jobs is ‘competitive’, which requires students to learn ‘the rules of the game’ in order to succeed (Bathmaker, Ingram and Waller, 2013 p724). This favours those from middle class backgrounds, who have an ‘internalised’ understanding of how to ‘play’ (ibid), and background may mean ‘greater cultural capital that enables them to exhibit desirable behaviours … in the interview setting’ (Macmillan et al., 2014 p507). This inherent advantage combines with access to additional resources such as networks and the financial backing to find and undertake internships and additional activities to enhance their profiles (Bathmaker, Ingram and Waller, 2013).

There are significant commercial pressures on organisations to demonstrate a commitment to diversity and inclusion, for example from the SRA (SRA, 2018, 2020a). This has led to recommendations in relation to recruitment tools and organisations, such as ‘Rare, … and upReach’ (M. Milburn & Lampl, 2019 p8). These are summarised below:

Rare offer a service which supports client organisations in the recruitment process, with a strong focus on promoting diversity. The products which the organisation offers include Vantage, which is a database of potential candidates who can be searched using client specific criteria, and Contextual Recruitment Service (CRS) described as a ‘social mobility measuring tool’ to inform graduate recruitment (RARE, 2022). Other services available include upReach, which provides resources to ‘disadvantaged students from across the UK’ in order to assist them in ‘realis[ing] their potential by investing in pioneering technology to facilitate, deliver and evaluate highly personalised programmes of support.’ The organisation is a charity which provides workshops and other ‘interventions’ such as mock interviews and a mentoring scheme to approximately 3,000 eligible students (upReach, 2022).

Current recruitment processes for graduates are generally formal, with an emphasis on ensuring that the process is 'fair' (Bond, 2021), although fairness may be regarded in this context as being framed through meritocratic equality (Brighouse, 2010 p42) . 'Best practice' in professional recruitment is intended to be objective and to ascertain the suitability and potential of the candidates for the roles (Keep and James, 2010). However, there is some indication that these practices may actually exacerbate social exclusion (Ashley and Empson, 2017). The processes use structured assessments and 'ratings' of the candidates' performance. The Chartered Institute of Personnel and Development recommends that stages of the recruitment process such as assessment centres should be led by 'experienced selectors to ensure objectivity and consistency' and that assessors should be fully trained, including in 'diversity' (CIPD, 2022a).

The emphasis on the need for 'objectivity' is regarded as evidence of best practice, and indicates that the organisation recruits in a manner which is fair (CIPD, 2022a). However, in the context of, for example, group exercises, this approach cannot eliminate subjectivity entirely (Brown and Hesketh, 2004). The issue of 'class and cultural matching' was considered above in the context of applications for internships and placements (Crawford & Wang, 2019) and the issue of 'polish' as an expected graduate quality (Ashley and Empson, 2017 p222), assessed by reliance on the 'gut feeling' of decision-makers in organisations, usually fee earning members of the organisation, rather than HR team members, mean that there is a risk of subjectivity in the formal processes as 'revenue generating' members of the organisation may regard educational 'prestige as a critical sign of intellectual, social and moral worth' (Rivera, 2012 p77).

There are a number of different terms used to discuss the personal qualities which will resonate with recruiters, but which often veil exclusionary practices. For example, Brown

and Hesketh (2004) discuss ‘social capital’ as including ‘hard’ and ‘soft’ currencies such as interpersonal skills and ‘appearance’, in addition to the identity of the individual, their family and values (ibid p35). Some recruiters use phrases such as ‘personal brand’, the elements of which act as ‘powerful class signifiers as firms seek out candidates who possess similar class capital’ (Ingram and Allen, 2019 p735). Recruitment into any profession is competitive and professions typically restrict access by specifying the qualifications required for entry (Milburn, 2009a). However, as discussed above, qualifications alone are not sufficient to ensure entry into a profession in a market where a significant proportion of graduates are ‘overeducated’ for their role and competition is fierce (Office for National Statistics, 2019).

With regard to interviewing practices, there are a number of different potential approaches; those based on past performance or ‘competency’ based questions on what the candidate has done in the past, those which involve hypothetical questions to address areas which the candidate has not encountered and ‘strengths-based’ interviewing, which is focused on whether the candidate’s strengths align or ‘fit’ with those needed for the role (Amos, 2020). In relation to other elements of the recruitment process, there are concerns that the widespread use of cognitive tests mean that it is possible to learn how to pass them. Further, the need for ‘polish’ (Ashley et al., 2015 p6) in order to perform effectively in a traditional interview may result in candidates who ‘all … look the same’, while strengths-based recruitment may allow for more diversity, at least at the interview stage of the recruitment process (Lewis, 2016). Further, strengths-based recruitment emphasises potential, rather than past achievement, and may provide a better indication of likely success in the workplace for early career candidates (Saville *et al.*, 2019).

The expectation that graduate candidates for professional roles will present as ‘polished’ (Ashley *et al.*, 2015) aligns with the earlier discussion in relation to placements, and the

opportunity for less advantaged candidates to acquire the 'professional appearance' that their middle class counterparts are likely to have absorbed during their school years (Crawford and Wang, 2019 p514). Indeed, in the legal profession, there is an expectation in many cases that those applying for graduate roles will have undertaken a number of placements in the form of vacation schemes or mini-pupillages (Law Society, 2021c). The expectation is that there will be a cultural 'fit' between the candidate and the organisation, and that at graduate level, this 'fit' is evidenced by informal criteria and individual judgement, rather than qualifications alone (Nicolson, 2005; Bolton and Muzio, 2007). Employers' methods of recognising this 'talent' include the expectation of a 'range of non-educational skills and attributes, including the capacity to present a "polished" appearance, display strong communication and debating skills and act in a confident manner at interview' (Ashley et al., 2015 p11).

4.9 Conclusion

Chapter three examined the literature in relation to inclusion, and in relation to factors which affect inclusion, while this chapter conducted an examination of mechanisms which affect access to the solicitors' profession. The chapter considered the issues of social origins and early education, and examined how early disadvantage could potentially be compounded, rather than addressed by experience during secondary and tertiary education. This included not only choice of university, but engagement with employers during university, particularly in relation to internships and placements, which the literature suggests can have a significant effect on inclusion. Finally, the chapter considered the effect of recruitment practices, and how they can affect inclusion. The experiences of these potential mechanisms will be examined further in the context of participants' experiences in chapters six to nine inclusive.

Chapter Five: Research Design and Methodology

5.1 Introduction

The solicitor apprenticeship route was introduced with a view to addressing barriers affecting entry into the profession, flagged up by the 2013 review of legal education (LETR, 2013). This study considers how the apprenticeship facilitates access, but also examines how the apprenticeship affects inclusion in the community of practice in an organisation, and the 'constellations of practice' (Wenger, 1999 p226) that make up the wider solicitors' profession. The solicitor apprenticeship is still relatively new, with the first apprentices qualifying in 2022, and is, at the time of writing, an under researched area. This study therefore aims to show not only how the solicitor apprenticeship addresses these barriers, or mechanisms, but how it facilitates social inclusion in the solicitors' profession using the experiences of stakeholders in the solicitor apprenticeship. To do so, it addresses the research question, 'how if at all, does the solicitor apprenticeship represent a more socially inclusive route into the legal profession?'

The research question is supported by three operational questions:

1. How do the experiences of participating apprentices indicate that solicitor apprenticeships represent a more socially inclusive route into the legal profession? This question seeks to explore the social and educational backgrounds of participating apprentices, and to examine their experience of the solicitor apprenticeship. This includes their experiences in relation to discovering and applying for their roles, together with their experiences in the community of practice of their organisation.
2. How do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession? This question seeks to explore the experience of the solicitor apprenticeship from the perspective of other stakeholders directly engaged with the provision of solicitor

apprenticeship programmes, primarily focusing on the experiences of employers. The question includes an examination of the strategic factors which influenced the decision to employ solicitor apprentices. It also includes consideration of the employers' experiences of recruiting, training and working with the solicitor apprentices, and their views on the role of the solicitor apprenticeship in their business.

3. How do the experiences of all stakeholders indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession as a whole? This question seeks to examine how the solicitor apprenticeship serves as a mechanism of inclusion in the wider legal profession. The views and experiences of all stakeholders are considered, including those of solicitor apprenticeship education providers, and members of professional bodies which represent or regulate lawyers.

With regard to methodology, the operational questions call for an approach which examines the experiences of all stakeholders in solicitor apprenticeships. In relation to operational research question one, information regarding the social and educational origins of the apprentices is important in terms of determining who is accessing the profession through this route, but it is also important to consider the experiences and views of the apprentices and others involved in the apprenticeship and the wider legal profession. The research design therefore included surveys, which are considered in more detail below. In addition, in order to provide an opportunity for the apprentices to tell their stories, a semi-structured form of interview was used.

Operational research question two examines the experience of stakeholders directly involved in the provision of solicitor apprenticeship programmes, focusing on providers of legal services who employ solicitor apprentices. The research design included semi-structured interviews with themes, rather than lists of standard questions or surveys. The roles of stakeholders directly engaged with the solicitor apprenticeship varied, as did the

types of organisations, and adopting a semi-structured approach ensured that each stakeholder could address the themes in a way which was appropriate for them.

In relation to the third operational question, as the study addresses inclusion in the wider solicitors' profession, rather than individual organisations, the views of other stakeholders in the solicitor apprenticeship were also likely to provide significant insights into how the apprenticeships could serve as mechanisms of inclusion. Across all three operational questions, in addition to examining how apprenticeships could serve as mechanisms of inclusion in relation to access to the solicitors' profession, the study also examined the effect of the apprenticeship's duration, which allowed the apprentices to be immersed in the culture of their employer organisation and the wider professional environment for significantly longer than their graduate counterparts. The interviews and surveys allowed this element of their professional development to be examined and to determine how the apprenticeship experience in the workplace could serve as a mechanism of inclusion.

5.2 Research design

There were a number of possible approaches to researching the solicitor apprenticeship. The solicitor apprenticeship was only introduced relatively recently and solicitor apprentice numbers, although increasing rapidly, are still relatively low in comparison to graduate recruitment (Simmons, 2019; Law Society, 2020a). Some organisations were early adopters of the solicitor apprenticeship as a route to qualification for their employees, while other organisations had recruited their first cohort of solicitor apprentices more recently. In order to examine how solicitor apprenticeships affect social inclusion, I decided to use the solicitor apprenticeship itself as a unit of analysis, rather than restricting the investigation to a case study involving a single organisation. Standards based apprenticeships in their current form are still relatively new, having been introduced in 2015, and the solicitor apprenticeship

is still under researched. In the circumstances, a broad based study which examined the solicitor apprenticeship as a whole, rather than individual case studies in an area where it was not yet possible to examine the experiences of one or more cohorts offered an opportunity to make a strong contribution to knowledge. Further, I considered that a research design which included a wide range of stakeholders would give a richer picture of how the solicitor apprenticeship affected social inclusion in the legal profession.

The research design used qualitative methods, focusing primarily on the experiences of stakeholders. The relatively modest numbers of solicitor apprentices meant that a focus on quantitative methods was unlikely to result in meaningful data, although information regarding social and educational background seemed likely to provide useful information. With regard to how the data would be used to address the operational questions, the grid below sets out a summary:

Table 5.1 Operational Research Questions

Operational Research Question	**Data**
How do the experiences of participating apprentices indicate that solicitor apprenticeships represent a more socially inclusive route into the legal profession?	Surveys of apprentices Surveys of trainee solicitors Semi-structured interviews of apprentices
How do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession?	Semi-structured interviews with apprentice supervisors, HR and early talent team members, and decision makers within the organisations employing solicitor apprentices.
How do the experiences of all stakeholders indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession as a whole?	Semi-structured interviews with apprentices and trainee solicitors (as operational

	question one); apprentice supervisors, HR and early talent team members and decision makers within the organisations employing solicitor apprentices (as operational question two), regulators, professional body representatives, and other employers

The variety of stakeholders interviewed included apprentices, their employers and their education and training providers, as well as representatives of the wider legal profession. Seven employer organisations participated, together with representatives from five universities. In total, 35 interviews were conducted, and each added to the emerging picture of how the apprenticeship served as mechanisms of inclusion, providing different perspectives and insights through the participants' experiences. The solicitor apprenticeship is still a relatively new route, and while some of the organisations had one cohort of apprentices, others had been early adopters and employed several cohorts. This variety of experiences in itself offered valuable insights, and an opportunity to examine the apprenticeship itself as a unit of analysis, rather than focusing on an individual case study, however rich, informed my approach to both the research design and the approach to sampling.

When determining the approach to sampling, the employers' profiles with regard to the type of apprenticeships they offered showed some variations, and these were considered in order to determine the approach:

- Paralegal apprenticeships only
- Solicitor and paralegal apprenticeships
- Solicitor apprenticeships only
- Neither solicitor nor paralegal apprenticeships

Organisations which offered only paralegal apprenticeships were eliminated from the study, as this was likely to make the study less focused, but those which offered both were included. In some of the organisations, apprentices were recruited initially onto the paralegal apprenticeship and then became eligible to apply for the solicitor apprenticeship with, in some cases, credit for prior learning on the paralegal apprenticeship. In others, the two apprenticeships were recruited separately, with direct entry into the solicitor apprenticeship. Some organisations which did not offer either apprenticeship were also invited to participate as the views of employers who had not taken the decision to employ solicitor apprentices could add valuable insights to the study. The organisations invited varied in size, although most were large organisations which were highly likely to be levy payers, but which had stated that they would not be offering solicitor apprenticeships. Smaller organisations which were unlikely to be levy payers, and which did not offer solicitor apprenticeships were also invited.

Although solicitor apprenticeships have become more widespread since their introduction, they still represent a much smaller route than the trainee solicitor pathway (Law Society, 2020d). Participating employers who are offering solicitor apprenticeships can provide insights into why they felt that this was an appropriate choice for their organisation, and this is valuable in understanding how the apprenticeship is working in practice. However, insight into why an organisation had not employed solicitor apprentices could provide useful perspective on the factors or combinations of factors which influenced this choice, or even whether the possibility was considered.

During the research design phase of the study, a pilot (Alasuutari, Bickman and Brannen, 2012) was undertaken using the draft interview protocols and surveys. The pilot consisted of an interview with five participants who were stakeholders in the solicitor apprenticeship:

- Level 6 legal apprentice
- Two solicitors whose organisations employ solicitor apprentices
- Senior human resources team member
- Tutor who teaches and acts as a skills coach for solicitor apprentices

The pilot was undertaken before receiving University ethics committee approval, and in preparation for transfer of status, which would allow me to conduct fieldwork. The data which was generated was not included in the study. However, the experience of the pilot led to a number of changes to the original design, including additional questions in the surveys. Further, the pilot suggested that interviewing decision makers in employer organisations in addition to apprentice supervisors would be valuable, as decision makers might not necessarily be directly involved in the supervision of apprentices, but would, ultimately, determine the trajectory of the apprentices' careers. Indeed, the issue of whether individuals 'fit in' (Sommerlad *et al.*, 2010) in a professional environment was likely be a factor in their long-term progression.

5.3 Research instruments

The research design includes both semi-structured interviews (which are considered in more detail below), and surveys. The study used three different surveys. One survey was used for solicitor apprentices whose employer organisations were participating in this study, while a slightly modified survey was used for solicitor apprentices employed by non-participating organisations, distributed using LinkedIn. The surveys for apprentices focused mainly on information related to operational research question one: 'How do the experiences of

participating apprentices indicate that solicitor apprenticeships represent a more socially inclusive route into the apprenticeship?'

A further survey was distributed to trainee solicitors at participating organisations in order to provide triangulation data for the apprentice surveys (Tracy, 2013). The survey designed for trainee solicitors related primarily to the second operational research question: 'How do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession?' The full text of all surveys is included in Appendix Four. Surveys provided a way to ask a number of questions concerning the participants' backgrounds, and also to give their views on some open questions. Surveys also allow for completion in the participant's own time, without the pressure of being asked the questions in a face to face setting, as would be the case in an interview (Alasuutari, Bickman and Brannen, 2012 p321). They also provide an efficient way of obtaining standard information from each participant, although the surveys used in this study also include 'open-ended' questions (Braun *et al.*, 2021). While the questions did not ask for identifying personal information such as name or date of birth, participants were asked for their year of birth in order to give some indication of the background of participants (for example, whether they were school leavers or career changers).

Although the trainee solicitors were not necessarily directly involved with the delivery of the apprenticeship, they were likely to be working closely with apprentices during their training, and as the outcomes for solicitor apprentices are identical to those required of solicitors, they were likely to be undertaking similar work. Their experiences and views were therefore likely to be relevant to the second operational research question. I did not consider surveying trainee solicitors initially, but the research design was amended to include surveys of trainee solicitors in order to provide an opportunity to triangulate data (Tracy, 2013 pp40 & 63),

particularly in relation to the point at which the choice of an apprenticeship or university was made.

The survey questions were divided into three areas:

- The individual, their background and educational experience;
- Their experience as an apprentice or trainee; and
- Their views on the apprenticeship.

The questions relating to the social and educational background of the apprentices and trainee solicitors were developed by the Bridge Group and the Social Mobility Commission as part of a toolkit for employers to use in monitoring their organisation's diversity (Bridge Group/Social Mobility Commission, 2020). However, following suggestions by those who participated in the pilot, considered at 5.2, questions in relation to disability and family income were added.

The survey questions began with social and educational origins and about the participant's experiences of recruitment, their experiences during their apprenticeship and their views on the apprenticeship more widely. The full questionnaire is set out in Appendix Four, but the key questions considered in this chapter are summarised below.

- Personal information: age, gender, ethnicity and disability
- Educational information: School type, free school meal eligibility
- Family information: education levels, occupation, job role and salary of main carer
- Apprenticeship: start and finish, level, any previous apprenticeships, whether university was also considered, and why/why not
- Experience as an apprentice: Management, application, training, qualifications other than the apprenticeship

- Identity: how the apprentice sees themselves, how they believe they are viewed, their trajectory
- Views on the apprenticeship and observations

The levels of response to the surveys varied. In total, 42 surveys were distributed to individuals who expressed an interest in participating. Of those, 34 were returned, including 8 surveys from trainee solicitors. Out of the 34 responses, 21 indicated that they did not wish to be interviewed, leaving 13 apprentices from participating organisations who both completed the survey and consented to interview. Of the surveys returned, 26 were apprentices, including one paralegal apprentice at an organisation which required solicitor apprentices to undertake a paralegal apprenticeship before progressing to the solicitor qualification.

Surveys of trainee solicitors produced very few responses and those that participated originated from a single organisation. This was not unexpected. Trainee solicitors have less incentive than apprentices to respond as they have clearly chosen a different route and a discussion on the apprenticeship may not feel directly relevant to them.

As the levels of response from trainee solicitors were much lower than for apprentices, a meaningful direct comparison using only data collected during fieldwork was no longer possible. National information on the social and educational backgrounds of trainee solicitors is available and while it may provide some context in relation to, for example, general diversity issues, (SRA, 2022d), it is considered separately from the data collected during the study in order to avoid distortion.

The survey was also made available online, using a secure survey tool which did not retain any information about the individual completing the survey, and did not retain URL details

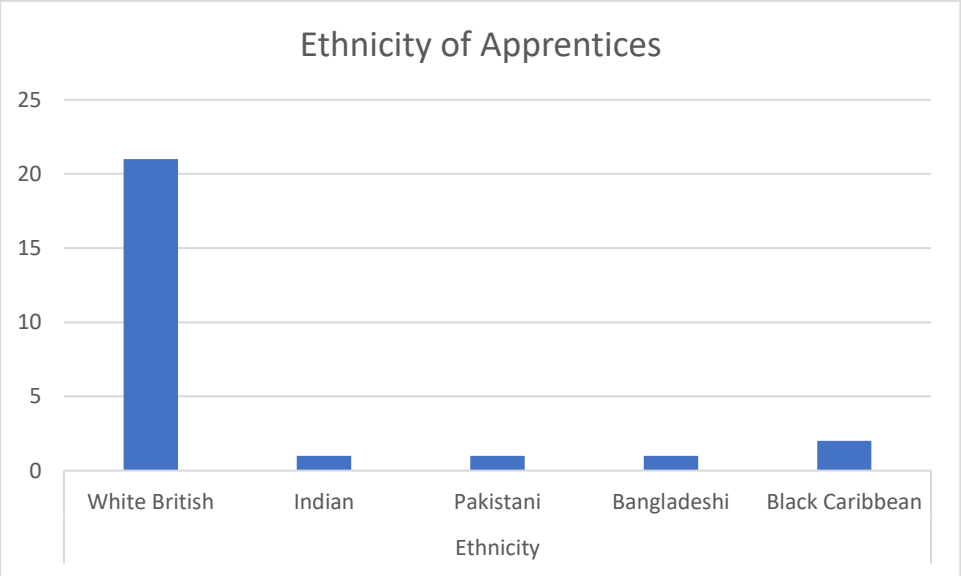
which could allow them to be tracked. The survey was advertised through LinkedIn in order to target appropriate individuals and was intended to provide an opportunity for individuals whose organisations had not participated to give their views, and it was therefore released towards the end of the data collection period. Unfortunately, there were no completed surveys during the period that the survey was available.

The solicitor apprentice surveys were completed by apprentices who were also interviewed, and also apprentices who did not give consent to interview. The number of trainee solicitors who expressed an interest and ultimately returned their surveys was relatively low, and while their views are of interest, and are included in the findings below, the statistical data relates solely to the apprentices. The visual representations in figures 5.1 to 5.4 summarise the survey findings and provide context for the interviews.

For the apprentices who participated in the study, 81.5% identified themselves as female in their survey, 21 of the 26 returned surveys. This is significantly higher than the percentage of female trainees in the Law Society's annual statistical report (a report compiled using a survey distributed to members of the solicitors' profession). The 2019 report is the most recent, as it was not possible to produce a report in 2020 (Law Society, 2020a). For all regions covered by the Law Society's report, trainees identified as female make up more than 60% of all traineeships (ibid p43). There is as yet no data on whether this is because there were more female than male applicants for apprenticeship roles, or whether female applicants were more successful in their applications.

The surveys also asked participants to provide information regarding their ethnicity, and this is summarised in figure 5.1 below.

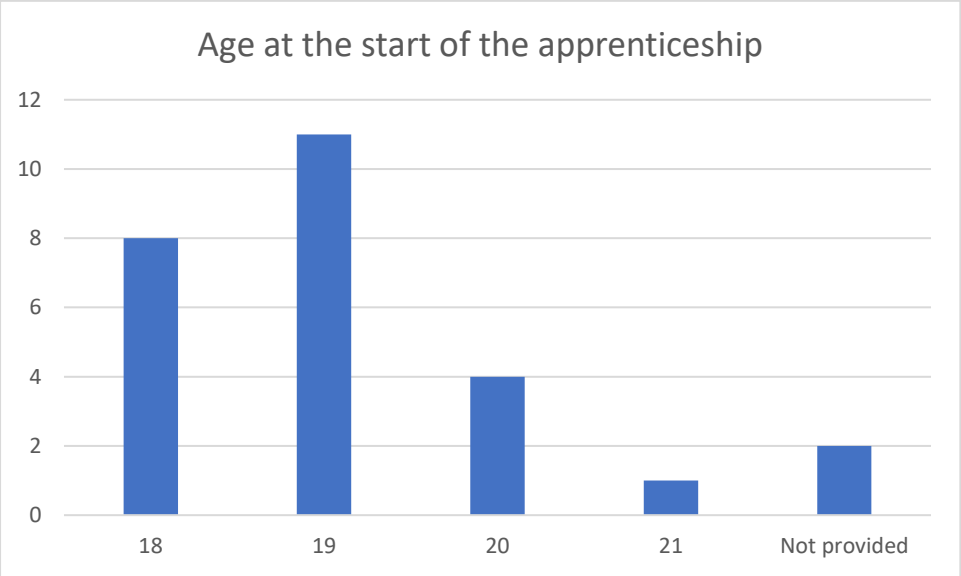
Figure 5.1 Ethnicity of Participating Apprentices (n=26)



The surveys indicated that the apprentices (and their trainee solicitor counterparts) were predominantly white British, at approximately 81%. The remaining 19% of the participating apprentices were BAME, and their reported ethnic origins are shown in more detail in the above chart at Figure 5.1. In terms of a comparison with graduate counterparts, the Law Society annual statistics report does not specifically consider the ethnicity of trainee solicitors as a separate group. However, a survey conducted by Chambers Student Guide states that trainee recruitment nationally over a five-year period from 2015/16 to 2019/20 showed variations from 20% BAME trainees in 2015/16 to 15% in 2018/19, partially recovering to approximately 19% in 2019/20 (Bertram and Cooke, 2020). Although the study sample of apprentices is by no means representative of the population, it does appear to be reasonably consistent with the ethnicity profile of trainee solicitors.

With regard to age, not all the apprentices gave their year of birth in their survey (two participants declined to answer), but those who were subsequently interviewed provided context which made it clear that all participants were under 25 when they began their apprenticeship; see figure 5.2 below.

Figure 5.2 Age at the start of the apprenticeship (n=26)



For some apprentices, this was not their first apprenticeship, with several indicating, either in interviews or in their survey or both, that they had undertaken a previous apprenticeship in law before beginning a solicitor apprenticeship. For most, this was with their current employer, as a number of the participating organisations required their solicitor apprentices to undertake a paralegal apprenticeship at level 3 or 4 before progressing onto the solicitor apprenticeship. One apprentice disclosed that their first apprenticeship was a level 2 apprenticeship in legal administration with a different employer. For the purposes of the study, only years of apprenticeship at level 3 or above are included in the statistical information.

Of the apprentices who were surveyed, the year of their apprenticeship at the time of the survey is set out in figure 5.3 below. The numbers for first and second year apprentices are significantly higher, and this is consistent with the rise in numbers of organisations participating in the apprenticeship. For apprentices whose employers require them to complete a paralegal apprenticeship before progressing onto the solicitor apprenticeship, the

number of years in the apprenticeship is taken from the start of their paralegal apprenticeship; the total number of years as an apprentice.

Figure 5.3 Year of apprenticeship (surveyed) (n=26)

First year	7
Second year	10
Third year	3
Fourth year	3
Fifth year	3

With regard to the apprentices who were interviewed as well as surveyed, their year of apprenticeship at the time of their interview is set out below in figure 5.4:

Figure 5.4 Year of apprenticeship (surveyed and interviewed n=13)

First year	2
Second year	3
Third year	2
Fourth year	3
Fifth year	3

In relation to the collection of qualitative data, the use of surveys which included some 'open' questions would allow respondents to give their views on their experiences (Braun *et al.*, 2021). However, this was unlikely to provide enough data to form a rich picture of the apprenticeship experience. I therefore decided to interview apprentices in order to understand their experiences better and to give them an opportunity to discuss those experiences in detail. Interviews lasting around one hour seemed to strike a balance

between allowing enough detail to emerge, and not taking up too much of the time of individuals (Alasuutari, Bickman and Brannen, 2012) who were, in many cases, required to record their time in six-minute units (see Glossary). As the apprentices were also surveyed, a semi-structured interview (Galletta and Cross, 2013), conducted in a conversational style, rather than a more rigidly structured approach would allow me to follow up on points raised by the surveys and allow for a more relaxed environment in which to build rapport.

For participants other than apprentices, their experiences as stakeholders in the apprenticeship were important to addressing operational research question two. Finally, although the experiences of those directly involved in the apprenticeship programme as employers were important, there were many other stakeholders, and their views were valuable in addressing operational research question three. These included education and training providers, who were required to enter into a 'tripartite' relationship with the employer and the apprentice (Institute for Apprenticeships, 2022a), and stakeholders within the wider profession, such as members of professional bodies and regulators. The semi-structured interview format allowed other stakeholders to discuss their experiences and views on the solicitor apprenticeship, building a rich picture of the solicitor apprenticeship in both the specific and the wider context.

5.4 Sampling strategy

In addition to the surveys and interviews with apprentices, I wanted to include employers, training providers and regulatory/professional representatives, building a rich picture of the apprenticeship itself, rather than focusing on individual case studies. As this is an under-researched area, the multiplicity of perspectives (Vogl *et al.*, 2018) was likely to prove valuable in building a detailed picture of the solicitor apprenticeship as a unit of analysis.

As the study considers the apprenticeship and how it affects social inclusion, it was important to get the views of a range of stakeholders, including representatives of professional bodies, employers, training providers and the apprentices themselves. Using the Law Society website, the legal press, Chambers and Partners, and the government apprenticeship portal, seventy-five organisations were identified as potential participants. Of these seventy-five organisations, sixty organisations were employers. While the initial research design had intended to focus on law firms, preliminary investigations suggested that in-house legal teams in local government and third sector organisations were also employing solicitor apprentices. The sampling strategy was therefore adjusted to include all legal services providers, including those within wider organisations, rather than focusing on law firms. It should be noted that while it is possible for law graduates to join the solicitor apprenticeship, typically for the last two years, this study focuses exclusively on apprentices who are recruited either as solicitor apprentices with no accreditation of prior learning, or with accreditation of prior learning from a paralegal apprenticeship. Further, while some participants reported that solicitor apprenticeships were being used as a way for employers to 'upskill' existing employees, none of the participants fell into this category.

Of the sixty employer organisations, thirty were eliminated, either initially or later in the data collection process because an organisation with a similar profile had already been interviewed and saturation appeared to have been reached. This information was recorded on a key tracker spreadsheet. Some organisations were eliminated as not relevant to the study; for example, financial services organisations which offered apprenticeships, but not in law at the time the study was designed. The study was designed before the pandemic and the ethical clearance application reflected the geographical focus of Bristol, Oxford and the South West, primarily for practical reasons related to travel. Some organisations were therefore eliminated initially as they were outside these areas. Due to the pandemic, all interviews were conducted through Teams or Zoom, and it would therefore have been

possible to extend the reach of the study. However, the duration and extent of the pandemic restrictions were not ascertainable when the study was designed and submitted for ethics committee approval through Curec, and transfer of status. In fact, some participant organisations had a wider geographical reach through national offices, and it was therefore possible to speak to apprentices and staff from offices in other areas.

For organisations other than employers, fifteen potential participants were identified, a mixture of stakeholders from the legal profession and higher education providers:

- 10 universities (8 providers, 2 non-providers of apprenticeship programmes)
- 5 professional organisations or regulatory bodies

Initial contact was made with all the organisations identified, and this is considered in more detail below.

5.5 Initial contact

Initial contact was made in a variety of ways. For organisations where there was an existing contact, an email or LinkedIn message was sent to that individual. Some contacts forwarded my message to their own networks with a recommendation, but there is no evidence that this resulted in any additional participants. Where there was no existing contact, a 'cold' message or email was sent to establish initial contact. For smaller organisations which were likely to be non-levy-payers, those with whom I had some previous connection were approached. Smaller organisations were likely to be more time and resource pressured, particularly during a pandemic. Further, if those organisations did not employ solicitor apprentices, being invited to participate in a study involving solicitor apprentices was less likely to be of interest, particularly if I was not an existing contact.

Organisations were contacted in two phases, beginning with existing contacts who were either potential participants, or who could introduce me to the organisation through a 'gatekeeper', or both (Tracy, 2013). For employers, the main gatekeepers were human resources managers, early talent managers or members of the senior management team. In most cases, the apprentices in the target organisations were school leavers, although some were in their early to mid-twenties. Ofsted regulates apprenticeships, including the work-based learning element, and the Education and Skills Funding Agency training provider accountability framework applies (ESFA, 2021).. Safeguarding, including safeguarding in the workplace, is a key part of Ofsted monitoring visits (Rhodes, Alley and Bungay, 2021), and approaching gatekeepers, rather than apprentices themselves directly therefore seemed a more appropriate strategy. In addition, I also wanted to interview supervisors and decision-makers for legal employers wherever possible, and this meant that approaching through gatekeepers would be likely to be more acceptable to the organisation. I was concerned that if I approached apprentices direct, and then approached gatekeepers in order to interview supervisors and decision makers, it was possible that this would be regarded as acting in bad faith.

Once contact had been made, an information sheet, consent form, a summary of key points and practical issues, copies of the blank surveys and a list of interview themes were sent via email. The consent form was later removed and replaced by an email consent (also approved by Curec), which was sent to all those who expressed an interest, together with an individual information sheet and survey if applicable. Organisations either emailed their teams providing my contact details and asked them to contact me direct, or in some cases, compiled a list of those who had expressed an interest and sent them to me in order to allow me to make contact direct. Organisations were not given details about who was actually interviewed or had completed the survey, and as expected, not all those who expressed interest actually participated. No information was shared with the organisations regarding either what was disclosed or who ultimately participated.

5.6 Interviews

Thirty-five interviews were conducted in total. A number of further potential participants were approached during the data collection process, for example following recommendations from another interviewee ('snowballing') (Tracy, 2013 p136). However, the timescale for data collection could not extend to meet their availability. In some cases, this was due to the pandemic, which meant that organisations faced unusual pressure on resources.

Nine organisations which did not currently employ solicitor apprentices were approached through contacts, but in all but two cases, they did not respond. One organisation's representative agreed to meet for a discussion, but declined to be interviewed for the purposes of the study and as no consent was given, the meeting was not recorded or transcribed and no meeting notes were made. Information relating to the organisation concerned is not included in the study in any way. The second organisation's representative agreed to be interviewed and provided useful insights into the position of a smaller firm which did not pay the apprenticeship levy. The data from this interview is considered in section 9.5.

As discussed, a variety of participants were interviewed in order to provide a number of different perspectives (Vogl *et al.*, 2018) on the apprenticeship. A summary is set out below, and a more detailed list is set out in Appendix Five:

Table 5.2 Interviews conducted in chronological order

Role	**Organisation type**	**Pseudonym**
Outreach team member	Education provider with an apprenticeship programme	Sarah
Employability Leader	Education provider with an apprenticeship programme	Judith

Role	Organisation type	Pseudonym
Senior leader	Education provider with an apprenticeship programme	Claire
Senior leader	Education provider with an apprenticeship programme	Patricia
Senior associate solicitor and apprentice supervisor	Commercial law firm	Rowan
HR professional	Commercial law firm	Laura
Partner	Commercial law firm	Kieran
Senior leader	Education provider with apprenticeship programme	Cathryn
Partner	Commercial law firm	Gordon
Partner	Commercial law firm	David
HR professional	Commercial law firm	Graham
Solicitor apprentice	City Council	Faaiza
Solicitor apprentice	Commercial law firm	Fabiha
Paralegal apprentice	Commercial law firm	Maajid
Solicitor apprentice	Commercial law firm	Juliet
HR professional	Commercial law firm	Susannah
Senior leader, professional body	Professional body	Wendy

Role	Organisation type	Pseudonym
Solicitor apprentice	Commercial law firm	Annette
Solicitor apprentice	Commercial law firm	Ingrid
Solicitor apprentice	Commercial law firm	Erin
Solicitor apprentice	Commercial law firm	Rhea
Associate and apprentice supervisor	Commercial law firm	Ellen
Solicitor apprentice	Commercial law firm	Anita
Solicitor apprentice	Commercial law firm	Nina
Solicitor apprentice	Commercial law firm	Corey
Solicitor apprentice	In-house with third sector organisation	Guilia
Solicitor	In-house with third sector organisation	James
HR professional	Third Sector organisation	Louise
Solicitor apprentice	In-house with third sector organisation	Marcus
Senior leader	Education provider with apprenticeship programmes	Brian
Senior leader	Education provider with an apprenticeship programme	Edward

Role	Organisation type	Pseudonym
	run in partnership with another organisation	
Manager, apprenticeship programmes	Education provider with apprenticeship programmes	Lauren
Senior leader, strategic role	Higher education provider which does not yet offer legal apprenticeships	Carl
Partner	Regional commercial law firm	Tom
Policy advisor	Professional body	Chanvir

Summary

Apprentices

Legal Services Providers – 10

In-house City Council – 1

In-house third sector – 2

13 apprentice interviews in total

Employers

Legal Services Providers – 9 (including one organisation which does not have any solicitor apprentices)

In-house employers – 2

11 employer interviews in total

Stakeholders

Regulators or representatives of professional bodies – 2

Professional education providers - 9 (including one which does not provide apprenticeships)

11 stakeholder interviews in total

My 'insider' (Coghlan and Brydon-Miller, 2014 pp770-71) status as a legal professional educator and a lawyer influenced how I interacted with the interview participants; I found the experience of speaking to them very enjoyable. There was an existing relationship with some participants, for example former students, colleagues and clients, and this meant that there was an element of 'catching up' with them and discussing general matters of mutual

interest, which made the conversations quite open and informal throughout. Using themes, rather than set questions, ensured that the same areas were addressed consistently during the interviews, but allowed the participants space to tell their stories. The interviews were intended to be 'focused on particular themes; … neither strictly structures with standard questions, nor entirely 'non-directive'' (Kvale, 2007 Loc. 491). Several participants commented that it had been an enjoyable 'chat' and in some cases, we discussed meeting for coffee after the end of lockdown. For participants that I had not previously met, there was a period of 'chat', either at the start of the interview, at the end, or both, although I was mindful of the fact that their time was, in many cases, chargeable (see Glossary), and I did not wish to take up too much of it. Often the initial part of the interview would include discussions about things like sport or the weather, or their experience of lockdown. For example, one apprentice was a keen climber, which was something I had done in the past as training for a team event, so we were able to talk about where they enjoyed climbing. Overall, the experiences were generally relaxed and the conversations were semi-structured to allow me to ask questions that I needed to ask, but also to follow up on ideas and experiences raised by each participant.

5.7 The effect of remote interviews

Interviews were conducted in 2021, beginning in February 2021, around 11 months after the beginning of the first lockdown, and while it was not entirely certain when restrictions would be lifted, it was unlikely to be possible to conduct interviews in person for at least part of the period of data collection. There are a number of issues relating to the change from in-person interviews to a virtual format. I was not comfortable with voice-only interviews as I considered that I needed to be able to observe body language when asking subjects about their experiences and views, allowing me to build rapport. I also noted on the transcripts anything particularly significant with regard to body language, such as hesitancy. Although, as previously discussed, some interview subjects were known to me already, there was a

need to build rapport and to ensure that the subjects were comfortable, particularly the apprentices, who were all under 25 years old. Even with subjects who were already known to me, it was important to make them feel comfortable talking to me in a new context. However, as the research design did not include observations, the impact of the pandemic could be mitigated without too much distortion.

There is already a substantial amount of literature which deals with virtual research methods (Howlett, 2021). However, the effect of the pandemic on the study was to impose the virtual format, rather than the study being conducted in this way as a result of a choice made by either party. The issue of whether 'technologically mediated interactions can adequately replace in-person methods' (ibid p4) does not necessarily affect the study in the same way as it would in 'normal' times before the pandemic. The choice for subjects was to speak to me on the phone, virtually, or not at all. Whether they would have preferred to meet in person does not need to be considered as it would not have been a viable option at the time and is therefore, arguably, less distortive than it would have been otherwise. Further, it is possible that the almost universal switch to virtual communication and meetings which had to take place because of the pandemic made the virtual format of the interviews unremarkable. As there has been a growth in the use of digital methods of communication generally, it is possible that 'digital skills and competencies have accordingly grown', so that online interviews are less likely to be problematic (Lobe et al., 2020 p2). In addition, the apprentices were already used to having their classes online, with most reporting that their provider normally delivered online classes synchronously or asynchronously as part of their usual learning experience. The use of Teams or Zoom would therefore be quite usual for the apprentices.

With regard to the issue of building rapport with interview subjects, each interview included elements of ‘chat’ which were not transcribed. Some subjects took the opportunity to ask questions, others chatted generally about various subjects including sport, lockdown, their families and so on. In all but a few cases, it was possible to have visual as well as audio contact throughout, although for some subjects, there were issues with their WIFI signal, which meant that visual contact was lost, had to be turned off, or could not be established.

In relation to the recording itself, recording through Teams was not used for a number of reasons. First, because video was not required for the purposes of the study as my notes during the interview would provide information regarding, for example, body language or intonation. Second, because using Teams would create a video recording which was stored online, which would create a different level of risk in relation to protecting the identity of the interviewees. I also had ethical clearance for audio recording only and did not consider the delay that would be caused by requesting additional clearance for video was warranted. It would not add to the quality of the study and the additional risk was not justifiable. The recordings were audio only and were made on a separate device with a removable memory card and no cloud back up. The audio device was not visible to the participant during the recording and while I reminded the subjects that I would be recording them, participants did not seem to be distracted by the device as they might have been in an in-person meeting where the device would be visible throughout the interview (Howlett, 2021).

With regard to the interview transcripts, I trialled an automatic online transcription service, but found it too unreliable. For example, it took an inordinate amount of time to correct the errors and it was more efficient to type up the recordings myself as they were more accurate. Further, transcribing the interviews myself allowed me to familiarise myself with the data. It enabled me to begin identifying initial codes and common themes, and to annotate the transcript while listening again to the recording in preparation for coding and identifying themes emerging from the data. To illustrate:

‘Interviewer: Why do you think some universities are doing this and not others?

Education provider participant: **(Pause)** It’s not an easy thing to start from scratch, it’s been a considerable learning journey developing a paralegal and solicitor apprenticeship programme.’

‘Interviewer: by the time they have been with you for, let’s say three or four years, how do you feel they compare with a trainee who’s just coming in?

Employer participant: **(Very decisive tone)** They’re better.’

The transcriptions did not include the statement of the subject’s name and employer, and any information which might identify them was also excluded or redacted. Each transcription was checked against the original recording, amended as needed and proof read. At that stage, any remaining information which might give an indication as to the identity of the subject and which had not already been removed or redacted was either taken out or paraphrased, and noted as appropriate in the transcription e.g. ‘this has been summarised/paraphrased to avoid identifying the subject’.

5.8 Themes, coding, and theory

Thematic analysis of the data (Clarke and Braun, 2017a) from surveys and interviews facilitated the emergence of a number of themes. As part of the initial analysis, I reviewed all surveys and used the responses to compile a master spreadsheet of all survey responses. The surveys were used to compile a spreadsheet of quantitative data in relation to the backgrounds of the apprentices, as well as their written responses. I then used this data to set up a grid, which was used as a notebook to generate ‘initial codes’ (Byrne, 2022) and identify possible themes. The survey spreadsheet was then used in the development of

visual representations of the information, and these are considered in sections 5.3, 6.2.1 and 6.2.2.

The transcription process provided an opportunity to familiarise myself with the data from each interview. As the solicitor apprenticeship is relatively new and under researched, an iterative approach involving a way of coding and developing themes which could be data led and allow for 'evolution' during the analysis seemed appropriate (Braun and Clarke, 2019). Thematic analysis was used as a method for 'generating codes and themes from qualitative data' (Clarke and Braun, 2017b), which could then be used to 'discover' appropriate theory (Glaser and Strauss, 2017). A combination of grounded theory and thematic analysis provided a structure for analysing the data, and there was an opportunity to allow the literature in relation to social mobility and inclusion to inform the analysis, while allowing the themes and codes to emerge from the data; a data-led approach, not an 'absence of methodology' (Suddaby, 2006). In essence, as there was little research in this area and the study was empirical in nature, this approach seemed the most effective way to allow the data to determine the theory. As this is a field in which I have a wealth of experience, both as a non-practising solicitor and as a teacher in higher education, an iterative approach also seemed most effective in relation to addressing the inevitable risk of bias on my part.

In order to apply this methodology, the data was analysed in phases, but at each phase, I reviewed the emergent themes and codes and these were adjusted to reflect the insights arising from each phase. During the interviews themselves, my focus was on listening actively, using my preparation notes to provide prompts where necessary. In order to prepare, I reviewed the interview themes for the category of interviewee; apprentice, employer, other stakeholder. Where the interviewee was an apprentice, I also reviewed their survey responses in preparation for the interview to pick up on points of interest for discussion, and to ensure that the interview and the survey were complementary, rather than duplicating each other. To illustrate:

Interviewer: 'Do you think it's actually a more challenging route? I mean, your survey seemed to indicate that you thought it might be?'

Apprentice: 'yes, I always feel a bit bad when I say it, because you know I haven't gone to University and done it in the typical way … But … I'm essentially … doing a full time job, albeit we have our Mondays to study. But you know Tuesday to Friday I'm doing the job of a trainee solicitor, and then on top of that I've got to fit in studying my degree and everything that entails'

For other stakeholders, I prepared for the interviews by researching the organisation and, where possible, the individual, using legal journals and news sources, organisations' websites and LinkedIn. For example:

Interviewer: 'can you talk me through the thinking behind moving into the apprenticeship space? Because you were an early adopter as a firm, weren't you?'

Interviewee: 'We were. We were on the Trailblazing firms. And I've been particularly focused on apprenticeships and the introduction of apprenticeships. Because I think they are a great opportunity to get greater diversity and inclusion within the profession and I think when the profession went to being an all-graduate one and cut off other routes, that was a retrograde step.'

The process of transcribing the interviews, and reviewing the transcriptions to check for accuracy enabled me to begin identifying initial codes and common themes, and to annotate the transcript while listening again to the recording. It was a useful step in the iterative process of coding and identifying themes emerging from the data. For example, the three stakeholder interviews below are highlighted with the recurring concept of degree importance (highlighted in yellow):

‘Interviewer: ‘Is it important to you that you're going to get a degree out of this as well?’

Apprentice: ‘Yes. That part is very important. Because when I used to tell my mum that I was doing an apprenticeship, everyone just thinks apprenticeships are like for practical work, like if you’re plumbing or something like that …So it’s not like I can just get the experience but you actually have the papers for it as well to say I am qualified at the end of this. So yes, I was clear that was a big part.’

Interviewer: ‘So, with regard to the apprenticeship, I mean the initial idea behind it was that it would be a non-graduate route for people who wouldn't otherwise have gone to University. Do you think that there's a risk that without the degree it's perceived as being not as good as a graduate pathway?’

Provider: ‘Absolutely. Certainly when we were planning the programme, we had already decided that we would incorporate the degree in it … But also, … [with] our employability team, they said how strange would they look on the job market? Almost, they would discriminated against, because firms wouldn’t recognise a solicitor without a degree. … We don't want them to stand out for the wrong reasons. And I think not having a degree would have made them stand out. … I'm not surprised that every provider’s included a law degree; you have to, to avoid that discrimination.’

Interviewer: ‘Yes. Do you think it makes a difference that it's not actually a graduate apprenticeship? I mean I know that pretty well everyone who does it does include a law degree but the solicitor apprenticeship itself is the equivalent of a law degree, rather than a graduate apprenticeship as such. Do you think that makes a difference to how people see it?’

Employer: 'That's a good question. I mean it makes no difference to me. I've never thought of it in those terms actually, because ultimately at the end of it, you are qualified as a solicitor, and that to me is the goal. And the providers that we work with do all accredit with an LLB anyway, so maybe that colours my judgement a little bit. … I would probably see that solicitor qualification as the end goal rather than being a graduate.'

Following this initial review, each proofread interview transcript was saved as a separate document, formatted as three columns in landscape format; one column for the text of the interview, a second for the codes and themes which had been generated during the analysis process, and a third for comments and quotations. The grid showing key words and recurrent concepts was updated and used to generate 'initial themes' (Braun and Clarke, 2019 p593) I then reviewed the grid and considered the initial codes, revising and merging some codes. Reducing the number of codes was a process of summarising and refining to create 'pattern' codes or 'meta' codes (Punch and Oancea, 2014 p226). I then reviewed the operational research questions and revised them in order to reflect the emerging themes and to ensure that the findings were presented effectively, avoiding repetition.

Using the surveys and coded interview transcripts, I compiled:

- a vignette for each apprentice;
- an organisation profile for each participating organisation;
- tables showing the tasks carried out by apprentices at each organisation; and
- a summary of each stakeholder interview identifying recurrent key terms and quotations

The interview summaries were saved as a single document as a 'map' of the interview data. This multi-stage analysis process, which allowed the codes and themes to emerge from the

data, used thematic analysis as a tool to manage the process and broke the analysis down into stages to allow for cycles of reviewing and adapting the codes and themes (Clarke and Braun, 2017a; Nowell *et al.*, 2017; Byrne, 2022).

The vignettes and interview summaries were used as a way of reflecting on the empirical data collected and developing an overview of the themes which were emerged from that data.

5.9 Vignettes and organisational profiles

Vignettes and organisational profiles are used as a way of presenting findings in the relevant chapters, but they also provide a valuable opportunity to analyse the data and to consider it in more detail, making use of writing as a way of examining the data in depth (Mitchell and Clark, 2021). The vignettes were based on the apprentices' surveys and interview transcripts. They considered key facts, but also highlighted the emerging themes, such as views on the importance of a degree to their decision to apply for an apprenticeship. They are also used as an effective way of presenting the data using the concepts discussed in the literature review in chapters three and four. As the apprentices were not all at the same stage in their apprenticeship journey and their employers varied, their experiences were all slightly different, but the vignettes addressed:

- Factual information about the apprentice, such as their educational background, and self-identified information such as gender, ethnicity, and family information where relevant. This is redacted where necessary to protect the apprentices' identities;
- Information about their apprenticeship; for example, details of the organisation, how far into the apprenticeship they are, context regarding the apprenticeship (e.g. whether they are the first cohort etc);
- How they found out about the apprenticeship, what influenced their decision, the recruitment experience, how they felt apprenticeships were perceived;

- Their views on risk, the law degree and on the apprenticeship as a route;
- Their experience of the apprenticeship, inclusion in the business, how they felt their experience might compare with that of a trainee;
- Their thoughts on their professional identity and their careers in the future; and
- Their views on why employers wish to employ apprentices

Drafting the vignettes was a useful way to reflect on each interview and to consider in more detail how the interview and survey from each apprentice worked together to build a rich picture of each individual's experience (Miller *et al.*, 1997). This also contributed to refining codes and identifying emerging themes, an ongoing process throughout the analysis. It also helped me to 'sense check' whether the themes were recurrent, or whether my perceptions were distorted by a particularly strong impression from only a few interviewees.

Comparing extracts from the vignettes of an apprentice in their first year and an apprentice in their fifth year illustrates their role in the analysis. While the interviews were coded using the thematic analysis process described above, the vignettes and summaries allowed me to synthesise the data in a way which helped me to plan and structure the findings, draft chapters six to nine inclusive, and to reflect on the themes when conducting the literature review. To illustrate:

Table 5.3 Thematic Analysis

Anita, first year apprentice	
Anita is a solicitor apprentice in the first year of her apprenticeship. She is in the first cohort of apprentices for her firm and was recruited from sixth form college, although her survey does not include her year of birth. Anita has identified herself in her survey as female and Black Caribbean. She attended a state school and was entitled to free school meals. Anita's parents are educated to below degree level. The main earner in Anita's household worked in a semi routine occupation for an employer with more than 25 employees, in a supervisory capacity, earning less than £20,000 per year when Anita was aged 14. Anita began her apprenticeship in 2020 and will complete it in 2026. Anita would not have gone to university if the apprenticeship had not been available. Instead, she would have 'Worked full time, found more work experience in the legal sector then reapplied for degree apprenticeships the next year.'	Apprenticeship the preferred route, but Anita would not have gone to university if it had not been available.
'I actually told my careers adviser at college that I wanted to do an apprenticeship, and of course I had looked up apprenticeships myself, using the Law Society and other websites of that sort and found a few, but my careers adviser actually found [name of employer] for me. … I knew that I didn't want to go to university full time, that just wasn't what I saw myself doing. … [I did] some work experience at [name of a commercial firm] and there was an apprentice there, and she basically	More information available to 2020 cohort, but still an emphasis on 'finding out', and the need for support.

explained to me what it was, … so I was clued up about what an apprenticeship is and what I was getting myself into.'	Apprenticeship as a preferred route
Anita's school did not promote professional apprenticeships: 'what I do feel like is that at the moment, apprenticeships are being pushed to people who aren't that academically gifted, they have like those plumbing apprenticeships, construction apprenticeships, stuff like that? It's like, do people not know that you can do apprenticeships in law? …Not everyone wants to go to university, and everybody ends up going because they feel forced.' With regard to university as an option, '[the school] put [it] across as the better option, as the majority option … And it got to a point where some teachers were like 'are you sure you don't want to fill out a form?' and I was like 'no, I don't because I don't want to go to uni'	University the default option Perceptions of apprenticeships as 'lesser' routes

Ingrid, fifth year apprentice	
Ingrid is a solicitor apprentice who started as a paralegal apprentice in 2016, in the first cohort of apprentices for her firm. She transferred onto the solicitor apprenticeship on completion of her paralegal apprenticeship in 2018. She will qualify in 2023. She was born in 1998, and her survey identifies her as female, white and non-disabled. She was educated at a state school, but was not	The apprenticeship was the preferred choice. Ingrid would have gone to university had it not been available

entitled to free school meals. One or both of her parents were educated to degree level, worked in a senior management role as employees with an employer who had more than 25 employees and earned between £61,000 and £80,000 when Ingrid was 14. Had Ingrid not been successful in her application to the apprenticeship, she would have gone to university: 'I felt that the apprenticeship was a better fit for me as it allowed me to move straight into the professional environment and gain real world experience'. Ingrid felt that the interview process was comparable with the process for trainee solicitors.	
'As someone who was always fairly academic and was very much expected to go to university, … I made the choice to take the apprenticeship route as I felt it was a better option for me, …. I view it simply as an alternative and I think it is great that there is now a choice of routes to suit individuals.' 'I found out through my A level law tutor. I had applied to University and was in the process of doing my … UCAS applications … but … I didn't feel fully committed to University. … I think because my tutor … found this opportunity online and held me back at the end of the class and just said … why don't you apply and give it a go…. I thought it was a good fit'	University seen as the default
'when I then spoke about it with other people like my parents, my friends at college and even some of my other tutors, they were a bit concerned about it because it was so new and there wasn't much out there much information about apprenticeships. … I kind of thought of bricklayers, plumbers,	Perception of apprenticeships as a 'lesser' route

those kind of typical jobs … And I didn't know that apprenticeships were an option for professional services, let alone law firms or the legal industry. … I think that considering how much school and college prepared you for, you know University applications … there wasn't much support from my College in terms of preparing for the interviews and things'	

I carried out the same exercise with the employer organisations, reviewing the interviews from the stakeholders associated with each employer organisation and summarising them in a profile. The profile included:

- Type, size, location and profile of organisation;
- Profile with regard to apprentices and trainee solicitors (e.g. do they sponsor trainees, is the apprenticeship programme established or recent?);
- Strategic considerations such as retention, social mobility, talent management, costs;
- Culture of the organisation and how the apprentices are integrated into the business;
- Outreach, recruitment and management structure for apprentices;
- Experience of the apprenticeship, learning points;
- Work based learning structure and practices including time recording;
- Views on the apprenticeship, for example, the inclusion of a degree;
- Changes in legal education and the effect on apprenticeship; and
- Their views on the future of the apprenticeship

The grid set out in Appendix Six was developed using the same process as I used to compile the vignettes and profiles as a way of synthesising and summarising the data. The way in which I made use of Braun and Clarke's thematic analysis tool (Braun and Clarke, 2019), was broken down into the stages shown in the grid in Appendix Six. Initial codes were noted when transcribing and reviewing. These codes were primarily descriptive and provided a summary which could be used as a basis for later coding (Elliott, 2018). From these initial codes, initial themes emerged, and were added to the grid as the analysis continued (Byrne, 2022). The codes and themes noted during the familiarisation process were refined and new themes added or merged with others as part of the iterative process of

reviewing the data, using the reflective process of identifying key information, quotes and concepts to provide structure for the profiles and vignettes. The codes and emerging themes were refined to provide 'pattern' or 'meta' codes (Punch and Oancea, 2014), which were compared with the concepts considered in the literature review. Burchardt's definition of social exclusion (Burchardt, le Grand and Pichaud, 2002) aligned with the themes in relation to mechanisms affecting inclusion in the legal profession. In relation to the apprenticeship itself, and the apprentices' development of a professional identity as members of a community of practice emerged as consistent themes. These aligned with Wenger's work in relation to the development of professional identities in communities of practice (Wenger, 1999), which is considered further in the literature review. These ideas allowed me to develop a conceptual framework in which to present my findings and structure my discussion of those findings.

In summary, the themes which emerged from the data during the analysis were:

1. The significance of the award of a law degree
2. Mechanisms affecting inclusion in relation to education and recruitment
3. Professional identity and integration into the community of practice
4. Perceptions of apprenticeships, including risk

5.10 Reflexivity

As discussed in 5.6, my insider (Coghlan and Brydon-Miller, 2014) perspective is helpful in terms of building rapport with interviewees, as they knew that I understood legal practice, legal study and the legal market. However, it does involve a risk that I will bring biases and assumptions to the design of my interviews, to the interviews themselves, and to the analysis of my data (Punch and Oancea, 2014). While this is always a risk, my positionality is acknowledged throughout the process (Thomson and Walker, 2010), and this is

considered in the prologue, which describes my background and experience. In particular, with regard to the analysis of the data, I have taken an inductive approach, which ensures that the data itself drives and informs the analysis. Acknowledging my positionality throughout the study has been valuable in providing opportunities to reflect and examine how this might influence my approach. For example, with regard to performing line by line coding of my data, when developing the codes, I considered whether my previous experience had led me to form a view in relation to a particular theme. I then considered how this compared with what the data was telling me. For example, one participant indicated that they were from an area of social deprivation, and that they had been eligible for free school meals. The literature and my own experience suggested that the participant was unlikely to have access to a family or immediate social network influence with a professional background (Milburn, 2009a). The data indicated that the participant did in fact have access to this type of support, and while this does not undermine the general research findings in relation to this point, it does highlight the need to ensure that no assumptions were made at any point and that any findings were based solely on what emerged from the data.

I have found the tool of thematic analysis valuable in that it allowed me the flexibility to take a reflexive approach and to identify any assumptions that I might bring to the research. Further, a hermeneutical (Gadamer, 2004) approach which identified themes emerging from the data provided an opportunity to 'reflect on and identify *what* you're assuming, and then interrogate whether those assumptions hold' (Braun and Clarke, 2019 p595) (emphasis in the text). My positionality is considered in the prologue and my experience does give me a great deal of insight into the legal professional education field; it makes the use of a reflexive approach important in order to ensure that it is the data that generates the themes, rather than any existing knowledge.

With regard to my positioning in the literature, chapter three examines the work of Diane Reay, and acknowledges the use of concepts derived from Bourdieu, used in the context of the sociology of education, as significant to the study. While the literature in this area is primarily focused on formal education, the apprenticeship route was intended to be a way of educating and training solicitors that addressed issues of social inequality, and the overrepresentation of privately educated graduates in the profession(LETR, 2013; Milburn and Lampl, 2019; SRA, 2020a). The study examines how the apprenticeship route as a way of educating solicitors addresses mechanisms of social exclusion, building on Reay's work in relation to compulsory and higher education.

5.11 Ethics

The study received ethics committee (Curec) approval (Appendix Seven) and this was revised to include the amendments indicated by the pilot. I have reviewed the British Educational Research Association Guidelines (4th Edition) and I am confident that my study complies with the guidelines. In particular, I considered guideline 2 in relation to the way in which responsibilities to participants refers to 'structural inequalities' (ibid p6), and guideline 19 in relation to consent and power relations (ibid p10) required careful consideration. Some participants had been taught by me during their apprenticeship. This created a potential risk that they would feel obliged to participate or that my identity as an interviewer could mean that they would feel obliged to tell me what they thought I wanted to hear. I informed them explicitly that they were under no obligation to participate, either because their firm was participating or because I had taught them. In any interview situation, there is arguably an imbalance of power in any event (Kvale, 2007). The apprentices may have felt that as a former teacher and the person asking the questions in our discussions, the balance of power lay with me, as a research interview 'entails an asymmetrical power relation' (Brinkmann and Kvale, 2015 p37). The open and conversational nature of the interviews seemed to

neutralise this and the informality of the setting may have been helpful in this regard as in most cases, we were both in our respective homes due to the pandemic. There were elements of our conversations which were not transcribed as they were not relevant to the study, and these were informal and friendly. In contrast, more senior figures within the organisations were arguably 'elite' interviewees (Brinkmann and Kvale, 2015 pp171-72). There is no single definition of what 'elite' means in this context, but 'those who occupy senior management and Board level positions within organizations' (Harvey, 2011 P433) could be regarded as elite for this purpose. This potentially moved the balance of power in favour of the participant, rather than the interviewer.

Not all the interviewees occupied such senior positions, but my previous role as Head of Law South West for BPP University meant that many of the interviewees had been law firms whose junior lawyers I had taught, and with whom I had a professional relationship, or individuals with whom I had previously worked in other professional capacities, such as external examiner or colleagues on a committee or panel. These previous relationships may have affected their perceptions of me as an interviewer. Further, for many of the interviewees from education providers, I had performed the role of external examiner in the past, which could also have influenced the balance of power. There was no indication in any of the conversations that there was any sense of obligation, or that any previous relationship influenced the responses, although my positionality meant that for many interviewees, I was an 'insider' (Soedirgo and Glas, 2020 p529), which meant that they assumed a level of knowledge. This meant that they were comfortable using jargon and referring to ideas and developments with which they knew that I would be familiar. For example, education provider participants referred to 'LETR' (Legal Education and Training Review), 'EPA' (End Point Assessment), and used other terminology without explaining it. There was no indication that any of the organisations required their apprentices or other members of staff

to participate and the fact that their participation was voluntary was addressed in the information sheet, consent wording, and in our conversations.

All participants were emailed a participant information sheet explaining their rights and informing them about the study and how their data would be used in order to ensure compliance with guidelines 8 and 9 (ibid p9). Further, the participant information provided information about the nature of the study, and how the data would be used, and invited participants to ask questions if they wished; this is in compliance with guideline 27 (ibid p16) in relation to transparency. The information sheet included details of the participants' right to withdraw from the study without giving a reason for doing so, and providing my contact details should they wish to do so. This statement was included in compliance with guidelines 31 and 32 (ibid p18).

Participants were also provided with a draft form of consent to be copied and pasted into an email to me, confirming their consent. The wording of the consent email included agreement for me to use their survey information in a pseudonymised form, and to a recorded interview in accordance with the requirements of guidelines 8 and 9 (ibid p9). Consent emails were returned in all cases, for both surveys and interviews; participants who did not wish to be interviewed, but were willing to complete a survey deleted the relevant parts of the consent email. Further, one of the trainee solicitors surveyed declined to consent to being quoted, although they did consent to their data being included otherwise. The individual's data was entered onto a master spreadsheet of all survey information, but their comments were not included in the spreadsheet or in the study in order to comply with the terms of their consent.

Details of how confidentiality would be protected were included in the participant information sheet (Appendix Seven) in compliance with guidelines 40–50 (ibid pp 21-25). None of the

participants requested additional assurances with regard to confidentiality. However, some participants did indicate that parts of the interview should be redacted, or that they did not want me to include a particular element of our discussion. I checked the transcripts of their interviews to ensure that I had not overlooked anything which they were expecting to have redacted. For example, one participant discussed commercially sensitive plans, which would not be public before my study was likely to be completed. We agreed that this was not part of our interview for the purpose of the study. The transcript of the interview does not include any reference to this part of our conversation, including our agreement that this element of the discussion would not form part of our interview; I have redacted it altogether. In another case, elements of the discussion with the participant would make it obvious who was being interviewed. In both cases, the redacted elements are not used in the study in any way as there was no consent in place in relation to those elements of our discussion. Redacting the transcripts in this way was intended to minimise the risk of identifying the participant in compliance with guideline 41 (ibid p21).

All information relating to surveys and interviews was noted in a password protected master spreadsheet used to track participants. All documents were stored securely on the University drive and password protected. Recordings of interviews were stored on a recorder with no cloud back up. The recorder was kept securely and the recordings were stored on a removable memory card. Again, this approach was taken in order to comply with the requirements of guidelines 40-50 (ibid pp 21-25). In chapters six to nine inclusive, the findings from the interview and survey data are presented in pseudonymised form in order to ensure that the above ethical guidance is observed.

5.12 Conclusion

The chapter examines the decisions related to research design, including the findings of the initial pilot, which indicated that a number of changes would be beneficial, including inviting

additional solicitor apprenticeship stakeholders to participate. The chapter then went on to examine the decisions in relation to research instruments, including surveys for both solicitor apprentices and trainee solicitors, and semi-structured interviews to allow flexibility, given the range of stakeholders. The sampling strategy was considered, and the decision to recruit a wide range of solicitor apprenticeship stakeholders, including a range of legal services providers and solicitor apprenticeship education providers was reviewed. The chapter discussed initial contact through professional networks and discussed the effect of conducting interviews remotely. The interviews were discussed, including the recording and transcription process, and the use of vignettes and organisational profiles as a method of reflecting on the data and identifying emerging themes. The themes were examined, and the process of coding the data considered. Finally, researcher positionality was addressed, including power relationships and the ethical implications for the research. This led into a broader discussion of the ethical requirement of the BERA guidelines, and the measures implemented in order to ensure that the study was compliant.

Chapter Six: The experiences of the apprentices

6.1 Introduction

This chapter is focused on the first operational research question, 'How do the experiences of participating apprentices indicate that solicitor apprenticeships represent a more socially inclusive route into the profession?

In order to address this question, the apprentices' social and educational backgrounds and experiences with the apprenticeship are first considered using their responses from both surveys and interviews. The participating apprentices were employed by a number of different organisations including law firms, a third sector organisation, and a city council. Their experience as apprentices ranged from those who had just begun their apprenticeships to those who were nearing qualification as solicitors. At the point at which the data was collected, the Solicitors Qualification Examination ('SQE'), and which forms the end point assessment ('EPA') for the apprenticeship, was due to be introduced in the same year, but had not yet come into force. Overall, the participating apprentices' experiences of the apprenticeship were positive, although some apprentices who were nearing completion reported an initial 'learning curve' in the early stages of their apprenticeship. However, in general, the participants were very enthusiastic about the route.

The apprentices began their employment at different times, whether as paralegal apprentices or as direct entrants onto the solicitor apprenticeship. It is useful to consider the experiences of apprentices in a variety of contexts and stages of their apprenticeships; that of the first cohort of apprentices for an organisation is likely to be different to the experience of subsequent cohorts. For example, in section 6.3.1, the information on the apprenticeship route available when the apprenticeships were first introduced is compared with the position when the route was becoming more established. None of the apprentices surveyed or

interviewed had completed an apprenticeship that began before 2016, the first recruitment cycle for standard based apprenticeships. Some of the apprentices are the first cohort for their organisation; the two first-year interviewees, for example. It is also useful to understand their experiences with regard to the learning curve involved in establishing the apprenticeship programme and the support available from the education provider. This element of the apprentices' experiences will be considered in sections 8.10, 9.3.2, 9.6.1, and 10.2.5

When considering how the apprenticeship promotes social inclusion, the issues examined in chapters three and four are considered in the context of the apprentices' journey up to the start of their apprenticeship. The principle potential mechanisms affecting inclusion examined were:

1. Social and educational backgrounds;
2. Higher education;
3. Recruitment; and
4. Workplace experience

The apprentices' experiences are reviewed using the text of their surveys, and, for apprentices who were also interviewed, using extracts from the vignettes described in the section 5.9 and their interview transcripts. The chapter first considers the social and educational background of all apprentices who completed a survey. The chapter then focuses on the apprentices who both completed a survey and gave an interview, examining the circumstances which led to their decision to apply for an apprenticeship. Finally, the

experiences of recruitment, and of inclusion in the workplace, or community of practice are considered.

The experience of the apprenticeship from the perspective of the apprentices' employers is considered in detail in chapters seven and eight. However, this chapter examines the apprentices' view of the value of their extended period of immersion in the community of practice of their organisation, and their view on their integration into that community.

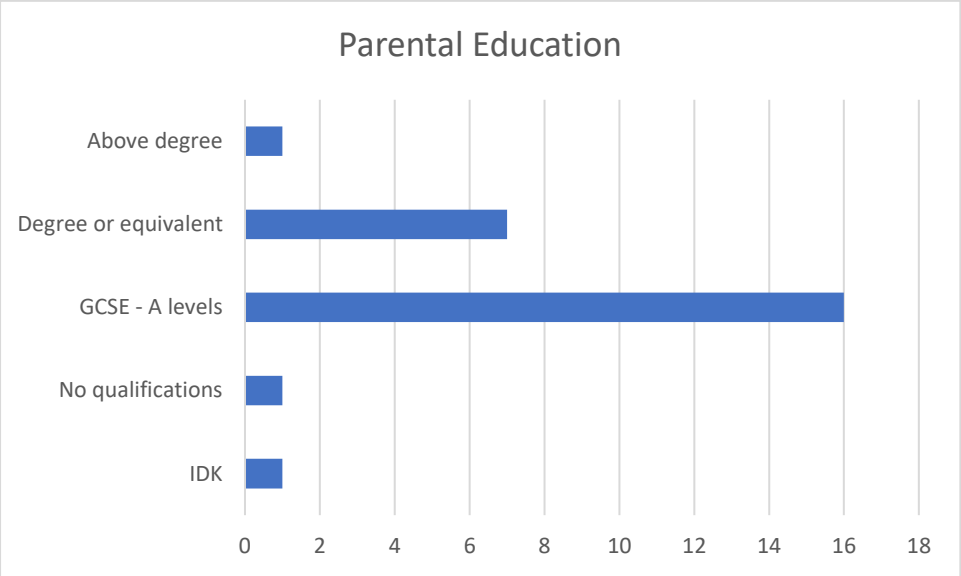
6.2 Social and educational background

Early life and schooling as possible mechanisms affecting inclusion are considered in the literature review. In order to examine what the findings from this study suggest about how the solicitor apprenticeship addresses these mechanisms, the social and educational backgrounds of the apprentices who were surveyed are considered. The trainee solicitor surveys also showed this information, but as numbers of returned surveys were modest and did not allow for triangulation of the data (Tracy, 2013), they are not included in the chapter.

6.2.1 Social background

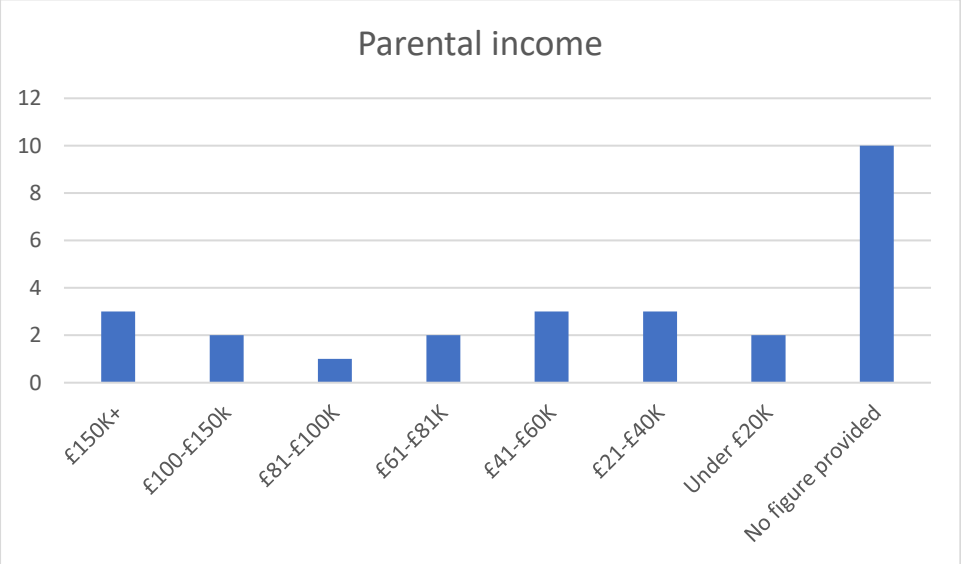
The majority of the apprentices who responded to the survey had parents whose level of education was below first degree, while 0.5% stated that their parents had no qualifications (Figure 6.1). In contrast, the Law Society's statistics for 2019 indicate that 48% of solicitors' parents were educated to degree level or above (30.7% for apprentices who answered the question), while 15% of solicitors' parents had no qualifications (Law Society, 2020b).

Figure 6.1 Parental education (n=26)



The survey included a question in relation to parental income when the apprentices were aged 14; specifically, the income of the main earner in the household. Figure 6.2 below shows that a significant number of apprentices either declined to answer or did not know.

Figure 6.2 Parental Income at Age 14 (n=26)

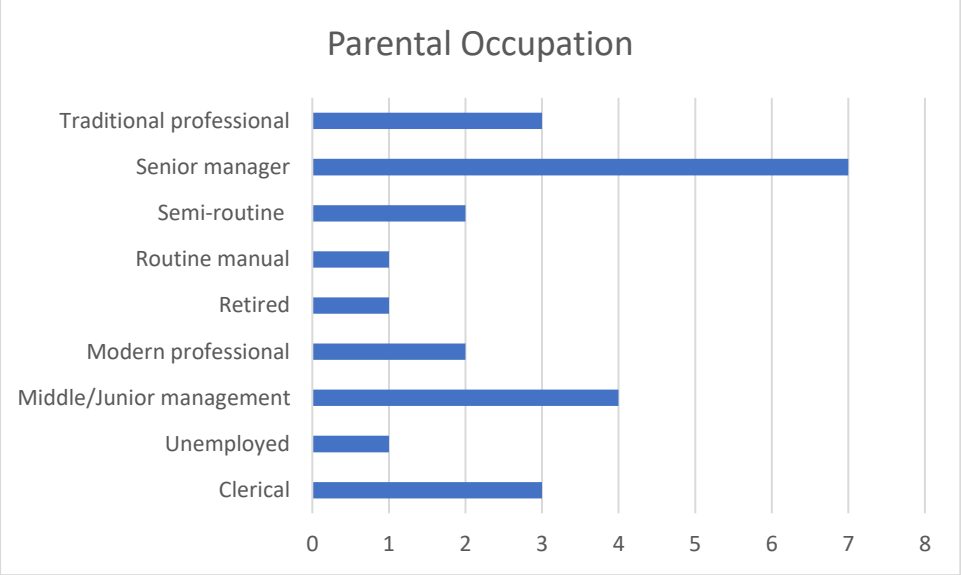


Of those who did respond, the chart shows a wide range of income figures and it is difficult to draw any meaningful inferences, particularly given the high levels of participants who were

unable or unwilling to answer. However, it does show that for those who did answer the question, 12.5% reported parental incomes under £20,000 (8% of the total responses, including those who did not answer the question).

As shown in figure 6.3, responses in relation to the question of parental occupation were similarly varied. The category of 'traditional professional' includes solicitor, and the Law Society's diversity profile of the solicitors' profession indicated that in 2019, 20% of solicitors had a parent in this category (11.5% for apprentices).

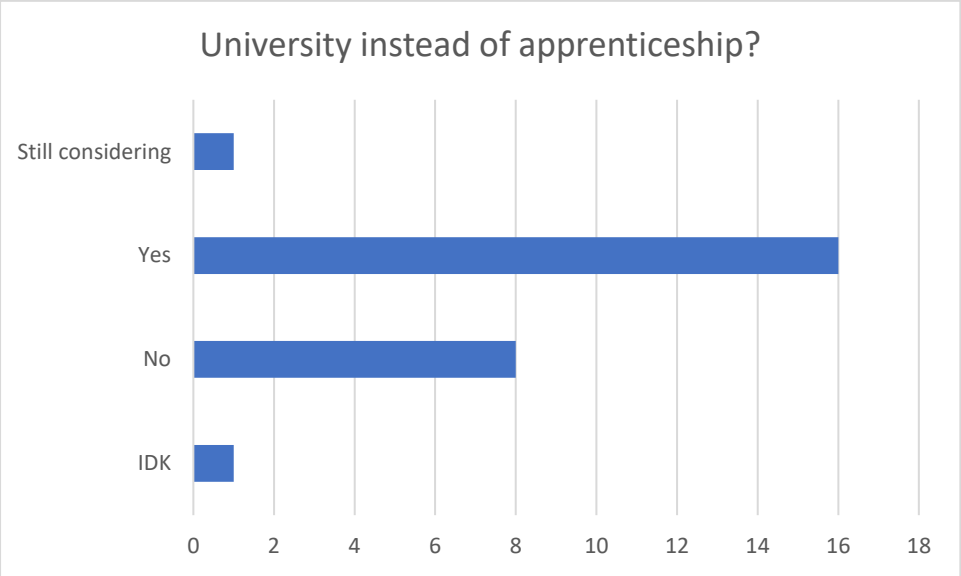
Figure 6.3 Parental Occupation (n=26)



While it is not possible to generalise from such a small sample, this does suggest that the backgrounds of participants in apprenticeship were not in alignment with the profiles suggested by the SRA's 2021 report on social mobility, which indicated that 58% of solicitors were from a professional background (SRA, 2021c).

Most of apprentices who completed the survey stated that they would have gone to university in order to qualify as a solicitor if the apprenticeship route had not been available to them, although 31% of the apprentices who responded said that they would not have gone to university and this is shown in figure 6.4 below.

Figure 6.4 Choice to attend university if apprenticeship not available (n=26)



Although the solicitor apprenticeship was recommended as a non-graduate route into the legal profession (LETR, 2013), all legal education and training providers have either included a degree as part of the programme, or partnered with another organisation to enable them to do so. This is considered in more detail in sections 9.2.4 and 9.6.

Of the apprentices who would have gone to university, not all would have studied law. For example, Juliet, a fifth year apprentice, would have studied psychology at university if she had not been employed as a legal apprentice. Guilia, a third year apprentice, would have studied politics and international relations, but without support from her family, university did not appear to be a viable option and Guilia therefore applied for an apprenticeship. Faaiza had not considered law as a career until she studied it as part of her BTEC.

The above statistics from the surveys indicate that the apprentices come from a range of backgrounds, with very few of the apprentices' survey results suggesting parents or guardians who are already solicitors. Research suggests that those who do not come from professional backgrounds are less likely to consider a professional career (Milburn, 2012a

p17). This is not to suggest that the apprentices do not have access to the kind of support and background knowledge that would support them in choosing a career in law. For example, Anita, a first year apprentice from a semi routine occupation family refers to having received support from 'a family member who was a solicitor' who taught her 'how to summarise a case and other skills necessary for the recruitment process. [And a family member] put me in contact with one of her colleagues, the one from [name of second employer] and she literally helped kind of tweak my application.'

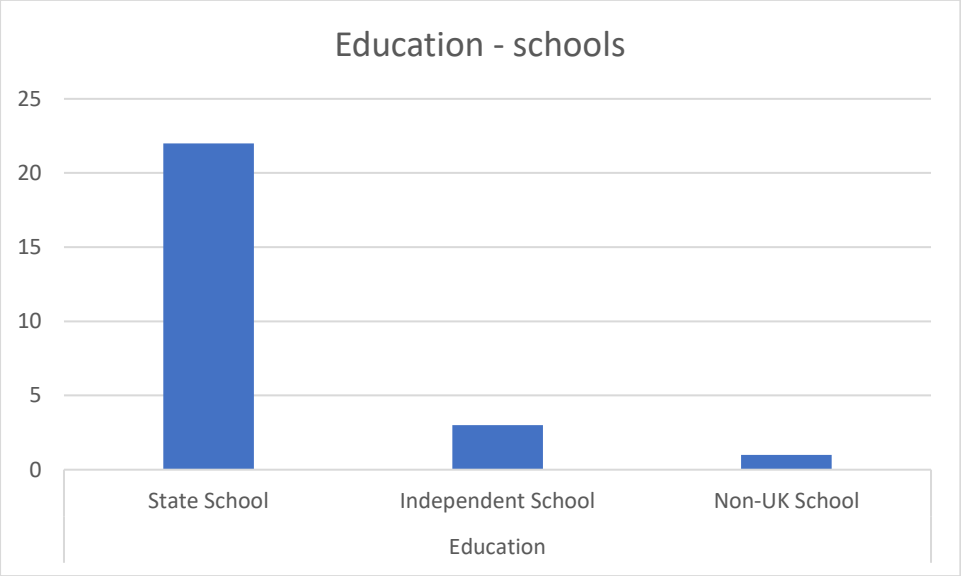
Support for potential apprentices is important to ensure that they are prepared for the application process and that they are aware of the opportunities available. The apprentices' experiences suggest that mentoring and support from someone who has already entered the profession is of value. While the apprentices' accounts of their preparation demonstrate the personal qualities that would give them the potential to succeed, additional insights appear to have been useful.

In summary, the participating apprentices' responses showed that they identified themselves as 81% female, and 81% white British. With regard to social backgrounds, 31% reported that their parents were educated to degree level or above, with 62% stating that their parents were educated to GCSE or A level. With regard to occupational background, only 11.5% of the apprentices described the occupation of the main earner in their household as a member of a 'traditional professions', a category which includes solicitors. 27% of participating apprentices described the occupation of the main earner as 'senior manager', with 23% reporting that their parents were in routine or semi-routine occupations. With regard to parental income figures, 39% of the apprentices did not answer the question. Of those who did, the reported figures varied, with 12% of main earners falling into each of the categories £150,000+, £41-£60,000 and £21-£40,000.

6.2.2 Educational background

Education as a possible mechanism affecting inclusion is considered in more detail in the sections 4.3 - 4.5 inclusive. The legal profession overall has significant levels of privately educated practitioners (Milburn & Lampl, 2019). For legal services providers, 23% of 'all lawyers' (widely defined to include partners, solicitors, and other legal roles such as CILEx lawyers and in-house barristers) working in law firms in 2021 reported having attended private school (SRA, 2021c) The majority of participants in the survey had attended state schools, as shown in figure 6.5, and of the apprentices who were interviewed, only one had attended private school.

Figure 6.5 Apprentices' Educational Background (n=26)



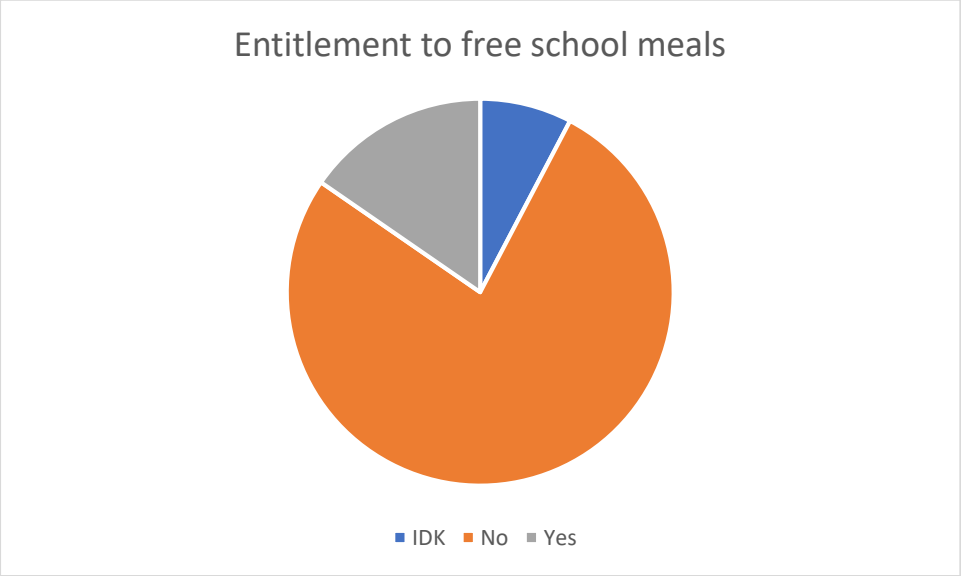
In contrast to the predominantly state educated sample of apprentices, '[h]alf of UK trainees at leading firms were state educated [with] the legal profession show[ing] a strong bias towards privately educated graduates, particularly in London [and] a pay gap … between state-schooled graduates and privately educated' (Cooke, 2021). Although half of UK trainees at 'leading firms' attended private schools, only around 6% - 7.5% of the population is privately educated (SRA, 2021c; Independent Schools Council, 2022). A disproportionate

number of trainees are therefore being recruited from a much smaller section of the population. For the apprentices surveyed, the majority had been state-educated and this is considered in more detail below. This represents a contrast to their graduate counterparts, and one apprentice considered that apprenticeship as a leaver destination might actually be less attractive to private schools:

> 'Public schools are very university driven because that's how they market their schools. So they market themselves on "x number of our students went to Russell Groups and out of that, this percentage went to Oxford and Cambridge". And that's how they like really market themselves, so to offer other routes isn't really something they want to do (Nina, fourth year apprentice)

Figure 6.6 indicates that only a small number of apprentices were entitled to free school meals. As a percentage of those surveyed, it represents 15.4%, which is in contrast to 2021 levels nationally, which stood at 20.8% in January 2021, up from 17.3% in January 2020, although this increase may be due to the pandemic (GOV.UK, 2021).

Figure 6.6 Free school meals (n=26)



There are no statistics on this particular point from the Law Society for comparison in relation to trainee solicitors. However, given the finding above that half of all trainees are privately educated, this may not be statistically significant.

6.3 Higher education

While the apprentices will be studying at level 7, and will be awarded a degree in addition to their apprenticeship qualification, they will not be following a traditional full-time undergraduate pathway. The advice that participants received in relation to their choices suggests that traditional higher education routes are regarded as the 'default' for school leavers.

6.3.1 University

The apprentices were asked how they found out about the apprenticeship initially, and were also asked for their views on the information that their schools and colleges had provided on apprenticeships. As part of the education experience, careers advice and support are recognised as important mechanisms affecting inclusion, with a recommendation that careers advice should not 'miss the most disadvantaged pupils' in discussions on access to the professions (A. Milburn, 2012 p4). Those who were interviewed were asked for their views on how the information and support available for apprenticeship applications compared with what was available for university applications. Perhaps unsurprisingly, those who were in the fifth year of their apprenticeship, and therefore one of the earliest intakes, indicated that their schools or colleges had not provided very much information regarding solicitor apprenticeships:

> 'my sixth form college was quite focused on taking up University courses, but we were encouraged by ourselves to look into alternative routes. So, whilst I was … encouraged to apply for University which is what I did alongside looking at apprenticeships I was also just doing generic Google searches for them.' (Juliet, fifth year apprentice)

Fabiha, also in her fifth year, was also required to research apprenticeships independently:

> ‘my school is very much uni driven, so everything you did was trying to get you to apply for uni, they don't really offer any advice or any guidance as to apply for anything outside uni. So that was all you have to do by yourself, independently.’

The theme of schools being focused on university applicants was consistent across the participants, even those in more recent cohorts. For example, Annette, a first year apprentice:

> ‘I found out [about apprenticeships] by my [sixth form] college and they had a few people come in and talk about apprenticeships and then talk about the uni route and I was directed to different websites that can show me apprenticeships like law careers and apprenticeships.gov, so it was either one of them that I searched up and just gave me a list of different employers that do apprenticeships’

In contrast, the participants all described the extensive support offered for UCAS applications, timetabled sessions devoted to completing the relevant forms:

> ‘In form, because we had a form every week, you had everyone in the IT room filling out UCAS forms, everyone was “oh we have to give in that £25 for the [UCAS] form, you have to do that”’ (Anita, first year apprentice).

As discussed in the literature review in chapters three and four, university applications and the choice of university can in themselves be mechanisms affecting inclusion. The preference for elite universities by the profession as a whole has been noted above, although each organisation’s recruitment strategy is different, and employing apprentices, as most of the participating organisations are already doing, indicates a willingness to access wider pools of talent in any event. However, the promotion of the view in schools that not merely a university route, but a particular type of university route is required appears persistent:

> ‘it's kind of driven into you that … law is a really traditional sector, so you will look the best if you go to these Russell group universities and … qualify from Oxford, Cambridge … you'll stand out from the rest. … it's kind of looking at the … apprenticeship schemes, as if, you know, it's not as good, … you didn't do well

> enough to go into these universities and qualify into law that way.' (Fabiha, fifth year apprentice)

For organisations which employ apprentices, some are specifying lower A level grades for entry onto the apprenticeship. For example, Nina, a fourth year apprentice was advised that her employer asked for lower A level grades than, for example, a Russell Group university:

> And I have always asked them … "why … if we are trying to say that it's not the easy option?" … And they're like "well, it's because we are looking for something else and you might not be A stars, but you have a little bit about you."'

Many participating apprentices who were invited to speak about apprenticeships at schools advised that their presentations were generally well-received. The fact that the schools were inviting them to speak suggests that they were already receptive to the message about apprenticeship, but overall, most schools still appeared to regard university as a 'safer' route to a career. The schools where the apprentices were participating in outreach were becoming more receptive generally, although here, there did seem to be a difference in the approach between state and private schools:

> '[Private schools and apprenticeships:] it doesn't really fit their marketing! … they are like "oh well, you know, uni is just a safer option" … But when I go and speak at state schools, you know at careers events, and the staff are like, "we're so glad you are here. We'd love our students to go and do that, we think it's so much more suited, and you know, we think the qualifications you get, like it's just better." So I think that needs to shift' (Nina, fourth year apprentice).

For the more senior apprentices, there was a consistent theme of 'finding' information on apprenticeships, either independently, or through a 'champion' who was aware that the apprentice was interested in pursuing this route. For early adopters of apprenticeships, the first cohorts of apprentices were recruited for starts in 2016 or 2017. The standard for the solicitor apprenticeship was approved in 2015, but programmes were not generally available before 2016. The more senior apprentices are more likely to have been a first or early

cohort for their employers, and as numbers were relatively low in the initial two years, it is likely that there was less information available overall.

However, participating apprentices who were in the first year of their apprenticeship did not report a substantially different picture to those recruited earlier. For example, Anita, a first year apprentice, who discussed her school's view on apprenticeship above also stated that there was still not enough information on apprenticeships available to school and sixth form college students and that university still appeared to be regarded as a strong option:

> 'I feel like, even now, actually, not a lot of people know about legal apprenticeships. So I do feel like it needs to be pushed more, because when I was in college, which was literally last year when I was applying for apprenticeships, my tutor would say "oh, just do your UCAS, just in case" or "oh just in case, just go to uni"' (Anita first year apprentice).

Anita states that she informed her careers adviser that she wanted to do a solicitor apprenticeship, having carried out her own research on the Law Society website. She described being encouraged to complete the UCAS form as well and felt that the school 'put [university] across as the better option, as the majority option'. So while it appears that the apprentices' schools had access to more information after the apprenticeship had been available for four years, their experience remained that schools considered university to be the default option, with apprenticeship as the exception.

6.3.2 The apprenticeship

If schools are still concerned regarding the promotion of apprenticeships, this may in part be due to the fact that the apprenticeship route is still much smaller than the graduate route. The number of apprenticeship roles available is still significantly lower than for training contracts or other graduate equivalents (see section 2.3), with 242 apprenticeship starts in

2019/20 (SRA, 2021b). It may also be in part due to residual attitudes towards apprenticeships, which regard them as a route for candidates who are less able. The apprentices were asked in their interviews about attitudes towards apprenticeships that they had encountered.

The participating apprentices reported fairly negative attitudes towards apprenticeships more widely. Several referred to the image of apprentices as undertaking 'manual roles', or as less prestigious than a graduate route. The diagram below in Figure 6.7 summarises the apprentices' comments on perceptions of apprentices that they had experienced, and words that they felt people associated with apprenticeships, although most were confident that this was changing. While this appears to be the case, and the apprenticeship is growing as a route, if the apprenticeship is perceived in a negative way, and as an inferior route, this could in itself be regarded as a mechanism affecting inclusion in the legal profession. The decision by education providers to include a law degree in their apprenticeship programmes, which will be discussed in sections 9.2.4 and 9.6, may address this perception to some extent.

Figure 6.7 Wordcloud of attitudes towards the apprenticeship



Some apprentices also reported 'concerns' on the part of schools or families, or others outside the school environment, in relation to their decision to apply for an apprenticeship, which was still regarded as more suitable for less academically able students. There was a perception that apprenticeships were inferior to a graduate route. In some cases, the apprentices' teachers at the apprentices' schools expressed this view:

> '[my teacher] asked what we were doing and I said I was doing a law apprenticeship, he was kind of old-fashioned, … and he said "do you need A levels for that?" ... very few people went on to do apprenticeships after doing A levels. It was either go to uni or having a gap year .... the apprenticeship label was definitely quite bad when I first started four years ago.' (Corey, fourth year apprentice)

Corey's experience with a teacher in his school assuming that a student with A levels would not be doing an apprenticeship suggests that there may still be a lack of understanding of higher and degree apprenticeships. For organisations which require apprentices to take a

paralegal apprenticeship first, this is a level 3 qualification and the equivalent of A levels (Institute for Apprenticeships, 2020a). Even so, in practice some providers make a level 4 university award in order to allow progression onto the solicitor apprenticeship with accreditation of prior learning (BPP, 2021). However, the recommended entry requirements for the paralegal and the solicitor apprenticeship are A level or equivalent qualification at level 3 (Institute for Apprenticeships, 2020a). Corey's teacher's question 'do you need A levels for that?' may not refer to the levels of the qualifications, but it does suggest that higher education is still the default option for schools and that the apprenticeship option is less well understood.

With regard to parents and other family, who are likely to influence apprentices' decisions regarding their career choices (Beck, Fuller and Unwin, 2006), the apprentices also reported concerns regarding the suitability of an apprenticeship, rather than university route:

> 'when I then spoke about it with other people like my parents, my friends at college and even some of my other tutors, they were a bit concerned about it because it was so new and there wasn't much out there much information about apprenticeships. … I kind of thought of bricklayers, plumbers, those kind of typical jobs … And I didn't know that apprenticeships were an option for professional services, let alone law firms or the legal industry.' (Ingrid, fifth year apprentice)

Current debates in, for example, further education publications indicate that there are concerns that alternatives to higher education need to be considered more closely with a view to providing more high-quality options (Augar, 2019; Turner, 2022), which can be promoted to the public. This may address public concerns about alternatives to a traditional degree. For example, Anita, a first year apprentice, reported that a colleague at her part time job asked her about her plans for university:

> 'I said "I'm not going to university, I'm doing the solicitor apprenticeship". And he was like "it's not real", he was basically saying that the qualification I'm getting is not real, it's 'lesser than', it's not the same … But it's because they're not used to it, it's

> something they don't know, it's foreign to them, so they're immediately rejecting it' (Anita, first year apprentice).

For Anita, apprenticeship was not necessarily perceived by her colleague at her part time job as being equivalent to a graduate route, even though the end point was a professional qualification. The apprenticeship route was regarded by her colleague as lower status in spite of the equivalent outcome. It was perceived as a route which was 'not real', so that the qualification could not be regarded as having equal status and prestige, even after five years of apprenticeship starts. There still appears to be a view of apprenticeships as being a route only for those who would not be able to attend university, perhaps because they were less 'academic', and who would be more suited to 'manual' occupations:

> 'I think more work needs doing to reduce the social stigma behind apprenticeships. I believe it is regularly viewed as an option for 'less academic' people or as an easier route, which from experience is not at all accurate.' (Matilda, second year apprentice)

Although there is reference to a 'stigma' in relation to the apprenticeship as a route in many of the interviews and surveys, the apprentices generally considered that their parents were supportive of their choice to apply for an apprenticeship rather than going to university. Sometimes, as Ingrid describes above, this was the result of a conversation about the apprenticeship route, and reassuring parents about the nature of the route. Early adopters of the apprenticeship described their outreach in terms of both school liaison and events which parents were able to attend. Education providers, considered in section 9.6, referred to the importance of information for parents as well as prospective apprentices in the growth of apprenticeship programmes, particularly where the potential applicants were school leavers.

Many apprentices described having a ‘champion’ or individual who told them about the apprenticeship or helped them research it, either within their school or through their networks. For example, for Nina, a solicitor for whom she was babysitting advised her that the firm in which they were a partner had set up an apprenticeship programme and suggested that she apply. For Corey, a family friend worked in legal professional education and suggested that he might wish to look into an apprenticeship. For Corey and Nina, informal contacts led them to investigate the apprenticeship. For other apprentices, the ‘champion’ was a tutor, or they conducted their own research. Information relating to apprenticeships did not appear to be as readily accessible as information relating to university application, and this was a consistent theme across the apprenticeship interviews.

Other apprentices described work experience as having been important to their decision to undertake an apprenticeship. For example, Anita, a first-year solicitor apprentice describes work experience facilitated by a scheme in her area while she was a school student. Anita was also supported by family and friends in gaining relevant experience:

> ‘We were only meant to do a week, but I ended up doing a week at [legal employer] and then I did a week at [second legal employer] and the way I got it was through my auntie who was a personal assistant for one of the partners or something like that.’

For other apprentices, the process was driven by them. For example, Guilia put together a business case for her employer regarding the solicitor apprenticeship, having successfully completed a paralegal apprenticeship with them. However, none of the apprentices reported being guided towards apprenticeship as a ‘preferred’ route to qualification by their schools or colleges. The perceptions of apprenticeships reported above appear to mean that individuals may be deterred from applying for something which is regarded as a ‘lesser’ route, or which is not as established as the university route.

Many, although not all, of the apprentices also considered university, although some did not feel that it was for them for a number of reasons considered below:

> 'I didn't really want to go to university unless I had to, it just didn't really appeal to me. However, had the solicitor apprenticeship not been available then I would have had no choice but to attend as this was the profession which I wanted to pursue' (Caroline, apprentice, second year).

In Caroline's case, university was a route that she would have felt compelled to take in order to realise her ambition to qualify as a solicitor. It was, in effect, a means to an end, and a route which she would only have taken if the apprenticeship option had not been available. For others, the attraction of the apprenticeship related to being able to earn money, and being an employee, rather than a student. For example:

> 'I wanted to earn and learn.' (Matilda second year apprentice)

The apprentices' reasons for choosing the apprenticeship route were generally quite similar, and the 'earn and learn' theme was consistent, as was the issue of student debt if the university route had been pursued instead. Indeed, the issue of student debt was discussed in nearly all the participant interviews for all stakeholders:

> 'The apprenticeship offered a more practical education without the debt from student loans' (Alice, second year apprentice)

Although participants advised that financial factors influenced their decision, the financial burden of student loans was not the only financial consideration. Many of the apprentices referred to the attractions of being an employee, not least that they would be paid a salary during their apprenticeship. The participating apprentices were all under 25, and began their apprenticeships either as school leavers, or in early career. The level of salary was acknowledged to be relatively modest for apprentices working in the South, particularly in

London, and some employers acknowledged that this made the apprenticeship more attractive to school leavers than to career changers:

> ‘actually, at the age of 18 particularly because it’s a fairly low salary for apprentices, you are really only recruiting from students and candidates who would be able to live at home in London’ (Laura, HR professional, organisation A).

The participating employers all paid more than the minimum wage for apprentices, but less than trainee solicitors where the organisation employed both. This, however, reflects the fact that apprentices would generally be joining with a level 3 qualification, rather than a level 7 qualification, which would be required for a training contract.

For some of the apprentices, financial considerations relating to their families were significant, whether in relation to the availability of family support to attend university or the wish to follow a route which would make them more financially independent. For example, for Faaiza, the decision to apply for an apprenticeship was influenced partly by the fact that unlike university, it would allow her to be financially independent from her family. For Guilia, university was not a viable option because her parents were not prepared to support her financially if she went to university:

> ‘My father was dead against university. He didn’t like the idea of my starting my life with fifty grand of debt. He didn’t think it was worth it unless I was going to be a doctor or something like that. So I think from a young age, my dad kind of set in my head that university wasn’t really an option.’

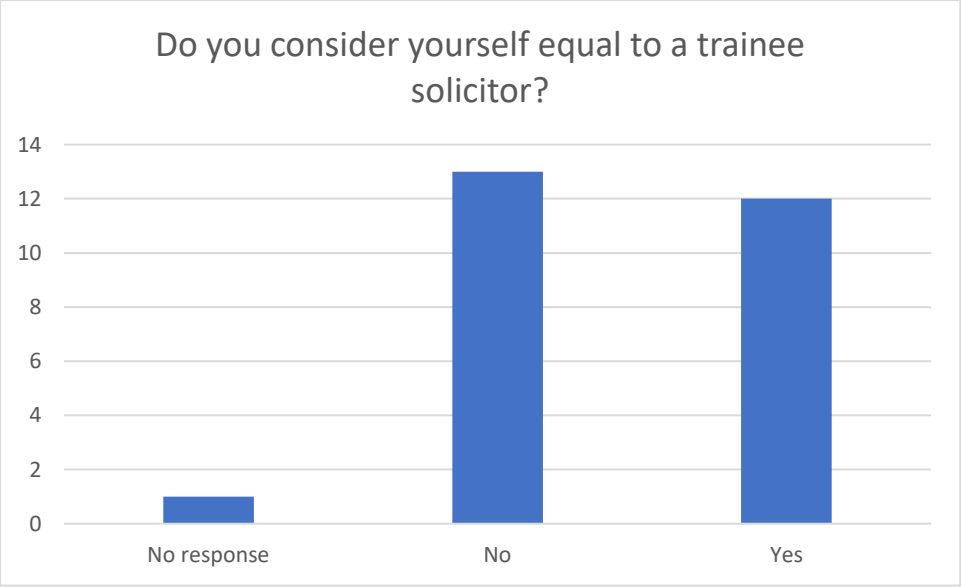
For Erin, family circumstances made the apprenticeship a more viable option to access a professional career:

> ‘the money side of it, not getting into debt, you know I wouldn’t want to ask my mum if my loan didn’t cover stuff. I wouldn’t want to ask for that, obviously she’s a single parent by herself, doesn’t get any child support or anything, so I wouldn’t want to kind of put that pressure on her.’

Financial factors related to debt or personal independence appear to have played a role in the decision to apply for the apprenticeship. However, the surveys and interviews indicate that while financial issues such as a wish to be independent or to avoid student debt were significant, the apprentices appear to regard the apprenticeship as simply a better route for them than university.

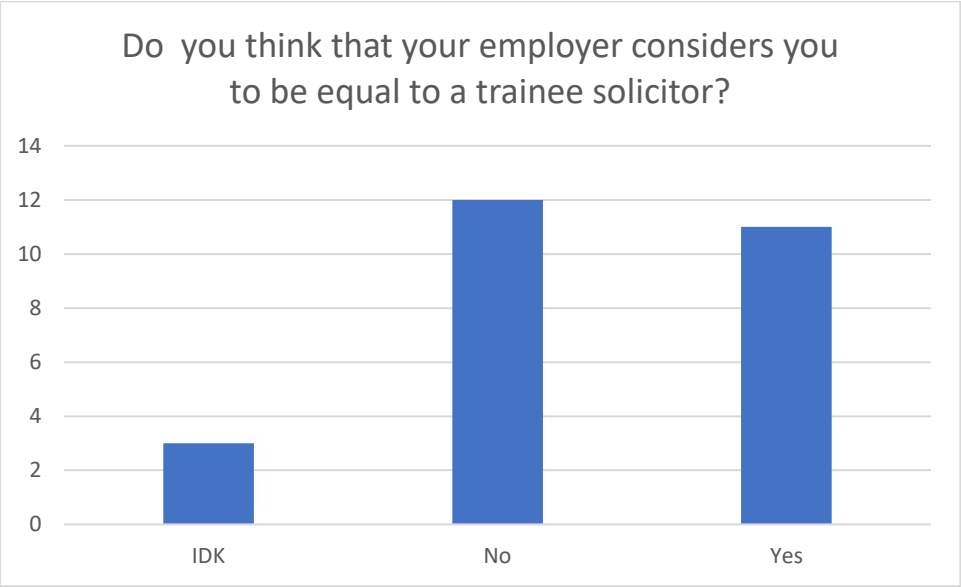
With regard to the apprentices' experiences of the workplace and their sense of 'belonging' (Wenger, 1999), in the workplace, the surveys asked apprentices for their views on their equivalence to trainee solicitors. The questions addressed their own view of their position and their opinion regarding their employers' views. The views of participating employers are considered in chapters seven and eight. The apprentices' views on how they perceived themselves, and how they believed their employers perceived them are set out below in Figures 6.8 and 6.9:

Figure 6.8 Apprentices' views of equivalence with trainee solicitors (n=26)



The participating apprentices were at different stages in their apprenticeships (see figures 5.3 and 5.4). Participating employers acknowledged that first year apprentices have less legal knowledge and experience than a trainee who would normally have completed a level 7 legal qualification before beginning their two years' qualifying work experience. This is discussed in more detail in section 8.5. The apprentices were also asked how they felt their employers perceived them in comparison with trainee solicitors, and the results are set out in figure 6.9 below:

Figure 6.9 Apprentices' views of how their employers perceive them in comparison to trainee solicitors (n=26)



The apprentices' views varied slightly, with some apprentices expressing the view that their employers regarded them in the same way from the beginning, but others considering that they were likely to be regarded as equivalent once they had built up their knowledge, which could be built up over a longer period of time:

> 'They perceive you as a trainee with a longer contract' (Faaiza, second year apprentice).

For apprentices who had accumulated some experience, there was a perception that they were more like a trainee solicitor, despite not having been awarded their law degree, and that any 'gap' between them was likely to close or disappear altogether as they became more experienced:

> 'with two years' experience, I put myself on quite a similar level to a very early trainee. However, I would say that yes, they understand the contexts a lot more, they will understand what's happening in the case a lot more. … on this sort of level, it's not going to really matter if you know the whole of … in-depth contract law, at this moment. It's more so when you get to … that associate level, or to like NQ, … that's when it actually comes into play. And by that time, I'll already have my qualification, so we'll be on the same level.' (Maajid, second year apprentice)

Recent research suggests that routes into the solicitors' profession are 'stratified' and that the apprenticeship route is inherently risky or uncertain. This may make it less attractive to those from disadvantaged backgrounds, who may not have access to suitable advice which would enable them to make an informed decision (Casey and Wakeling, 2022). However, the apprentices' survey responses did not suggest that they considered the route itself inherently risky, although in section 6.3.1, the apprentices acknowledged that university was presented to them as the 'safer' route. Further, their responses indicated that while they regarded the apprenticeship route as potentially more difficult to access, they considered it lower risk, as it offered an apprentice a greater degree of certainty in terms of qualifying as a solicitor and obtaining a suitable job:

> 'I wanted the security of going straight into a job role.' (Matilda, second year apprentice)

The prospect of going into a role which would lead to qualification in six years, without the need to apply for vacation schemes or training contracts was generally regarded as a positive for the participating apprentices. However, the fact that the apprenticeship was still

a smaller route to qualification was also discussed as something that might deter some applicants:

> 'I think the solicitor apprenticeships are a brilliant opportunity however, they are hard to come by. … They are highly competitive therefore, I think more people will tend to go to university. [However] … the cases of people I know, they were unable to get a job in their sector after university and just had to apply for any job they could get.' (Annie, first year apprentice)

In summary, while the apprenticeship route is described as competitive by the apprentices, the mechanisms affecting inclusion in relation to university, placements and application for a training contracts are all effectively bypassed, and the apprentices' comments acknowledge the 'security' that the 'linear' apprenticeship route involves once successfully accessed.

It is important to note that the apprentices did not necessarily think that the route itself was easier, any more than they believed it was easier to access than the graduate route. As considered in sections 2.5 and 3.3, there are far fewer apprenticeship places available than there are training contracts (Law Society, 2020d) and, as will be considered below, the recruitment process is competitive:

> 'I feel like [university] it's just easier to get into it. Because obviously you just do your UCAS points and if you get in, you get in, and if you don't, you don't. Whereas the apprenticeship is like I think mine was like 7 different stages, … it can be quite demotivating. So I feel like they push University because it's easier to get into and it's more of a known route and more familiar' (Annette, first year apprentice).

Some of those surveyed commented on the issue of professional standing and in relation to different routes into the legal community of practice. For example, the option of following the CILEx route, a route to cross-qualifying as a solicitor without a degree, was not considered as a possible option by those participating in the study. Of those who did comment, there

seemed to be a lack of awareness and concerns regarding the professional standing of the route:

> ‘when I was applying, vacancies were mainly for either training contracts or paralegal apprenticeships, and I didn’t see many solicitor apprenticeships and I don’t recall seeing any CILEx routes advertised. I would say that’s something that would be done more internally. I’m not too sure.’ (Juliet, fifth year apprentice)

For some apprentices, this also reflected concern that their own route to qualification might mean that they would not be regarded as equivalent to their graduate counterparts in terms of status:

> ‘At times some members of staff that are very traditional and spent their early years going through the ‘normal’ qualifying route look down upon those who are CILEX qualified even though you have the exact same qualification.’ (Eilidh, second year apprentice).

The issue of parity of esteem is considered further in sections 7.2, 8.2, 8.10, 9.2.3, 9.2.4, 9.6, and 10.4, but Eilidh’s concerns are echoed in reports of bullying and discrimination against CILEx qualified lawyers in practice (Slingo, 2021b).

In general, however, the apprentices seemed confident that the apprenticeship was a good alternative to a degree as a way of accessing a legal career, for a variety of reasons. None of the apprentices felt that the route was ‘easier’, particularly given the combination of work and study, and none expressed misgivings, or felt that they had made the wrong choice.

The duration of the apprenticeship from the perspective of employers is considered in sections 7.2.1 and 7.2.4. The apprentices acknowledged that they were potentially making a significant commitment:

> ‘I think it is a big commitment to sign up to the six year programme from the get-go, but I think actually there are lots of people, … that prefer the idea of signing up for the six years because they know that they’re going signed in for the full process … The apprenticeship route feels much more secure, you know … I’m working at the firm now and the idea is I’m going to qualify here, whereas when you’re on the University route, you have no idea where you’re going to end up.’ (Ingrid, fifth year apprentice)

For some apprentices, the risk of having ‘no idea where you’re going to end up’ is considered in a slightly different way. Ingrid’s comment relates to the apprenticeship as a ‘secure’ route, as the apprenticeship is ‘a linear route to qualification which cuts out the process of applying to jobs after university and then having to apply for training contracts which is a gruelling process’ (Amelia, third year apprentice). For others, the focus is on the opportunity to determine whether the legal profession is right for them:

> ‘Solicitor apprenticeships will prevent students from wasting 3 or 4 years at university if they do not enjoy actually working in the legal industry. Apprentices’ will be able to decide sooner whether a career in law is what they want.’ (Alice, first year apprentice)

Alice’s comment does suggest that for some apprentices, there is a possibility that the apprenticeship is a low-risk way of determining ‘whether a career in law is what they want’ without ‘wasting’ time at university. However, most participating apprentices considered that the experience of working in an organisation for six years was valuable in itself, not just as a way of finding out if law was right for them. For example, it would allow them to develop networks and establish their careers. They also regarded the apprenticeship as a much more ‘practical way to learn’ (Alexia, first year apprentice), particularly for candidates who did not wish to go to university:

> ‘I think the solicitor apprenticeship route is a fantastic way to start a career in law. Being a legal apprentice has allowed me to gain a wealth of experience working in a law firm, form good relationships with colleagues, clients and other key contacts, and work towards a law degree without being in any debt.’ (Maria, fourth year apprentice)

For graduates, the experience of university is regarded a key part of their identity formation, and the 'polished' presentation that is expected of them at the point of recruitment is at least partly shaped by this experience (Ashley and Empson, 2017 p222). For the participating apprentices, who chose not to go to university and have this experience, the reasons behind their decision are discussed below. However, in contrast, the trainee solicitors who completed the survey provided some insights into their reasons for choosing to attend university, rather than taking the apprenticeship route. Some trainee solicitors felt that they were 'compelled' to attend university (Leanne, trainee solicitor), while others preferred more 'conventional/traditional routes' and pointed out that careers support tended to steer school students towards the established routes (Bela, trainee solicitor). However, trainees who participated in the survey also referred to the value of the university experience:

> 'I believe attending University full-time is an experience all students should have' (Ngosi, trainee solicitor)

In contrast, many of the apprentices reported that the university experience was not a deciding factor. Indeed for some, it was actually off-putting. For example, one apprentice reported that the perception of a university lifestyle was one which involved alcohol and was unattractive to them:

> 'my friends … wanted to go to university, …to live with mates, to go out drinking, go clubbing, to have that freedom. Things along that line. … to basically have a good time for three years, they'd heard that university is the best three years of your life…For me, I don't drink, I don't really care about the party life … [and] with living at home I feel as free as I would be living out at university.' (Maajid, second year apprentice)

The traditional university experience is one in which the apprentices can only participate to a limited extent as they are learning 'off the job' one day each week. The trainee solicitors generally either wanted to have a university experience, or felt that this was something that they needed to do for their careers, and that the apprenticeship would not have provided

them with the same opportunities. The comment regarding careers support is consistent with the focus on university admissions identified by most of the apprentices, either in their survey or in their interviews. While representatives of the organisations participating in the study indicated that they were working closely with schools, the effectiveness of earlier careers support is still being discussed, for example at Parliamentary Committee level (Halfon, 2022)

6.4 Workplace experience

The findings in relation to recruitment as a potential mechanism of inclusion will be considered in more detail in sections 7.3 - 7.6. Following recruitment onto the solicitor apprenticeship, the apprentices are committing to up to six years' work based learning. This represents a lengthy period of immersion in the culture of the organisation, and they are in many cases entering into that apprenticeship as school leavers who are less likely to have experience in a professional environment. While many apprentices may already be employed and 'upskilling' when they enter into the apprenticeship, none of the participants in the study were over the age of 25, although some had previous work experience. The six-year duration of the apprenticeship in itself differentiates it from the graduate route, which would typically involve two years' of training in the workplace on completion of academic and vocational qualifications.

Participating organisations adopted various approaches to their apprenticeship programme, with some organisations recruiting onto a paralegal apprenticeship for a two-year period initially, with the option to apply for a solicitor apprenticeship on completion, sometimes with credit for prior learning. Others recruited directly onto the solicitor apprenticeship. Some organisations recruited graduates onto the apprenticeship for the final two-year period, often with a 'front loaded' period of learning prior to entry into the workplace (BPP, 2021).

However, in order to qualify as a solicitor through this route, where apprentices were employed without previous legal experience or legal qualifications, there was generally a minimum period of five to six years before qualification.

Apprentices acknowledged the duration of the apprenticeship, but considered in most cases that while this might be regarded as 'daunting', it was reasonable period of time, and comparable with following a graduate pathway:

> 'if you were to go to University and do law even though it's different, you will not be qualified until six or seven years as well. But the difference is that I'm just in one thing. I don't have to think about applying for something in the next three years' (Annette, first year apprentice)

However, the participants acknowledged that although the apprenticeship was a lengthy process, there were advantages to being in the firm for a longer time because there was the opportunity to work on a larger matter for a long period of time, amassing significant experience. For example, Juliet, a fifth year apprentice describes her experience in a litigation matter:

> 'I have [been] working on the same case since I started … And in the space of me being in the firm, the case went to a two week High Court trial and it went to the Court of Appeal and we won. So that's a reported case which I was able to be quite a big part of at the age of like 21, 22.'

As trainee solicitors would typically be with an employer for a period of two years if full time, they are unlikely to be able to have the same experience, particularly as it is usual practice for trainee solicitors to move teams (or 'change seats') every 4-6 months during that period.

The participants acknowledged that they were making a significant commitment by starting an apprenticeship. However, they acknowledged that their employer was also making a commitment to them by employing them as an apprentice:

> ‘you've got more time to develop those skills and work on matters and see them through … [it] shows commitment both on the employer and the apprentice to help develop and become a key part of the organisation you work for.’ (Marcus, third year apprentice)

The employers and other stakeholders also considered the commitment they were making by taking on apprentices. This is considered further in sections 7.2.4, 9.3.1, and 9.6.1. For both parties, as considered in section 6.3.2, there was an element of risk, but for these apprentices, this is balanced by the risk of not being able to find appropriate employment after graduation, and in the possibility of improved rates of retention for the employer, considered in section 7.2.3.

The apprentices acknowledged the importance of being ‘the right person’ for the organisation to which they applied. Although the recruitment processes of the organisations were demanding, some apprentices reported that their employers appeared to regard ‘fit’ as more important:

> ‘I would have had to do foundation year at university if I had gone … But I spoke to [early talent manager] at the time … And obviously I must have done something right and they liked me, so they spoke to the university who said I could still go on [to the apprenticeship] without having [the] correct grades.’ (Erin, fourth year apprentice)

The recruitment processes for solicitor apprentices described in sections 7.5 and 7.6 are very similar to those used for the recruitment of graduates. For organisations which recruited into particular teams, being the right person for the team in question was an important factor. For example, Maajid applied for a position with his employer, an organisation which recruits apprentices into particular teams for the duration of their apprenticeship. The initial interview with the organisation where he is now an apprentice was with a team which was not the right ‘fit’ for him, and he was advised that he had been unsuccessful in his application. He stated that he felt that the interview had gone well, but

that he was uncertain about the team with whom he would be working; he did not feel that their 'goals' or attitudes aligned. However, he was contacted by the organisation's HR team and asked to interview for a different team, where he now works:

> 'So we scheduled the second interview and I wouldn't say it went better, I would say the same, but I'd say I felt more natural in that team and around those people. (Maajid, second year apprentice)

Further, as apprentices, and at an earlier stage in their career than trainee solicitors, the participants felt that their employer organisations were anticipating 'moulding' them, and immersing them in the culture of the firm over the longer duration of the apprenticeship. This contrasts with the recruitment process for trainee solicitors, where there is an expectation that they will have the kind of 'polish' (Ashley & Empson, 2017 p222) that a graduate recruit would be expected to build during their university experience. The apprentices also anticipated that their employers would regard them as more integrated into the organisation after such a lengthy period of training than they might a trainee with two years' experience with the organisation:

> 'we're coming here straight from school and we're spending six - seven years working for the firm before we even qualify. So you know, that amount of time to really learn about the firm, learn about their way of doing things, really get on board with the culture. Ultimately I'm going to qualify as someone who knows the firm inside out and better than my counterpart who's only worked here for two years.' (Ingrid, fifth year apprentice)

The apprentices acknowledged that their professional development took place over a much longer time, and while they were 'moulded', they had the opportunity to develop a professional identity as an 'asset' to their employer, who has invested in them.

> 'I do feel that the six years is definitely going to help me build my identity, because it's a long time … and I'm going to go from literally being a teenager to being an adult in their mid twenties … [Your employer] can literally mould the perfect employee from a young age and it's more likely that you will stay on as well. And they want you to stay on, and you'd be like, not necessarily a more valuable asset, but an asset that they would definitely want to keep on … Whereas taking on employees after they

> have finished uni and that, I do feel like what you learn in uni and what you do in a law firm is so different' (Anita first year apprentice)

The theme of 'moulding' through an immersion in the culture of the organisation was recurrent throughout the interviews. There was also a sense that the apprentices were more likely to remain with the organisation than their trainee counterparts, partly due to the duration of that immersion within the organisation's culture, which would enhance their sense of 'belonging':

> 'I think with trainees sometimes, because they are so hard to get hold of, training schemes, they will take a training scheme wherever they can go, because they will be like, well it's fine because once I have qualified I can go elsewhere. So I think we are more likely to stay than trainees because of that investment.' (Nina, fourth year apprentice)

The themes of moulding, investment and retention are considered further, from the perspective of the organisation in sections 7.2, 8.8, 9.3.2, and 10.2.3, which consider operational research question two in more detail.

The pandemic has, in some cases, resulted in apprentices being furloughed. However, even for apprentices who have remained in their role, it has been disruptive. For Anita, a first year apprentice whose recruitment process was online due to lockdown, the pandemic meant a delayed start to her off the job training, and part time work initially. For early career apprentices, the initial experiences of working in an office are not available, and for apprentices who are further on in their career, the pandemic has also disrupted their learning and development, as well as making the cultural immersion process more difficult:

> 'I have definitely noticed from working from home, that I have lost a bit of my confidence, because being in the office, I could bounce off of [manager], I could bounce off my other colleague in my team and we worked together collaboratively. And I could give my ideas and be more assertive about my advice' (Guilia, third year apprentice)

The participating employers also considered that the lack of time in the office and contact with colleagues was likely to have had a detrimental effect on the apprentices' work based learning. This is examined in more detail in section 8.5.

The issue of learning in a practical way during the longer duration of the apprenticeship was a recurring theme for participants. For some apprentices, the on the job learning element was a deciding factor, with apprentices referring to the opportunity to gain practical experience. Other participants felt that the practical experience of law would be preferable to classroom-based learning, and that one of the benefits of the solicitor apprenticeship was that it offered:

> 'hands on experience. I see law as a profession where experience is more valuable than reading and studying.' (Corey, fourth year apprentice).

All the apprentices acknowledged that the quality and breadth of experience that they were able to accumulate during their longer period of immersion in the community of practice of their organisation was advantageous. The inclusion of a degree in their programme, over and above the qualification as a solicitor was also important to them. Obtaining a degree was evidence that they had the same level of legal knowledge, but Corey's comment indicates that the longer duration of experience was highly beneficial to their development as lawyers. However, some apprentices acknowledged that the route might not be the best choice for everyone:

> 'As someone who was always fairly academic and was very much expected to go to university, … I made the choice to take the apprenticeship route as I felt it was a better option for me, …. I view it simply as an alternative and I think it is great that there is now a choice of routes to suit individuals.' (Ingrid, fifth year apprentice)

Overall, there was a significant emphasis on the value of experience, and the work-based learning element of their apprenticeship qualification, including the duration of the apprenticeship and the opportunity to establish a professional career network, while being immersed in the culture of the organisation.

With regard to the quality of work, which was important to meeting the apprenticeship outcomes, the apprentices' early workload was, in general, administrative and procedural, but became more responsible and challenging as their experience grew. The apprentices were generally allocated work by their supervisor initially, but in most cases they were encouraged to build their own internal networks, and many reported sending out 'capacity' emails to invite colleagues to delegate work to them. Some organisations had email inboxes which apprentices could access to obtain work. Other organisations had 'cab rank' systems, which allocated work to apprentices centrally across different office locations of the organisation. As they progressed, more experienced apprentices were able to demonstrate their competence and were then trusted to run matters from beginning to end, albeit with appropriate supervision:

> 'I think as an apprentice a lot of it depends on how well you do in those initial jobs that you're given. You might get kind of the simpler jobs, like bundling, document review jobs, but if you're doing a really good job of that and … if you can prove that you're capable and enthusiastic, that's going to shape what your workload looks like and what you're given.' (Ingrid, fifth year apprentice)

In addition, for more senior apprentices in organisations which also employed trainees, there was a sense that they were regarded as a resource by their trainee counterparts, as they knew so much more about the organisation:

> 'I get calls from the trainees all the time to be like "I've been asked to do this, but I'm not really sure, have you done it?" or like "so-and-so says you've done it before, could you help me". So whilst letter of the law, legal knowledge, they have probably

> more, because they've done their degree, in terms of how to do a job, we are the first point of call.' (Nina, fourth year apprentice)

The careers of the individual apprentices who participated in the study are likely to vary, as their employers' working practices and structures allow for different opportunities. The apprentices generally felt that their experience in the organisation would allow them to build their knowledge of the processes and cultural approaches of the organisation. This was likely to make them valuable 'early talent' for the organisation. The tasks which would be expected of the apprentices at the different stages of their experience and the structure of their training and support in the workplace are considered in more detail in 8.2, 8.3 and 9.6.2.

6.5 Inclusion

The immersion in the organisation over a longer period, and the opportunity to integrate and become more involved in the work of the organisation were generally regarded as strong methods of inclusion. The apprentices were generally less experienced, there was a definite sense that their experiences and the longer periods of time spent in a team or teams within the organisation allowed them the time to develop their professional identity. As discussed, the pandemic has been disruptive in this regard, particularly for less experienced apprentices. In a similar way to the paid one-year placements discussed in the literature review in section 4.7, there is an opportunity, if needed, to address any disadvantage with regard to acquiring 'desirable social and embodied capital' during their time in the organisation (Crawford and Wang, 2019 p514).

However, as with the one-year paid placements, there were concerns regarding the likelihood that middle class candidates who already had this 'embodied capital' might have better success with regard to applications (ibid). Apprentices expressed the view that as the

apprenticeship became more established, recruitment would become even more competitive and that organisations might favour candidates from more advantaged backgrounds, impacting inclusion:

> 'if you have more and more candidates and obviously a lot of them are from, say, private schools, or have better opportunities that they'll be the more obvious pick … [If] they've got better grades or, I don't know, they come from a better school, so they'll look like a better candidate, I think they would be chosen more' (Erin, fourth year apprentice).

Erin expressed concern that applicants whose educational and social backgrounds were 'better' than disadvantaged applicants. However, if the organisations' strategy was to target new 'pools' of talent, improving diversity within the organisation, Erin acknowledged that this could provide opportunities to address those concerns:

> 'I suppose you see this with the police now as well like all their campaigns for creating diversity and stuff…. You can see the apprenticeship is definitely helping law firms … create that kind of diversity and offer different routes in for people …. So I think that might actually protect it' (Erin, fourth year apprentice).

In many cases, the participants were confident about the potential for the apprenticeship to have a positive effect on access to the legal profession:

> 'I think the solicitor apprenticeship is a brilliant opportunity for school leavers and makes a legal career more accessible. I think it is a really important method of qualification to broaden the spectrum of solicitors in the future and reduce the financial and social class barriers that are often linked with a legal career'. (Matilda, second year apprentice).

The apprentices' experiences indicate that employers' diversity strategies in relation to recruitment, together with the longer time in which to develop as a professional, promote inclusion.

6.6 Retention

The employers' views on retention are considered in section 7.2.3 in more detail, but essentially, one of the factors in their strategic decision to employ apprentices was that they considered them more likely to stay with the employer on qualification. In effect, the longer period of immersion overall, and the longer period of time spent within a team were likely to mean an enhanced sense of 'belonging' within the organisation. For example Juliet, a fifth year apprentice, felt that she was 'trusted' and 'valued' by her team after working with them for so long. The apprentices generally agreed with this view, although some speculated that they might wish to move after such a long time with their employer. However, overall, participants considered that the apprenticeship provided opportunities for the development of a professional identity:

> 'they have us right from the beginning, and you sort of grow with the firm … And … we don't cost them much, as well, I guess …[and] they're kind of building someone up from how they want them, right from the beginning' (Rhea, second year apprentice).

Some of the apprentices regarded their employers as 'investing' in them, and considered that this would mean that they would be more likely to stay on:

> 'it's an investment after all. … you've invested in their career, after a while that investment is going to pay out, hopefully. A lot of apprentices do stay on at [employer], at the firm' (Maajid, second year apprentice).

The 'investment' in the apprentices is considered further in section 7.2.3 from the perspective of the apprentices' employers.

6.7 Conclusion

This chapter has shown the social and education origins of the apprentices, and examined their views on the solicitor apprenticeship, which showed many points of similarity, even if

apprentices' experiences varied between organisations. However, the majority of the apprentices were state school educated and some participants were from less advantaged backgrounds. All the apprentices considered that their recruitment experience was demanding, but none felt that it was unfair or expressed the view that it was exclusionary. The apprentices regarded the inclusion of a degree as important in terms of demonstrating parity with their trainee solicitor counterparts. With regard to the longer duration of immersion in the employer organisation, the apprentices considered that they would have significantly more experience than their trainee counterparts on qualification, and that they will be well integrated into the employer organisation, having been 'moulded' by them during that longer period of experience. However, many apprentices recognised that the route is still fairly new, and the first cohort were, at the time of the interviews, yet to quality.

How the apprentices will be regarded in the legal services employment market once they are qualified is not something which can be determined at the point at which the study was conducted. However, the responses from the participating employers, which will be considered in chapters seven and eight, suggest that their reception is likely to be positive.

Chapter Seven: Other stakeholders engaged with the delivery of solicitor apprenticeships

7.1 Introduction

Chapter Seven addresses the second operational research question 'How do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession?' It examines the mechanisms affecting inclusion considered in chapter four in relation to stakeholders directly engaged in apprenticeships, focusing primarily on employers in a number of areas. The profiles of the organisations which participated in the study varied, and included a city council and a third sector organisation, both of which had in-house legal teams. A smaller regional firm which did not employ any solicitor apprentices was also interviewed. Findings relating to that organisation are considered in section 9.5, as they provide an opportunity for insight into why non-levy-payers might not wish to employ apprentices. The different profiles of the participating organisations provided a useful opportunity to examine different experiences and approaches and to speak to participants at different points in their apprenticeship programme. The levels of experience with apprenticeships also varied, with some organisations discussing their first apprentice recruits, while other organisations were early adopters and employed apprentices who were more experienced and, in some cases, approaching qualification.

The chapter examines the practical and strategic factors involved in the decision to employ apprentices, including financial factors, before considering the organisations' approaches to outreach and recruitment. As discussed in section 3.3, recruitment processes are a potential mechanism affecting inclusion. The recruitment processes used by organisations are determined by their strategies in relation to the 'pools' of talent that are targeted, the

management of ‘pipelines’ of talent, and other commercial factors. Before reviewing the recruitment processes for hiring apprentices, it is useful to examine the strategies that underpin these processes.

7.2 Strategic factors in the decision to employ apprentices

The profiles of the participating organisations varied, and all except one of the employer organisations were apprenticeship levy-payers. As considered in section 2.6, the apprenticeship levy has, in some sectors, had a distortive effect on the apprenticeship, particularly with regard to the accessibility of apprenticeships at levels 2 and 3 (Cullinane and Doherty, 2020a; Richmond, 2020). In the legal sector, some organisations are using the levy for graduate entry solicitor apprenticeships, with recruits joining the apprenticeship in its later stages rather than completing a two year training contract. The graduate apprentices are recruited following completion of a law degree or another degree plus a conversion course, and generally undertake a period of off the job training before beginning the final two years of on the job training on a full time basis (Slingo, 2020b). In effect, the graduate entry apprentices are undertaking a training contract (see Glossary) funded by the apprenticeship levy. This strategy appears to have been adopted by larger organisations who are levy payers, and there had been criticism of this approach, with the Junior Lawyers Division, who represent early career lawyers, describing it as a ‘misuse’ of levy funds (Slingo, 2021c), since training which would have been provided under a training contract is being funded using levy funds. Conversely, some providers of legal education to apprentices reported that some smaller firms and non-levy payers are taking on solicitor apprentices, in some cases, funded by a levy surrender from a larger organisation, and this is examined in more detail in section 9.4. This appears to be training which it might not have been possible for these organisations to provide had levy funding not been available. While this is not necessarily providing opportunities for level 2 and 3 apprentices, it is at least helping to provide

opportunities more widely (ESFA, 2022). The impact of the apprenticeship levy is considered in more detail below, as for many organisations, it is a key factor in their strategic decision-making:

> 'in the early days … I know a lot of organisations were at that point just using it as a tax write off and that was never our approach. We were always … going to leverage it as much as possible and we have done. …I mean, why wouldn't you use it?' (Susannah, HR professional, organisation C).

As this study uses the solicitor apprenticeship as a unit of analysis, a variety of different perspectives was valuable in building a detailed picture. For example, some of the participating organisations were early adopters and involved in developing the apprenticeship standard. In contrast, the study also includes the perspectives of organisations that took a few years to launch their own apprenticeships:

> 'we'd been gearing up to it for some several years before, … it took a while to work out how we did it … I just wonder why [the profession is]…so slow to try things like this. … I think that it goes into my fear generally for the profession that we are always chasing our tails, and you know, you have to ask difficult questions as to why that is' (Kieran, partner, organisation A).

For many of the organisations, a decision to set up an apprenticeship programme needed careful consideration, particularly as the first cohort of solicitor apprentices only qualified in 2022; there were no examples of qualified apprentices to consider, and the culture of the legal profession is, as Kieran points out, 'slow to try things'. Essentially, the apprenticeship as a new route was regarded as less certain than the more established graduate routes, and therefore potentially risky, particularly for demographics who have less access to advice and professional networks (Casey and Wakeling, 2022), and while the numbers of solicitor apprenticeships have risen since their introduction, they still represent a minority route to qualification (Law Society, 2021b).

7.2.1 Risk factors in relation to apprenticeships

Any new route to professional qualification may to be regarded as a potential risk for both employers and apprentices. In section 6.3.2, the apprentices discussed the issue of risk in relation to the commitment that they were required to make to a six-year apprenticeship in order to qualify. For most participating apprentices, the risk in relation to securing a training contract and accumulating student debt balanced out the requirement to make such a lengthy commitment.

From the perspective of the organisation considering employing apprentices, the duration of the commitment is also a consideration. In addition, in order to take on an apprentice, who may have little or no legal knowledge ('black letter law') or experience of work compared to a graduate recruit, an employer will need to ensure that resources are in place in order to ensure that the apprentices meet their professional outcomes:

> 'I think it's a really good opportunity for us to help grow and mould those individuals. It is a big commitment, that is for sure.' (James, solicitor, organisation F)

Smaller organisations that might not have taken trainees on a regular basis may consider that the levels of resourcing required, the complexity of requirements for an apprenticeship (Foley, 2020), and the duration of the commitment make the apprenticeship less appealing to them, particularly if they are not levy payers. This is considered in more detail in section 9.5, but it is notable that the SRA's initial view was that the apprenticeship programme would be more attractive to smaller organisations who did not routinely take trainees, rather than larger organisations:

> 'when I was interviewed by the SRA, they were surprised that we were offering the apprenticeship route because they didn't think a firm like us [a large organisation] would' (Graham, HR professional, organisation B).

The perspective of smaller organisations which do not pay the apprenticeship levy or routinely take trainees is considered in more detail in section 9.5

Although some of the participant organisations, such as organisation B above, made the decision to employ apprentices earlier than others, all participating organisations referred to 'social mobility' or 'corporate social responsibility' as part of their reasoning when deciding to employ apprentices, and the importance of this factor in their decision making is considered next.

7.2.2 Corporate social responsibility and the solicitor apprenticeship

Many participants advised that they regarded employing apprentices as a way of promoting social mobility. The participants generally used the term 'social mobility' in a very broad way, referring to candidates who were accessing the profession, but who were not from professional backgrounds themselves. The literature in this area is considered in more detail in section 1.2. All participant organisations considered that social mobility and diversity more widely were important factors in organisations' decision making:

> 'the whole diversity and inclusion [D&I] agenda has moved up the corporate agenda hugely. I don't think that they necessarily see apprentices through that lens, although that is a lens that they can be seen through and as I say, although it is a vehicle for social mobility, that's not the primary purpose behind it, but I think it's part of a broader D&I approach, a D&I strategy to be perfectly honest' (Graham, HR professional, organisation B).

As noted in section 4.5, higher education outcomes for students from less advantaged backgrounds are generally not as good as they are for their more advantaged counterparts (Halfon, 2022b). For this reason, access to higher education can act as a mechanism affecting inclusion, for example if elite organisations focus their outreach activities on Russell Group universities (Ashley *et al.*, 2015). Employing apprentices in roles which lead to

qualification as solicitors is a possible way of addressing this issue, as they are still participating in higher education, but are not subject to the mechanisms affecting inclusion associated with accessing higher education. While the universities providing apprenticeship education still have their own entry requirements, there may be more flexibility from employers. For example, Erin's experience, discussed in section 6.4, of starting her apprenticeship even without the required grades because her employer intervened. For participants, apprenticeship programmes could be seen as a way to:

> 'try and make us more accessible, not just as a law firm, but also as a profession….I think we wanted to absolutely make sure that [name of firm] was accessible, but also with the wider recognition generally of the fact that law firms are not the most inclusive of places' (Kieran, partner, organisation A).

In most cases, a policy of contributing to social mobility and inclusion within the organisation and the profession was raised explicitly as a strategic factor in their decision to employ solicitor apprentices:

> 'I'm not even sure I would say it's just academics, but I think maybe the type of University … And if you haven't gone to a University which is classed as a kind of 'okay' University, which might depend on … whether you can afford to leave home … I think many firms just won't take you on based on where you went to university and those sorts of things as well' (Rowan, senior associate solicitor, organisation A).

Participating organisations reported outreach initiatives and work with other organisations such as the Social Mobility Foundation (Social Mobility Foundation, 2022) in order to target 'cold spots' from a social mobility perspective. There was a recognition that this was something that needed careful thought, so that a more nuanced approach was taken:

> 'what we really want to do is look at those schools who perhaps don't necessarily have a big presence of law firms already supporting them. … our early careers programme is about opening up opportunities to students who don't ordinarily have those links into our sector. … a lot of … [city centre schools] are well supported by businesses. And … schools that are out in the suburbs, … don't really get an awful lot of love and attention' (Susannah, HR professional, organisation C).

From a social inclusion perspective, widening access and addressing the financial barrier of university debt which the graduate route entails meant that organisations were able to present the apprenticeship route as viable for those who would otherwise have been hesitant about going to university.

> 'honestly, going round to schools and doing talks, and you can see the difference it makes to people. Particularly for those that are trying to encourage and take away barriers and open up equality, opportunity, there's no debt to them here, and they're earning' (James, solicitor, organisation F).

While social inclusion, social mobility and improving diversity within the organisations and the profession more widely were a key factor, other benefits discussed by the Law Society in its guidance for employers (Law Society, 2021a) were also important. The guidance considers the benefits to the business of employing apprentices and the contribution that they make to the success of the business. '[W]e won't create apprenticeships just because. It has to be a good business need and it has to be the right thing to do' (James, solicitor, organisation F). The apprentices represented a key part of 'the future of [the] business' (Social Mobility Commission, 2021a p39) and an investment in that future.

7.2.3 Retention

The participants identified the issue of retention of team members as another key factor in the strategic decision to establish an apprenticeship scheme, and to develop their own pool of talent within the organisation:

> 'I think there was an interest in that we had a lot of trainees, who are very, very good, but then they would come, they would qualify, stay for a year and then disappear' (David, partner, organisation D).

In section 6.3.2, the apprentices discussed the difficulty in obtaining a training contract as a factor in their own decisions to apply for an apprenticeship. For graduates, one possible

route to obtaining a training contract is to take on a paralegal role in a legal services organisation. However, this creates an inherent instability in the teams employing law graduates and students who had completed the Legal Practice Course.

> 'we had a team of … paralegals, but turnover…was appalling and that was largely because we were recruiting law graduates, LPC graduates…. who wanted training contracts. … If we want to develop quality paralegals, law graduates is one route … but actually if you want a more stable team, what about developing our own, and starting from school leaver? And so that's what we did' (Susannah, HR professional, organisation C).

As previously discussed, even before non-law graduates wishing to enter the profession are considered, there are approximately three times more law graduates than there are training contracts available (Law Society, 2020a). Competition for training contracts is therefore fierce, creating a 'bottleneck' (Reidy, 2017) of applicants wishing to qualify and applying for roles as paralegals as a possible way to gain some experience and access a two-year training contract, rather than as part of a longer-term commitment to the organisation.

In terms of the organisations' strategies, the aim of developing and retaining the apprentices in the longer term once they were qualified was a common theme. Participants (apprentices and their employers) used terminology such as 'investment' ('we've invested in them. We don't want them to go anywhere' (David, partner, organisation D)) and referred to retention when discussing the apprenticeship:

> 'the ambition is fairly straightforward. The ambition is that they become associates in [name of firm]. We wouldn't have done it if that wasn't the ambition. We want to make the firm accessible, but we also want, you know, accessibility is the start, you then need to recruit and then you need to develop and retain and you need to motivate and that's the aim' (Kieran, partner, organisation A).

The retention of apprentices as part of an organisation's strategy allows for 'talent and succession planning' (Louise HR professional, organisation F). Recruitment and training are

costs to a business and participating organisations' intentions were to retain apprentices who have been 'schooled in your ways' (Ellen, associate solicitor, organisation C):

> 'I mean obviously there are huge advantages to taking an apprentice on. I mean you can grow that person, you skill them, mould them, hopefully at the end, you hope to keep them, you've invested in them, and … I don't mean this to sound callous, but you hope to get a return on the investment' (James, solicitor, organisation F).

The long term planning implied by investing in the apprentices over a longer period indicates a strong commitment by the employer, as well as by the apprentices themselves.

7.2.4 Pipelines and pools of talent

The ideas in relation to investment in the apprentices, and in relation to 'moulding' them during their period of apprenticeship were considered in section 6.5 from the perspective of the apprentices. The apprentices' view that their organisations would wish to retain them, and regard them as 'assets' (Faaiza, second year apprentice) on qualification is in alignment with James's comment above. Retention was mentioned as a key factor in the decision-making processes of the participating organisations, and this is closely linked to how the apprentices and employers consider the apprentices 'belong' in their community of practice, which will be examined in more detail in section 8.2 below. Research in this area suggests that from an employer perspective, there is competition to employ graduates from high status universities; a 'war for talent' (Brown and Hesketh, 2004 p8), with employers competing to employ individuals 'with the same forms of social and cultural capital, which are closely associated with higher socio-economic status', using 'similar routines and rules ' to their direct competitors (Ashley & Empson, 2017, p.212-213).

Participants in the study acknowledged that part of their motivation in setting up an apprenticeship programme was to 'attract people from a different social background, socioeconomic background and so on' (Kieran, partner, organisation A), thereby echoing

calls for ‘broadening the pool of talent from which the professions recruit’ (Milburn, 2009a p46). The ‘investment’ in candidates from ‘non-traditional backgrounds’ (Ellen, associate solicitor, organisation C) could potentially mean access to ‘this pool of untapped talent, … [that] … we could be tapping into’ (Susannah, HR professional, organisation C)

The potential benefits of taking an alternative approach was raised by a number of participants, for example:

> ‘it was possible to go through the, sort of articled clerk process, and some of the senior partners in our firm went through that process, so I think there was a, you know, a recognition at senior levels that that was a valuable route, and therefore that this sort of new apprenticeship style route was something similar and something that we should get involved in’ (Gordon, partner, organisation D).

The longer duration of the apprenticeship route, and the commitment required of both parties had been previously discussed in sections 6.4 and 6.5, and in 7.2.1. In contrast to the six year commitment, if the organisation offers training contracts, these would typically be two years long. However, the practice of recruiting trainee solicitors up to two years in advance of the start of their training contract is well established (Law Society, 2021c). The pipeline from trainee recruitment to qualification may therefore be up to four years. Generally, only two of those years will be spent in employment, with, in some cases, sponsorship for the professional stage of training being paid by the employer. All of the law firms participating in the study that recruited apprentices also recruited trainee solicitors, and for three of those law firms, apprentices and trainees would be working in parallel for the two year period leading to qualification.

> ‘the way we’re looking at it, is looking at our trainees and our apprentices as within the same resourcing pool. They’ve just got different durations of time in it. And in a way, having people with the organisation for five, six years before they qualify, together with people who are in the pipe for two years, allows you to smooth some of those ups and downs that the economy throws at you’ (Graham, HR professional, organisation B).

The approaches taken by the organisations were similar, although not all the apprentices were offered the opportunity to gain experience in different teams alongside their trainee counterparts. In all cases, the types of work that the apprentices undertook developed as they became more experienced, and this is considered in more detail below. For the apprentices, the six year process is of a very similar duration to the graduate route, which would typically involve a three year degree, one year of professional study, followed by two years of qualifying work experience or training contract. From the employer's perspective, their active involvement with the apprentice is longer, as they would, in many cases, be with that employer for six years. A trainee would usually spend two years with the organisation, moving through between four and six different teams or 'seats' in order to gain the required experience to qualify (Law Society, 2021c). As will be considered in section 8.2, this does require a greater commitment from both parties, but it does also provide greater certainty. So while the apprentices may be intentionally recruited from different 'pools of talent' and have a longer pipeline, the participating organisations' strategy includes retaining them in the long term as part of the 'same resourcing pool' described by Graham above; inclusion in the organisation's 'pool' of newly qualified solicitors.

With regard to the commercial factors in this approach, participants reported that clients' practices influenced strategic thinking, prompting them to align their diversity strategies with those of their clients. For the participants, this strategic alignment included apprenticeships:

> 'every big strategic decision needs to have this type of thing, well-being, diversity and inclusion, social mobility, it needs to have all of these things at the back of their mind. And it's interesting that our clients… our clients are thinking this way and they have been for some time and we are playing catch up' (Kieran, partner, organisation A).

Other participants discussed the significance of client's policies and expectations with regard to diversity. For example, some participants commented that they had been asked to demonstrate diversity to potential clients in relation to the tendering process:

> '[in tenders] actually where we've really been challenged is on diversity. What are we doing now, what are we doing to improve, what are we going to do in the future, why aren't we more diverse. … So yes, do I think clients are interested in this? Yes. If we don't get this right, we will be off panels. And we see that, clients quite openly saying that these days' (Susannah, HR professional, organisation C).

Participants reported that clients responded favourably to the inclusion of apprentices in the organisations' workforce, and advised that clients regarded the employment of apprentices as contributing to the improvement of diversity within the organisation, a strategic objective for participants. Although client's requirements when bidding for work were a strategic factor, the wider reputational standing of the organisations with their clients was also significant:

> 'I should think clients are quite impressed when they see that we've got apprentices, so that's not a bad thing either' (Graham, HR professional, organisation B).

Although the employment of apprentices was part of a wider corporate social responsibility agenda, the participants were clear that the apprentices contributed to their businesses; they were part of the team alongside their trainee colleagues.

7.2.5 Financial Considerations

While the strategic considerations in relation to diversity and inclusion are significant, financial factors also informed strategic decision making. All of the organisations participating in the study who employed apprentices reported paying them more than the minimum apprenticeship wage. There was, however, an acknowledgement generally that although the 'package' was attractive, given that the apprentices would qualify with no

university debt, the salary available was not comparable with trainee solicitors, who were recruited at level 7.

> '[It's] a fairly low salary ... So, I mean last year we had applicants who applied for places like [major regional cities] just to mention a few, and they kind of withdrew their application towards the end of the process, because they were offered something closer to home' (Laura, HR professional, organisation A).

The apprentices recognised (see section 6.3.2) that 'earn and learn' (Matilda, second year apprentice) was an attractive prospect. However, the apprentices are, in many cases, joining with no legal knowledge, and are usually non-graduates. For a career changer with some experience, who may have dependents and a mortgage, moving to a role with an apprenticeship salary is likely to be less attractive, and as Laura's comment above indicates, moving to another, more expensive city is also a potential deterrent for career changers.

With regard to the cost of the apprenticeship to the organisation, the need for appropriate levels of resourcing has been considered, and this will involve a cost to the business, not least in staff time. Further, the legal services market is highly competitive, with pressure to reduce costs, and organisations are 'challenged by new working methods' which include an increased use of technology to improve efficiency (Susskind, 2017 pxix). Participants' experience of apprentices as part of their teams was that they had a lower cost base than trainees, and provided a potentially valuable resource to their team.

> 'they do different things … because their cost base is different, so if you are looking at it in terms of the work that you would want them to get involved in, they can get involved in a broader range of work, to be perfectly honest' (Graham, HR professional, organisation B).

In addition, participants generally found that 'apprentices are often quite a cheap way to charge clients for work, you know they can be billed at cheaper rates, so it can often be, you know, an efficient way of working' (Ellen, associate solicitor, organisation C).

However, apprentices would not necessarily always be the first choice for more junior work. As discussed earlier, apprentices often have little or no legal knowledge at the start of their apprenticeship, and many will not have experience of a professional environment:

> 'ultimately, and this is going to sound incredibly crude, it comes down to money. In that, apprentices are cheaper than trainees … and then you have them for longer. … Because I've seen some teams that have high volume, low fee work, apprentices are very attractive. Where you have high fee work, I think trainees are very attractive, because their salary doesn't matter as much' (David, partner, organisation D).

The way in which each organisation managed the apprentices with regard to their work was slightly different, but in general, there was a view that the apprentices made a positive impact on costs:

> 'I just think it's what the market will pay for,… if the market is not willing to pay, you know £500 an hour for work, then sadly the balance sheets and the profitability of having a trainee or an apprentice change. Whereas if you are being paid £150 an hour for that same piece of work, you lose that £350 an hour buffer … so I just think it's what the market wants to do and how it's going to play out' (David, partner, organisation D).

While not all legal work by all legal services providers is charged in the same way, time recording in 6-minute units (10 per hour, see Glossary) and a system of billing that recorded time was common to all law firm participants in the study. Not all the apprentices were time recording from when they began their apprenticeship, but there was an intention that they should eventually, and that their time would be billed in the same way as any other fee earner in the legal services organisation, albeit at a lower rate initially.

All the participants in the study who employed solicitor apprentices were levy payers. Not all organisations which were required to pay the levy have utilised it, and indeed some organisations have surrendered a proportion of their levy funding to other organisations. For one participant, an early adopter of the apprenticeship, the levy was part of the strategic planning undertaken by their organisation:

> 'I think a lot of organisations saw the levy as a tax. And therefore saw the levy as coming out of their L&D [learning and development] budget. They didn't see it as an opportunity. They just saw it as a cost to the business. … And to a certain extent people have tried to badge things that aren't apprenticeships as apprenticeships so as to use the money, rather than looking at it from a resourcing perspective and saying 'how can this help us as a business to meet the requirements for the various pipelines that we have for different skills?' (Graham, HR professional, organisation B).

The lower cost base of apprentices is considered above, and while this was a factor for participants, some commented on organisations which they considered to be employing apprentices as 'cheap labour' simply in order to spend their levy, rather than because the apprentices were part of the business:

> 'I think maybe within some other industries it's kind of, it is "we've got this much money going out of the business. And we can put our current employees on this apprenticeship, or we can hire in 100 apprentices at really junior level when we know that only like 5 of them are ever going to do anything with it." So I think in some ways it is being misused … we would never offer an apprenticeship for the sake of offering it. … we're never going to spend the entire levy, so there's no point in trying. So I think in most cases it's used the way it should be' (Laura, HR professional, organisation A).

The participants generally felt that the levy was useful to them, and provided an incentive to take on apprentices, but that ultimately, there had to be a business case for the role. As one participant pointed out: 'You can't just take somebody on just because you have to use up the levy. I mean it's pointless, you still have to pay their salary, for starters.' (James, solicitor, organisation F). In general, while the apprenticeship levy was a factor in deciding to offer an apprenticeship programme, it was not a deciding factor:

> ‘The levy money had just come and the solicitor apprenticeship that we are using was one of the trailblazer ones, so just kind of hot off the press and there was obviously that levy funding associated with it, so that kind of, the levy funding isn't the driver, the reason why we have apprenticeships, but it does support it where we have identified the needs for it’ (Louise, HR professional, organisation F).

However, while the levy was a positive incentive for employers to take on apprentices, there were issues with the way in which the funding was made available, and in particular with regard to the fact that funding levels could be altered as part of a review, making planning and longer-term strategy more difficult:

> ‘I think what we're finding though with some of the higher end programmes is then the funding bands are being reviewed and then the funding is being cut. Project management, which is a level 4 has gone from, I think it was £9,000 a year down to £4,000 a year funding. So then we’ve got training providers coming to us saying, “well we can't deliver the same scope of the programme the we could before, that we could with £9,000”’ (Louise, HR professional, organisation F).

While not all participants raised the issue of uncertainty regarding the levy, this is examined further in section 9.4, where it is considered in relation to the provision of off the job training by education providers. More widely, the fact that an increase in degree and higher apprenticeships appears to have been at the expense of apprenticeships at levels 2 and 3 (Mobility Commission, 2019b) has led to calls for funding to be withdrawn from level 7 apprenticeships in order to address this issue (Whieldon, 2019). However, the opportunity presented by the solicitor apprenticeship and the role that apprenticeship at this level can play in further social inclusion is defended by the participants:

> ‘Yes, they are level 7. Why should they lose out? … And if you want to open up equality, you want to open up those routes, particularly for those from the poorer backgrounds, that is a barrier obviously, the cost, because you don’t guarantee you’re going to get a training contract’ (James, solicitor, organisation F).

Overall, the participating organisations characterised the apprenticeship levy as an ‘opportunity’, and a factor in their strategy for apprenticeships, rather than being the primary

reason for offering the solicitor apprenticeship. The participating organisations did offer other apprenticeships, in some cases there was a strong tradition of offering apprenticeships in other sectors, but the levy was still regarded as something that facilitated the development of apprenticeships within the organisation, not the primary driver.

7.3 Outreach and recruitment as potential mechanisms of inclusion

The strategic objectives considered above led the participant organisations to set up their apprenticeship programme. The participants in the study had generally recruited school leavers or early career apprentices. As shown in figure 5.2, the apprentices who participated in the study were all under 25. The interview with a representative of a provider university in the North of England described their students as 'a real mix' of school leavers and upskilling employees, but the participants in the study were either school leavers or in the early part of their career:

> 'the nature of the apprenticeship is that the salary is slightly lower than it would be because it's an entry level job, and therefore career changers aren't as attracted to that as they would be the normal training contract route' (Laura, HR professional, organisation A).

However, although the apprentices were recruited to 'entry level' roles, they were also being recruited to a long-term position which would result in their qualification as solicitors. Essentially, they would be recruited earlier than their graduate counterparts, but both would ultimately be newly qualified solicitors at the end of the process. The process of recruitment itself was, in all cases, very similar to that used to recruit trainee solicitors for all participants. To illustrate:

> 'it's very similar to training contracts actually, we replicate quite a lot of the recruitment process for trainees, we just have, not lower benchmarks as such, I think it's still as difficult, but some of the exercises aren't as tough, or our expectations aren't as high. We're looking much more at potential. It is much harder to assess a

> school leaver, there's no getting around that, much, much, much harder' (Susannah, HR professional, organisation C).

The recruitment process for several employers began with engagement with schools, including, in some cases, providing information, work experience and employability skills opportunities.

7.4 Finding out about the apprenticeship

A lack of quality information for potential apprentices of school leaver age, their families and schools represents a potential mechanism affecting inclusion, as discussed in section 6.2.1. None of the participant employers reported specific outreach initiatives to career changers, although the participant organisations with a regular recruitment cycle all reported events such as open evenings, which were not focused on any demographic and to which parents often came also.

In addition, apprenticeship vacancies for those with a regular recruitment cycle were posted on the organisations' websites, on social media and on the central apprenticeship database where all apprenticeship vacancies must be advertised. However, the strategic aims considered above include an improvement of diversity within the organisation, and the organisations acknowledged that this would require a different approach to the one previously taken, not least because the solicitor apprenticeship, as a new route, appeared to need 'selling' to potential applicants:

> 'We had to do quite a lot of explaining to try and attract more candidates, we were having to try and explain what it meant to be a solicitor apprentice and that you would qualify as a solicitor at the end. But it feels to me that people are becoming more aware of that and the fact that there are various different routes to qualifying as a solicitor and it doesn't just have to be the traditional one' (Ellen, associate solicitor, organisation C).

The apprentices commented on their experience of the information available to them at school or through FE college in section 6.3.1. They felt that schools still seemed to be very university-focused, although in some cases, schools seemed to be more open to the idea of apprenticeships as they became more established. However, while the participant employers reported that there had been some progress in regard to their relationships with schools, more was needed, and they did not necessarily feel that the information was readily available to those who would benefit from it:

> 'sometimes you want to be able to reach the hard to reach people, but they are hard to reach for a reason. So trying to get out there and to spread the word sometimes, to some of those groups can be quite difficult, about what the opportunities are and about making them feel that there are people like them there?' (Louise, HR professional, organisation F).

The introduction of the trailblazer apprenticeships, including degree apprenticeships, appears to have had some effect on the perception of apprenticeships in schools. Employer-led standards, as recommended by the Richard Review (Richard, 2012) were intended to ensure the development of individuals in the way that employers needed:

> 'I showed some of the standards to managers at the [organisation] who [were] interested in it. I handed it over to them and they went; "this is amazing, this is exactly what I'm looking for, and what I would want … those skills, knowledge, and behaviours". So I think in the jobs market that can only be positive really, in the longer term. We're, you know bringing up these kind of cohorts of individuals who are going to have the skills that are needed by employers' (Louise, HR professional, organisation F).

Employer input into reports on, for example, how schools are developing employability skills suggests that 'businesses [are] placing increased attention on the skills and competencies a young person possesses when looking to recruit' (Kashefpakdel et al., 2018, p.vi). The apprenticeship standards, and the availability of higher and degree apprenticeships, together with the employers' views on skills, appears to be driving a change in attitude, beginning to

dispel the ‘stigma’ surrounding framework apprenticeships (Susannah, HR professional, organisation C).

As part of the drive to provide more, and better information about apprenticeships, and to improve outreach, participating organisations reported a range of activities, both with other organisations and independently, these included:

- Work experience schemes (online during the pandemic)
- Careers workshops
- Skills workshops
- Open evenings for applicants and parents
- Insight days for potential applicants to come to the organisation and meet the team
- Legal careers presentations
- Careers events with charities
- YouTube videos recorded by current apprentices

However, while programmes of workshops, mock interviews and other outreach activities to schools carried out by all the participants in some form appear to be gaining traction, participants still considered that there was an issue with parents and guardians, whose influence on potential apprentices is likely to be significant (Beck, Fuller and Unwin, 2006 p277):

> ‘I think parents are still sceptical in my view. That’s where we need to do the most influencing, because I think, you know, if you’ve got a bright 18 year old who wants to be a lawyer, you're going to push them to university. It's still the route most parents are pushing’ (Susannah, HR professional, organisation C).

While attitudes were changing, the concept of professional apprenticeships was not always readily understood. Participating apprentices referred in section 6.3.2 to experiences with teachers and others who had a particular view of apprenticeships, and employers also raised the issue that apprenticeship was perceived in a particular way ('that image of a male in boiler suit with a spanner' (Louise, HR professional, organisation F)). Some participants described their experiences of explaining to an audience which had this view of apprenticeships as essentially 'manual' qualifications that the solicitor apprenticeship led to exactly the same professional qualification as the graduate route. For example:

> 'So they're a school where they're used to people going off to Oxford and Cambridge and so on, and you could see the parents not particularly interested or excited. And then you say 'you can do it in the professions', and you say 'you can be a solicitor' … And then you say to them, they won't have to pay … and they will come out fully qualified and they will earn during the time. And the look! The sit up and look! But there is this kind of stigma. And I think, I think also the apprenticeship title attached even to perhaps, this is just a feeling, but I think that people might think that there is a difference between an apprentice solicitor and a trainee solicitor' (James, solicitor, organisation F).

The outreach undertaken by participating firms is similar to the kind of outreach activities undertaken by legal services organisations when recruiting trainee solicitors, although the focus in the latter case is on universities, rather than schools. As the ultimate qualification is identical, the processes used in recruitment are very similar, although the individuals concerned are usually earlier in their careers, and therefore less likely to have previous experience. Where the strategy in relation to recruiting apprentices is developed with a view to improving diversity informs the focus of outreach initiatives, they can serve as a mechanism of inclusion.

7.5 Processes

All the organisations which recruited trainee solicitors as well as apprentices followed a very similar process to the one they used for trainees. These processes are summarised below

in figure 7.1, which considers only the participating organisations which take both trainees and apprentices. Some organisations are therefore not included in figure 7.1. Organisation E is a city council, which does not take trainees, and which recruited in conjunction with organisation C, using the same process. For organisation F, the solicitor apprentices were existing employees, who put together a business case and presented this to the organisation's governing body towards the end of their paralegal apprenticeship with organisation F. Organisation G does not employ trainees on a regular basis and nor do they employ solicitor apprentices. While the processes summarised below are very similar, the participants discussed important differences, which took account of the fact that most of their applicants were either school leavers or very early in their careers.

Figure 7.1 Application processes for the participating organisations recruitment of trainees and apprentices

Organisation		**A**	**B**	**C**	**D**
Recruitment method					
Application form	**Apprentices**	Yes	Yes	Yes	Yes
	Trainees	Yes	Yes	Yes	Yes
CV and covering letter	**Apprentices**	Yes	No	No	Yes
	Trainees	No	No	No	No
Group Work	**Apprentices**	No (covid)	Yes	Yes	Yes
	Trainees	Yes (not always run)	Yes	Yes	Yes
Interview	**Apprentices**	Yes	Yes	Yes	Yes
	Trainees	Yes	Yes	Yes	Yes
Written exercises	**Apprentices**	Yes (case analysis)	Yes	Yes	Yes

Organisation		**A**	**B**	**C**	**D**
	Trainees	Yes	Yes	Yes	Yes
Presentation	**Apprentices**	No	Yes	No	No
	Trainees	No	No	No	No
Other (video interview, online test, Watson Glaser)	**Apprentices**	Case analysis and summary, telephone interview, video interview	Watson Glaser	None	Video interview
	Trainees	Video interview, McQuaig test	Psychometric tests	Speed interviews, individual insight exercise, placement week	Automated video interview, micro exercises that involve a video response

Participants in the study reported that the apprentices were, in many cases, of a different mindset to their graduate counterparts, partly because they had made a choice to follow a less 'traditional' route. To illustrate:

> 'we put them through the same sort of process as we do our trainee solicitors in terms of assessment centres etc. So we are just as rigorous with our apprentices as we are with our trainee solicitors. … Interestingly, I think people when they are looking into apprenticeships, they've had to do a bit more thinking about it, because they've had to make a decision that they aren't going to university, that they are going to approach a qualification in a different way and they've had to think about it in a different way' (Graham, HR professional, organisation B).

A review of market practice in Chambers Student, an online careers resource, (Chambers Student, 2022), together with the descriptions of their own experiences by participating apprentices suggests that the approach to recruitment described in the above table is consistent with the rest of the market. However, there are a number of important differences. First, the organisations acknowledged that many of their applicants would not, at this early stage, necessarily have a realistic understanding of working in a legal environment.

> 'a large number of students who come through at school leaver age probably haven't set foot inside a law firm. They may well have a view of what working in the legal profession is, that may not actually be a reality, and so it's important for us that we give them that reality check' (Susannah, HR professional, organisation C).

All participating organisations referred to the need for the apprentices to learn how to work in an office environment, particularly if they have come straight from school. In contrast, there is an expectation that a trainee solicitor will have had some work experience when they begin applying for training contracts (Law Society, 2021c), and would therefore be more 'polished' (Ashley and Empson, 2017 p222). Although the participating organisations' processes were very similar to their processes for recruiting trainees, their strategies were

not identical, and the participants emphasised different points in their interviews, which it is helpful to consider here.

Organisation A had just taken on their first apprentices at the time data was collected, and this was primarily driven by a wish to 'activate our social mobility and race and ethnicity strands on the diversity and inclusion board and to try and make us more accessible, not just as a law firm, but as a profession.'(Kieran, partner, organisation A). The organisation worked with an adviser who provided support for 'contextual recruitment'. One participant from the organisation noted that the profile of applicants indicated around 50% BAME applicants for apprenticeships, compared to 20-25% for trainees. The interview was conducted following the organisation's first recruitment cycle, but the participant felt that this was a very positive indication:

> 'I think what we took away was that the process had definitely made us more accessible, and that was really what one of our goals were' (Kieran, partner, organisation A).

Organisation B was an early adopter of apprenticeships, and had developed relationships with schools over a number of years in order to raise the profile of apprenticeships:

> 'when we first started this, schools weren't even there. Because the driver for them was to get kids through to university … But I think that as time has progressed, those attitudes within schools have changed too, so that they are looking on apprenticeships in a very different light. … And of course, we tend to partner with those schools that are in, dare I say, less privileged areas from a social mobility perspective. And my personal view is that, the social mobility handle on this is something that we don't want to miss' (Graham, HR professional, organisation B).

Organisation C discussed relationship building with schools, and the outreach initiatives to access new pools of talent and create a 'pipeline' to the apprenticeship for school students who wished to engage. The early talent manager for this organisation also discussed the

interview approach used for early career candidates whose experience would not be the same as a graduate:

> ‘it's very much a strength-based interview, it's not competency based and … at this stage, it is much more about do you have the behaviours, do you share the values of our business? Do [you think] … you’ve got, or do we think you have the potential to stick this out for six years and continually develop. And that's a difficult call’ (Susannah, HR professional, organisation C).

The process described is essentially focusing on the individual’s attitudes, behaviours and general skills, such as problem-solving and teamwork. This approach was broadly consistent across the participating organisations, with an emphasis on finding the ‘right person’, or someone who would ‘fit’ with the wider organisation, and in some cases, with the team to which they would be allocated:

Organisation F did not recruit trainees, but recruited significant numbers of other apprentices in different parts of the organisation. Their recruitment approach acknowledges that the apprentices were often early career, and would therefore not necessarily have the experience to approach a recruitment process in the same way as someone at a later point in their career:

> ‘We go through quite a big recruitment process with our apprentices, so it's more than just an interview. Because especially with the younger people, you don't always have that background and they don’t have that experience sometimes or whatever that they can present on their CV that other people have been in business for a while can. So we put them through various tests in terms of their team working and their problem solving skills and all of those, so it’s very behavioural based interviews and assessments that we do. So we're pretty confident that we're going to get the right people or the right apprentices out of it’ (Louise, HR professional, organisation F).

The emphasis on finding the right person, who is likely to stay with the organisation for the duration of the apprenticeship was a consistent theme and is considered further and in more

detail below in relation to the culture of the organisation and the individual's 'fit' within it as they develop during their apprenticeship and become part of the community of practice.

7.6 Recruitment criteria for solicitor apprentices

The apprenticeship recruitment processes acknowledged that experience, and the kind of 'polish' (Ashley and Empson, 2017 p222) that would be expected of a graduate were not part of the criteria; the outreach campaigns were intended to reach different demographics:

> 'I don't know if they would have otherwise have been people that we would have ever met really' (Rowan, senior associate solicitor, organisation A).

There was also an acknowledgement that the previously considered issues relating to salary levels that made the apprenticeship less attractive for career changers played a role in whether they progress through the recruitment stage:

> 'the demographic has changed slightly in that primarily in the main, … we have seen people, a broader demographic, coming to some of these events, people who are looking at second careers, who've been doing jobs, they might have left school at 18 and just gone into working in an office, or whatever. And then thinking, now I want to do something that's got a bit more rigour about it. We haven't seen them coming through to actually joining the programme, but I do see that as something that probably will change in the future' (Graham, HR professional, organisation B).

The apprenticeship leads to qualification as a solicitor, and although the outreach process was intended to attract a different 'pool' of candidates who would not have the experience that would be expected of a graduate, for some participants, the starting point was meeting the required grades. However, there was an acknowledgement that additional flexibility could, and should be built into the criteria in order to get the 'right' person:

> 'They have to be academically up there. Then secondly, do they come across well, can I put them in front of a client? And … thirdly, it's more of a personal skills at interview, how do they come across in their application, are their writing skills on their application good? Because if it's full of spelling mistakes and bad grammar, if that is

> their application and they are supposed to be proud of that, you know, …[But] [i]t just depends on the person … people buy people, don't they?' (David, partner, organisation D).

With regard to 'academics', the recruitment processes were generally based on A level grades, although most participants' recruitment material stated that 'equivalent' qualifications were acceptable.

Figure 7.2 A level grades

Organisation	**A level grades or equivalent for apprentices**
A	ABB
B	BBB
C	BBB
D	BBB
E	BBB
F	Internal recruitment
G	N/A

The grades required are higher than the minimum recommended, but still typically lower than would be required to apply to study law at university. For example, A level grades to study 'popular' law courses at university require three As (UCAS, 2022b). Learners from less advantaged backgrounds often achieve lower grades at A level and some universities are adopting contextualised admissions in order to ensure that the 'context' in which the A level grades were achieved can be taken into account (Office for Students, 2021).

However, one participant expressed some misgivings that once the applicants reached interview stage, there was no specific 'criteria … about social inclusion' and noted that

> ‘candidates from families who weren’t used to going to university and who weren’t from professional families, they wouldn’t have had easy access to interview skills, for example, and so in the interviews, you could tell a lot of candidates were really nervous, and that you maybe weren’t getting the best out of them’. (Ellen, associate solicitor, organisation C).

This concern was also raised by an apprentice who felt that candidates from ‘better’ schools were likely to outperform their less advantaged counterparts, and this was discussed in section 6.5. However, in a discussion during our interview, Ellen felt that bringing in additional criteria at interview stage was ‘bringing your own prejudices, your own ideas of someone’s background, … you are just making assumptions, based on, well, they must have had a harder journey because they came from that school and we assume that they did not have support’. Ellen concluded that it would therefore be fairer to offer additional support as part of schools liaison. In addition, for some organisations, building relationships with schools that do not necessarily have those relationships with employers in order to provide consistent support from an earlier stage would address this potential issue:

> ‘[it will] start at year seven and will run all the way through to year 13 with a much smaller number of schools and we'll just be able to run a full programme with each year group … So starting off with a very broad range of students, just looking at the opportunities within the profession and then just kind of narrowing it down … Ultimately getting to the point where we're working with that final year group, year 13, year 12, … because they will then become our pipeline into apprenticeships’ (Susannah, HR professional, organisation C).

While this approach would provide a ‘pipeline’ into apprenticeships, it also addresses issues of underachievement more widely for candidates from disadvantaged backgrounds, preparing them better for their chosen route into work while they are still in school (Halfon, 2022b). Ultimately, the criteria appear to be that the individual has the mindset and potential that aligns with what the organisation is looking for:

> ‘what I have found with all of the students that I have, with the candidates that I have come into contact with the apprenticeship stage, they are absolutely steadfast in their view that this is what they want to do. Much more driven, much more motivated.

> Which is great. You know, that's what we want' (Susannah, HR professional, organisation C).

The underlying strategic aims in relation to recruitment mean that while the processes are very similar to those used in graduate recruitment, the focus and criteria are different, with far more focus on potential, and whether the individual is likely to commit to the apprenticeship in the long term. Once the apprentices have been recruited, in order for them to complete the apprenticeship successfully, their integration into the community of practice is important, and this is considered in chapter eight.

7.7 Conclusion

Chapter seven has considered the second operational research question 'How do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession?' The chapter considered the strategic and practical issues which the employer organisations considered when determining whether to employ apprentices. These included factors such as a risk assessment, since the solicitor apprenticeship represents a significant commitment for both the apprentice and their employer. Although corporate social responsibility factors played a role in the employers' decisions, commercial factors such as establishing new pipelines of talent, and retention of talent were also significant, as were financial factors such as a lower cost base for legal work completed by the apprentices, and making use of levy funding. Finally, the chapter considered outreach and recruitment, including the processes and criteria used by the employers to determine the potential of the apprentices to succeed in a legal environment.

Chapter Eight: Integration into the Community of Practice

8.1 Introduction

Chapter seven examined the strategy in relation to offering and recruiting for an apprenticeship programme. This chapter considers the integration of the apprentices into the community of practice of the organisation, considering the need for a sense of belonging in this context using the experiences of participating employers. The chapter concludes with a discussion of the views of participating employers on the future of the apprenticeship in their organisation and in the context of the profession more widely.

8.2 Integration into the community of practice

The apprentices spend the majority of their time immersed in the culture of the organisation; learning as part of the 'community of practice'(Wenger, 1999). The importance of aligning learning in and out of the workplace will be considered in more detail in section 9.6.2, while the appropriate environment for learning and development of professional identity through situated learning as part of the community of practice is considered in this chapter (Wenger, 1999). In order to examine in more detail the idea of 'belonging', the chapter uses Wenger's theoretical framework. With regard to the criteria used for the application of that theoretical framework, section 3.5 discusses a study of clinical placements for nursing staff using Wenger's theoretical framework in the context of clinical placements. The solicitor apprentices are in a similar position, with a blend of on and off the job learning, and the criteria generated by the study in relation to Wenger's concept of 'belonging' (ibid) provide a structure for examining those experiences. The themes which emerged during the analysis are therefore presented using those criteria. While the field in which the community of practice is situated is clearly different, the criteria map effectively onto the experience of the apprentices. The criteria are considered in more detail in section 5.8 as part of the discussion of methodology.

As the apprenticeship route in its current form is still relatively new, participating organisations were generally positive about their own experiences, but felt that it was likely that the market more widely would want to see the first cohort of apprentices qualify and determine the effect on the businesses in which they work. However, prior to the pandemic, numbers of solicitor apprentices increased significantly, (Simmons, 2019) as more organisations decide to employ solicitor apprentices.

> 'So I have no doubt that it will have an impact, it's going to take years, but I think the problem with lawyers is that they like things to get sorted in the next financial year. You know, or at the absolute worst, five years. … I think it will have a really important impact. But there's so much that needs to be done, with the legal profession…. you don't want to go somewhere where you feel an alien. And you can't just break that down by having an apprenticeship scheme. … So that's been a big eye-opener, for both sides, I think' (Kieran, partner, organisation, A).

Following the introduction of the SQE (see section 2.9) some participants indicated that the workplace experience accumulated during the apprenticeship, which is a highly regulated route, could compare favourably with the more flexible qualifying work experience ('QWE') requirement of the SQE:

> 'if you've got an apprentice that's done an apprenticeship at a registered firm, … compared to a graduate who's passed the exam but done six months at four different places, you're going to be far more certain of the level of training that your apprentice has had than anyone else. So I think apprentices will probably be higher valued, potentially' (Laura, HR professional, organisation A).

The experience in the workplace was clearly of concern to participant employers, and Laura's comments suggest that an applicant's having passed the SQE examination itself does not compensate for a perceived lack of quality work experience. However, participants noted that both the apprenticeship and the SQE are both comparatively new routes, and their long term effects are not yet known. Indeed, the apprentices described their

experiences of deciding whether to follow the apprenticeship route in section 6.3.1 and 6.3.2, given that the apprenticeship route is still relatively new and may be perceived as higher risk (Casey and Wakeling, 2022). Their employers had similar concerns, but considered that once the first cohorts of apprentices had qualified, it was likely to be regarded as having parity with other, more traditional routes:

> 'people don't want to commit to something until they know what the certainty is. So if you can afford to go to uni and that's the way that it's always been done previously … there's probably an attitude that that's the better way to do it. Whereas when you start to see apprentices qualifying as solicitors and going through that route, then it will be viewed as an equally beneficial way of doing it' (Laura, HR professional, organisation A).

In effect, there is a perceived risk in following an alternative route to professional qualification, and until the route has been 'proven', that 'risk' may be a deterrent (ibid).

> 'I'm sure not that many know about it so it would be, a bit, you don't know what you don't know sometimes, you go with the more traditional known route, don't you? So I wonder whether some people do, so I wonder whether there would be a bit of reluctance around that until it starts being accepted a bit more' (Rowan, senior associate solicitor, organisation A)

For organisations which are already offering the apprenticeship, there was no indication that their experiences indicated that it was more 'risky', or that the 'traditional' route should be the default for those who wish to follow a legal career:

> 'I think if I was 16 and thinking you know I really want to be a lawyer then yes, I think I would be looking at the apprenticeship route, definitely' (Gordon, partner, organisation D).

The apprenticeship model, while more widespread than it was when the solicitor apprenticeships were first launched, may not appeal to all organisations, but will depend on the organisation's business model:

> ‘ultimately will come down to the firm. Because our firm is very much an [area of work] based firm, I don’t know what the big corporate boys are doing. I don’t know what their attitude towards it is, and they may just have an attitude of ‘no, I just want a trainee who is straight out of Cambridge or Oxford’, I don’t know. So I think it really just does come down to horses for courses, really. Does the apprenticeship fit with our firm? Yes, it does’ (David, partner, organisation D).

Finally, it is important that the apprenticeship is not seen as a ‘lesser’ route, but equivalent to the graduate route, not only in terms of the assessments that both routes are required to take, but in terms of the training and the quality of experience of the newly qualified solicitors coming through that route:

> ‘I don’t see the apprenticeship as the ‘back door’. I think that’s why it isn’t a ‘legal executive’ route, if you see what I mean. And let’s face it, in the good old days … there were five year articled clerks, still, who did the old-fashioned way and were very good at what they did’ (Graham, HR professional, organisation B).

In summary, the organisations which currently employ apprentices regard them as valuable additions to their organisations, but recognise that the route is not yet fully established and that for some organisations, it may not work as well as it has for the participating organisations. In terms of the wider legal community, the increase in numbers prior to the pandemic suggests that the apprenticeship is gaining acceptance as a credible route.

8.3 ‘Belonging’ and the experience of the apprenticeship

Section 3.5 considered a study of nurses’ clinical placement experiences using Wenger’s theories in relation to communities of practice (Levett-Jones *et al.*, 2009). While the study used Wenger’s theoretical framework, it focused specifically on the factors which would make the nurses on placement feel a sense of ‘belongingness’ in that community that would support their learning in the workplace. While the apprentices are not on ‘placement’ in exactly the same way, there are useful parallels between the clinical placement case study and the solicitor apprenticeship, both of which include on and off the job learning. The

criteria are used below to examine the experience of integration into the legal workplace, and how the participant employers fostered the sense of 'belonging' in their apprentices and supported their learning.

The participating organisations varied in terms of their levels of experience with solicitor apprenticeships, with some organisations having had their first intake at the time of the study, and others as early adopters having recruited multiple cohorts. The approach to moving around the organisation varied also, with some apprentices moving between teams in some way, including aligning with the trainee solicitor cohort where applicable. The organisations structured the apprenticeship experience in slightly different ways, as set out in figure 8.1 below.

Figure 8.1 Structure of the apprenticeships

Organisation	**Paralegal apprenticeship first?**	**Recruitment into a particular team?**	**Inclusion in trainee rotation?**	**First cohort/only cohort?**
A	No	No	Yes	Yes – first
B	Yes	No	Yes	No
C	No	Yes	Yes	No
D	Yes	Yes	No	No
E	No	N/A	N/A	Yes – first
F	Yes	N/A	N/A	Yes – only
G	N/A	N/A	N/A	N/A

The organisations commented on the structure of their apprenticeship programme, and a summary of their comments is set out below. For organisation E, only the apprentice consented to interview, and there are therefore no comments from the organisation on the structure of the apprenticeship. Faaiza, from organisation E considered that she was

regarded as ‘a trainee with a longer contract’. For some participating employers, the apprentices were distinct from graduate recruits, at least initially:

> ‘I see this not as six years, it’s four plus two. So we’ve got four years to get them to a trainee level’ (Kieran, partner, organisation A).

In three of the participating organisations which recruit both apprentices and trainees, the apprentices are included in the ‘seat rotation’, moving around the organisation along with the trainees, allowing them to experience different teams and areas of work within the organisation. For in-house teams, this is unlikely to be possible, although an in-house legal department would be responsible for the legal affairs of the organisation as a whole, and the apprentices from organisations E and F advised that they had experienced a variety of work in their roles. The apprentices are recruited at an earlier stage in their professional development, and, as Kieran’s comments suggests, will need effective support and mentoring during the early stages of their apprenticeship, particularly during the period of induction:

> ‘when somebody’s coming in, they don’t really know anything about law. So the paralegal apprenticeship is useful, well, one to get them used to working in an office, two get them used to studying one day a week, … while they’re working … in an office. So there’s a lot for them to learn, in an early stage, and also for us to learn because the tradition with law firms is that you’ve got people who are joining at that level who are graduates. So it’s rethinking the way you bring people into that working environment when they haven’t had that background’ (Graham, HR professional, organisation B).

Graham’s comment acknowledges that while the apprentices need to learn how to ‘belong’ in the professional environment, the organisation is also learning how to include them in that environment, ‘rethinking’ how to do this effectively. While organisation B’s recruitment was to the organisation, rather than a particular team, organisation C recruits to a team, but includes the apprentices in the trainee cohort for their last two years.

> ‘they spend four years with a team, with one team, really getting to know that particular team. They then do their final two years which will be SQE years on trainee seat rotation to give them that wider experience and then the idea is they come back to their original team as a qualified’ (Susannah, HR professional, organisation C).

For organisation D, the apprentices are recruited into a team, where they will be based throughout their apprenticeship.

> ‘I think if they wanted to move, they probably could. I don’t think it’s ever really come up so I don’t really know what the policy is, but yes, I think the expectation is that they stay with the team and qualify into that team if possible’ (Gordon, partner, organisation D).

For organisation F, the two solicitor apprentices are their first cohort, and were employed as solicitor apprentices on the basis of a business case that the apprentices made for their roles:

> ‘our … apprentices have actually done the paralegal first of all, so we kicked off with the level three paralegal and progressed from there, because the other team felt that they had that capacity or capability to be able to progress to that level. … we recognised that it was a big commitment and we were very clear with the apprentices up front about what the commitment was’ (Louise, HR professional, organisation F).

Although the participants had slightly different experiences of the apprenticeships, for example, whether they were early adopters and whether they had more than one cohort of apprentices, all of them discussed how to integrate the apprentices and support effective learning within their community of practice. The criteria used in Levett-Jones et al’s (2009) study of clinical placements for nurses, applying Wenger’s concept of communities of practice and the importance of ‘belonging’ are now applied to the communities of practice within the participant organisations.

8.4 The importance of being made to feel welcome

First, the issue of feeling welcome in the community as a 'newcomer' (Wenger, 1999 p13). It was acknowledged that the recruitment process should take into account that the apprentices were less likely to understand what is involved in working in a legal environment, and would need to be inducted:

> 'So the first year is really about what is an office, learning about being in an office. What is an office? Learning about how to conduct yourself in an office and what to do … we've been working in an office for such a long time, we just know how to do it. And we forget that it's a skill that needs to be brought on slowly but surely' (David, partner, organisation D).

Further, for organisations which had employed more than one cohort of apprentices, there was discussion of how their programme had changed in order to enable them to make the apprentices feel they belong:

> 'we have a detailed induction programme. We also rely on the providers too, in terms of giving them some basic work skills experience. … we've also experimented as we've gone along, because we've looked at, you know, seat rotations, and how do you fit that with what they're doing in terms of their studying and the elements of law they're doing at the time' (Graham, HR professional, organisation B).

Apprentices in early adopter organisations reported that the programme had been adapted in response to their feedback and that they had had the opportunity to contribute to its development. There was also a recognition in participant organisations where the apprenticeship programme had been expanded into other areas of the business, allowing apprentices to then move into law on completion of the initial apprenticeship could be valuable to the organisation. Further, early adopters have also adjusted their approach to take into account the combination of on and off the job learning that trainees do not generally experience because they will typically have competed their degree and LPC before they begin their period of training:

> ‘the apprentices are also doing their academic and vocational training in terms of the LPC at the same time as they are working. So there is the need to sort of keep on top of how they're doing in their education and to make sure that they have some support with that and are not given too much work to do and expected to do too long hours where we might perhaps expect a trainee to work longer hours, because we recognise that they’ve also got studying to do’ (Gordon, partner, organisation D).

For providers who have been early adopters or who have had the experience of having the apprentices with them for more than two years, the view was very positive, and they did feel that the apprentices were a welcome addition to the organisation, and that they ‘belonged’:

> ‘I think the general view is the business is pleased with what it sees. But that is down to the application of the people doing it. And that’s about getting the right people in, it’s the same old thing, it’s about getting the right people in on these frameworks, because if they are willing to work hard and are willing to commit, then most people can achieve quite a lot’ (Graham, HR professional, organisation B).

The participant organisations’ views of the apprenticeships were overwhelmingly positive, although there was a view that it was important to ensure that the ‘right’ people were recruited, and for some participants, the structure of the paralegal apprenticeship as an initial step to the solicitor apprenticeship addressed concerns regarding retention and the scale of the commitment that was needed from both parties. For other participants, direct recruitment onto the solicitor apprenticeship aligned better with their strategy.

8.5 Involvement and inclusion

Levett-Jones et al’s (2009) study acknowledged the need to feel that the activities undertaken during on the job training were genuine activities. Further, for the nurses in the study, being regarded as part of the team was important to learning, as well as to a sense of belonging. The activities undertaken by the apprentices varied according to their level of experience, although as they progressed, the requirements of the solicitor apprenticeship

standard with regard to knowledge, skills and behaviours drove decisions regarding the types of work and experience that they were expected to accumulate.

> 'So I do think that apprentices, especially in the first year are of a more junior rank than trainees. So they'll be doing more what junior paralegal would be doing, rather than a trainee. So some of the tasks are fairly similar, but they could also be doing a bit more kind of the junior admin work than necessarily a trainee would' (Laura, HR professional, organisation A).

This sense of progression as the apprentices gain experience and become more integrated into the community is reflected in the type of tasks that the participating organisations described, as shown in figure 8.2 below.

Figure 8.2 Examples of Apprentices Tasks

Year of apprenticeship	**Example of tasks**
First year	• Shadowing • Watching other people (more difficult with remote working) • Reviewing • For the first six months, it is sort of like having an extended work experience student • Research task reviewing recent tribunal decisions to determine the main points and compile a 'list of dos and don'ts' for cases in a particular area of law • Proofing and checking transcripts • Sense checking emails • Drafting a basic contract • Attending meetings, bundle meetings, weekly updates • Transaction bibles [collated sets of transaction documents]

	• Excel template, individualising it for fee earners • Research, commercial • Research on legal points to support writing short marketing articles • Web searches to identify intellectual property infringements for a client • Summarising reports for a briefing • Employment law individual points for articles on topical issues • Meeting notes • Admin forms • Research – legal, depending on experience • Tasks that apprentices need to do in order to comply with the requirements of their apprenticeship standard • Basic letters • Chronologies • Medical records • Expert reports • Procedures for letter of claim • Going to counsel to take a note • Bundling • Filling in forms
Second year	• Starting to pick up your own cases • Drafting responses to letters of claim • Instructing experts under supervision • Starting to take a little more responsibility
Third year	• Legal research ‘and come to me with a proposed answer’

	• Tribunal claim: draft response; speak to witnesses, put together a court bundle for approval • Writing letters of claim • Writing reports to clients • Running more cases yourself • Fewer discrete tasks give to you by the team; more management of your own workload
Fourth year	• Managing your own caseload and asking for help when you need it • 'Generic trainee roles' • Legislation review • Due diligence reports • Attendance notes at meetings • General matter management • Attending negotiation meetings • Updating clients on the key points of meetings • More client contact • May have a secretary; learn how to delegate effectively • Letters of advice • Advice notes
Fifth year and beyond	• Running complete matters with low levels supervision • Enquiries from sellers and buyers • Liaising with clients and other solicitors • Being able to take responsibility for a transaction from start to finish as time in the team is longer than it is for a trainee

Participants noted that initially, apprentices were able to undertake shadowing and administrative tasks such as taking meeting notes. Participants from organisations which did not recruit into specific teams observed that apprentices' lack of legal knowledge when they first started meant that some areas of work were more suitable than others:

> 'I think each team would treat it quite differently, because you might have a team that does a lot of repeated work, say like a conveyancing-type team, there's a very set type of work that you can teach someone to do on a sort of repeat basis' (Ellen, associate solicitor, organisation C).

Many participants considered that work which was process-driven, rather than technical or involving 'black letter law', would be a useful introduction to legal work at a time when apprentices would generally have low levels of legal knowledge:

> '[In the corporate team] there's not really that much that an apprentice could get involved in because the nature of the work is that bit more difficult to understand, so even with trainees, we would tend to not put a first seat trainee in corporate because it's a much steeper learning curve than other areas' (Laura, HR professional, organisation A).

While the tasks that the apprentices undertake are important to their integration into the organisation, and to feeling that they are part of the team, their supervision and mentoring are also key to ensuring that they feel involved and that their learning is supported. For example, Rowan, senior associate solicitor from organisation A describes asking an apprentice to check interview transcripts for accuracy, which allowed the apprentice to undertake work that enabled them to become more involved in a client's matter:

> 'not the most exciting task in the world but … work that would otherwise have been charged for. And it also, sort of goes into getting someone involved in a case, and you know, hopefully going forwards, that's some work that she did for me, then she came to hearings with me, those sorts of things, you get someone involved in the case' (Rowan, senior associate solicitor, organisation A).

Involvement with activities that are client-facing, rather than being restricted to purely administrative matters is also significant to development, and client contact was recognised as important to development by participating employers. For example, Gordon from organisation D explained that apprentices were encouraged to attend client networking events in order to get used to interacting with clients informally, and David, also from organisation D stated that it was important that supervisors and mentors felt that they could put apprentices 'in front of a client'. David's comments indicated that this was not limited to networking events, and the progression of tasks during the apprenticeship shown in figure 8.2 above includes interaction with clients in the form of attending meetings, progressing to drafting letters, and writing reports as the apprentice becomes more experienced.

With regard to client contact and contact with other fee earners, the systems of allocation of work considered above allow for contact with colleagues within the organisation, and for apprentices to have contact with other professionals such as barristers, expert witnesses and other solicitors. Participating organisations indicated that the question of whether the apprentice had client contact would depend on a number of factors including the experience of the apprentice and the type of work being undertaken. For example, a more senior solicitor apprentice might be given significant responsibility:

> 'The solicitor apprentice, she has quite a lot of, I think, client contact. I ask her to run files so she will be the main point of contact with clients on those files' (Gordon, partner, organisation D).

In contrast, in the early stages of an apprenticeship, taking responsibility for matters and being the point of contact for clients is likely to be less common:

> 'my view is 4 years go pretty quickly and it's a big learning curve, and I would want them in the business for as long as possible. But in terms of that client contact, I think, we're not … deliberately holding them back from speaking to clients, but

> they're much less developed during those first few years' (Susannah, HR professional, organisation C).

There was an acknowledgement among participant organisations that supervising an apprentice was different to supervising a trainee solicitor, who would be expected to be able to work at a higher level at the point of entry:

> 'there's a lot of shadowing in the first six months, a lot of research, a lot of reviewing, and actually, just a lot of watching other people. Which is what we are so desperately missing at the moment, working from home. That then slowly morphs into more of an admin role, so you know they will be doing the basic sort of admin, the file opening, you know all that kind of stuff that probably an admin assistant, or a secretary might be doing in the team and slowly, slowly over time we are drip feeding complex work, so by the time they get to about year three, they should be picking up more paralegal type work for that team, with a view to year five and six, moving onto our trainee seat rotation' (Susannah, HR professional, organisation C).

In many cases, there were similarities, particularly as the apprentices became more experienced:

> 'they have a supervisor, and a principal like we would do with trainees, so they're well looked after within the department and unit. And they attend client meetings in the same way, too' (Graham, HR professional, organisation B).

The participants also acknowledged that the supervision role was more than simply line management, and that the apprentices need support which facilitates their learning, rather than monitoring their workload:

> 'I understand my mentor role as being, supervising work and helping with work concerns, but also from a pastoral side of, sort of helping the apprentice develop as a lawyer, but also dealing with any concerns they've got with their university … probably particularly because it's a professional qualification that we're working up to, you feel like you are helping to train them, rather than just monitoring their work like a line manager might do' (Ellen, associate solicitor, organisation C).

In addition, there is a three-way relationship between the apprentice, the employer and the organisation providing the off-the-job training. Research suggests that it is essential to recognise that the link between on and off the job training is important to the quality of learning, and the development of a professional identity (Lester, 2020). The need to address the requirements of the apprenticeship standard in relation to knowledge, skills, and behaviours during situated (Lave and Wenger, 1991) or on the job learning means that appropriate and supportive management in the workplace is vital:

> 'I see us as helping their development, but ultimately, they are aiming to become a solicitor and achieve that professional qualification, so I suppose that is all part and parcel of the work they're doing. I'm not just asking them to do work that needs done, but I'm aware that they are trying to develop skills, and the skills that they need to qualify in that professional capacity' (Ellen, associate solicitor, organisation C).

Further, the tripartite nature of the mentoring and supervision relationships mean that all parties need to coordinate with each other in order to support apprenticeship learning effectively:

> 'I always say the key to a successful apprenticeship is the relationship between the manager, the apprentice and the training provider. And if a link breaks down between those three … then we've got problems on our hands and we're going to have to sort it, so, it's up to managers to make sure that they've got those really good communications in place' (Louise, HR professional, organisation F).

The supervision of the apprentices varied slightly between participant organisations, but in all cases, the apprentices were allocated a supervisor, usually on the same team as the team in which they were currently working if applicable. Approaches varied between organisations, but the importance of having someone responsible for the experience of the apprentice in the workplace was acknowledged by all the participating organisations:

> 'they'll be given kind of designated supervisor who will be generally of a senior associate position or above, so at least five PQE, and they'll be kind of responsible for their overall workload, but they'll be kind of given tasks from various different people across the team' (Laura, HR professional, organisation A).

For other organisations, the supervision of the apprentices presented opportunities to develop colleagues' management and mentoring skills as well as providing the apprentices with relatively early career role models:

> 'they have a supervisor who will always be a qualified lawyer. Not always a very qualified lawyer, you know, we've got a range … we've got [some supervisors] who are maybe 2-3 years qualified and it's great development for them, actually, so it does a number of things' (Susannah, HR professional, organisation C).

Further, some participant organisations had additional points of contact to provide a range of colleagues who could ensure that the apprentice was well-supported:

> 'we have buddies at various levels. We have a trainee buddy, there's a secretary buddy, there's a junior associate buddy … paralegal buddies, the aim being that they've got lots of touch points, they get to know lots of people, but also that there's those types of questions that they'd rather ask someone and not someone else' (Kieran, partner, organisation A).

In all organisations, the apprentices were in regular contact with supervisors and with their point of contact within the training provider organisation. In some organisations, more experienced apprentices were expected to take a proactive approach to meetings with a supervisor outside of a regularly scheduled meeting:

> 'You do have to stand up, because I've got another twenty people I'm supervising….You've got work coming in left, right and centre, you need to stand up and say "[name], I've put some time in your diary, there we go" and that's when we can speak. But we do check in with them regularly, very regularly' (David, partner, organisation D).

All participant organisations emphasised the need to work effectively with the training provider to ensure that the apprentices were getting the experiences that they needed:

> 'they have reviews like anybody else does in the firm. So effectively, if you were a trainee, you'd have a seat review, and our apprentices have the same for the seats

> they're in, even though they might be of a longer duration. And also, I think it's important with the providers that you've got a flow of information about how they are doing on the academic and study side, too' (Graham, HR professional, organisation B).

With regard to how work was allocated, organisations worked in various ways. One organisation used an inbox which the apprentice would monitor and indicate the work that they were doing, several participants referred to proactive emails from the apprentice to inform other team members that they had capacity, and to emails from a supervisor notifying colleagues that the apprentice had capacity to undertake tasks. One organisation with several offices nationally allocated work in a way which allowed all apprentices to gain experience regardless of location:

> 'we basically have a taxi rank system, where, because the team is over [several] sites, … so we have this pool, if I can call it that. … I would put that task into what we call [name of bespoke work allocation system], and then you can specify what level of apprentice you want, whether it's first year, second year, solicitor apprentice, and then that work will be farmed out to them and they will do it, they will speak directly to the lawyer' (David, partner, organisation D).

In contrast, in some participating organisations, while the supervisor may have overall responsibility for ensuring an appropriate workload, the apprentice may also have the opportunity to take a more central role in that process as they gain experience and build their professional judgement:

> 'people will come to me and say this is a project that I'd like to get your apprentice involved with, is it appropriate? … And then often once you've started working for individuals, she will have a relationship with those people directly and they'll continue to work with her, they'll supervise her, they'll give her feedback. They might reach out to me if there's anything they want to say to me or, there's an issue or anything, but yes, otherwise it comes by me, or via those networks that she's recruited herself' (Rowan, senior associate solicitor, organisation A).

Where apprentices were allocated to a particular team, in most cases, their supervisor within the team would allocate work to them, at least initially.

The participants were interviewed during lockdown, and all reported that there was an impact on the apprenticeship experience due to remote working. This affected their sense of belonging, and adversely impacted the experience that it was possible for them to have. For apprentices who began their apprenticeship during the pandemic, the opportunities to observe and shadow were limited, and the recruitment process also appears to have been affected as no in-person interviews were possible.

> 'it's not giving them that atmosphere, it's not giving them that same, taking people up [to the courtroom], making sure people get there on time, that sort of thing, the way it works in court is different when it's at home, they are not learning the ups and the downs of a court, so, yes, I'm looking forward to getting back to in person hearings' (James, solicitor, organisation F).

The pandemic and not being able to work in the same office space as colleagues meant that for new apprentices, opportunities to learn office etiquette and procedures, and to be immersed in the culture of the organisation were not available. It was more difficult for the apprentices to become fully involved, and to integrate into the community:

> 'And that was also, kind of, well, they just don't know that [emails should be checked frequently], they literally just don't know that. And it's a training of, "this is the way that the world works" and I think that was much harder remotely. They would have just seen, just looking around, the way people are working in an office environment … if she had seen me, day to day, you see that would have, she would know that' (Kieran, partner, organisation A).

For more experienced apprentices, the opportunities to develop and to move into the next phase of their experience were also limited, particularly where it had been necessary to furlough some apprentices, as some participants reported:

> 'this last 12 months … should have been the year that we were really prepping them for that move, and that last 12 months, that 2020 year, they really should have been flying as a paralegal, taking on a lot more work, but … I guess we can't guarantee that's really been happening in the way that we would have been, had we been in the office' (Susannah, HR professional, organisation C).

The strategy in relation to the return to the office, to ensure that while many more experienced colleagues might wish to work more from home, the apprentices would need to be able to experience the office environment, and to be involved in other activities, such as attending court where that was part of their role:

> 'I know it's a concern … about trainee lawyers and we have said that we are looking at getting back, with less desks, into our area. And we have absolutely prioritised the apprentices and having them in the office. And having them some contact time as well with different people. Because I think they miss out on, practically, it's a lot harder. Before, when client would pop round and say "can I have a quick chat?" And they would join in. And now I have to remember to phone them in and I don't know if they're in a meeting, I don't know what they're doing. And they do miss out on that joining in on meetings and they can sit and listen and they can interact. I think it's a huge issue, and it's one we've recognised' (James, solicitor, organisation F).

The study in relation to clinical placements discussed in section 3.5 (Levett-Jones *et al.*, 2009) also referred to informal socialisation, but as the data collection occurred during the pandemic, this is not an area on which there were very many meaningful comments, although some organisations referred to social events to which the apprentices would be invited. As the pandemic has made even the work based informal interactions in the office an area where organisations need to consider their strategies going forward, the point in relation to information socialisation will not be considered further in the study, although it is a significant part of the experience.

8.6 The need for a solid and valued role

Just as the apprentices need to feel involved in order to become part of their team and the wider organisation, it is important to feel that the role itself, and the work undertaken as part of that role are part of the work of the organisation and valued accordingly (Levett-Jones *et al.*, 2009). The apprentices described the type of work that they are given and examples of

tasks allocated to apprentices depending on their experience were considered earlier in section 8.5. Essentially, the apprentices will be starting from low levels of knowledge and experience and building to a point where they are able to take on more responsibility and run matters under supervision:

> 'So I guess it's, in terms of tasks, it's difficult for me to tell you exactly what they would be doing but the way they sort of track is … around the first six months, as work experience students, kind of admin for the first 18 months, into more paralegal type experience, more paralegal type roles, and then onto trainee level for that last two years' (Susannah, HR professional, organisation C).

In contrast, as the apprentices become more experienced, they are likely to be expected to take significantly more responsibility for managing their work:

> 'I expect them to run the case for themselves start to finish, with appropriate guidance and oversight' (James, solicitor, organisation F).

If the apprenticeship is to be inclusive, it is important that the apprentice is integrated into the organisation and that they are genuinely contributing to the work of that organisation; the 'valued role' (Levett-Jones et al., 2009 p320). Part of the general working pattern of commercial legal services providers is the use of time recording, as discussed in section 7.2.5. Organisation E is a City Council and organisation F a third sector organisation, neither of which would generally charge for their time in the way that a commercial legal services provider might do, although time recording might be used as a management tool. Requiring 'fee earners' (rather than support staff) to record time in 10 six-minute units per hour, with the expectation that at least part of that time will be charged to a client in due course remains a common way of evidencing the value of work undertaken.

Where apprentices were not yet time recording, there was a view that it should, at some point, be introduced:

> ‘I think it would help to give them that sense of “I’m contributing, I’m adding value to this” and also it’s just good practice really, because it’s something you need to get used to … I’ve given work to my apprentice that I would have given to a trainee and charged for it, so I think we should, whether or not we want to charge them out. I think as I said it goes back to this feeling of contribution’ (Rowan, senior associate solicitor, organisation A).

However, in the case of newly recruited apprentices who were having to work remotely, the value of asking them to time record was acknowledged, but the delay in introducing it was felt to be fair in the circumstances:

> ‘I think part of it, part of the reason we didn't want to give them target hours is I think it’s a source of stress for some people. … I’m conscious that they've not had office jobs and things like that before it's giving them a quite nice way to start where they haven’t got those targets that could potentially cause them a bit of stress to try and meet. But I think by the time they’ve kind of built up a workload and things like that, then it actually it makes sense for them start recording once they know more what they’re doing’ (Laura, HR professional, organisation A).

In contrast, for other participant organisations, the learning experience in relation to how a legal services organisation operates means that the time recording ’habit’ is one that they wish to instil as early as possible:

> ‘we want that discipline [time recording] from day one. Because I think it’s important that people understand the importance of time recording, and dare I say that’s a good introduction to the business, too. Because they get it from day one’ (Graham, HR professional, organisation B).

The organisations which did have time recording as a requirement for the organisation generally varied slightly in their approaches to how the apprentices were brought into the system, although in some cases, remote working affected how the system was used. There were various explanations for the approaches:

> ‘We have a minimum, we have to record a minimum of seven hours a day, and that's the same for everyone, fee earners, at least … So the apprentices would be required to do that, … there is also this requirement to obviously record everything's that’s

> billable but a requirement that non-billable stuff is recorded as accurately as possible as well, so that we know you know what's being spent on marketing and admin, and all the rest of it' (Gordon, partner, organisation D).

In contrast, other organisations used time recording more flexibly, with the apprentices' performance providing a guide as to whether they were 'ready' for target hours;

> '[time recording] depends on the rate at which they're performing ... But there's no expectation from us, and I would say probably no real need to do that other than to get used to the systems, because it's very, it's a funny way of working, isn't it? … I think they have enough to get to grips with in the first year or so and unless they are really pushing for more and are capable and ready for it, I would say the first couple of years, definitely not. But I think I would want to see them within the first couple of years beyond that, getting used to the system. Because we do not want training contract to be the first time that they have had to do that really' (Susannah, HR professional, organisation C).

The development of the apprentices' levels of responsibility is evident from the kind of work that they are given and how involved they would be able to be in a matter. As considered, the longer period of time within both the firm and each individual team may allow apprentices to be involved in matters form start to finish, for example the court case described by Juliet in section 6.4. Being given more responsibility and a longer time to develop the relationships with colleagues, other professionals, and, in some cases, clients is likely to contribute to a sense of 'belonging' for the apprentices:

> 'I lose track of how long she has been with us, how long she has still got to go. It kind of feels like she has been here a long time because she is so, sort of, engrained' (Ellen, associate solicitor, organisation C).

The apprentices' workplace experience accounts for 80% of their time, and their longer period of 'immersion' allows them to become integrated into the organisation, or 'engrained' within their teams.

8.7 Recognition and appreciation

While it is not yet possible to compare the long-term career trajectories of the apprentices and their graduate counterparts as no one had yet qualified through this route when the data was collected, the participants felt that generally the apprentices compared well with their trainee counterparts, although in the initial stages, there were clear differences:

> 'there are obvious gaps in her legal knowledge because she's not … gone through the process of a University degree or a GDL and then the LPC, but in other respects she's way ahead of a first year trainee in the sense that she's … extremely familiar with our systems and she has great experience of working with experts, and counsel, she understands the ethos the firm, so compared to where a first year trainee would be, she's in many ways, she's much further ahead as a result of having had a few more years in the system, if you like' (Gordon, partner, organisation D).

For definitions of GDL and LPC, see Glossary.

However, the experience of legal practice generally means that the apprentices are able to take on more responsibility:

> 'the work that I would have given a new trainee, or a trainee that's previously been a paralegal or an apprentice, it would just be a totally different standard of work' (Rowan, senior associate solicitor, organisation A).

The difference was felt by some participants to be not simply due to the duration of experience, but to the depth of experience within the organisation which is possible with the different structure of the apprenticeship:

> 'they [the apprentices] know the firm, they know how it works, they know the caseloads, they know what they're doing, they know the litigation process, and whereas with a trainee, you have them for six months, the first four and a half months is teaching them everything that a paralegal learns in that first year… But then, you've only really got a trainee that's any use for six weeks, really. And then they leave, they probably take some annual leave at the end of their seat, and then they go. …. Because our apprentices can then have their own caseloads, they know how to manage clients, they've been in front of clients for three, four, five years, and they are just, I feel they're better' (David, partner, organisation D).

The different durations of experience for trainees and apprentices were recognised as a significant factor in their development:

> 'the training contract, by its very nature is a third of the time. … But I think that obviously the danger is that you get into it, you've spent six months in, I don't know, property, and then you switch seats just as you are, and I use this word carefully, but 'useful', you've got a bit more understanding, you're able to do a little bit more. Whereas obviously over a longer training, we are able to switch seats less regularly, or have them for longer periods in those seats. … so yes, certainly I would expect them to do more than I would as a general principle, I guess. Because of the length of time I can make them learn that experience and learn that discipline' (James, solicitor, organisation F).

However, initially, for participants who were employing their first cohort of apprentices, there were some adjustments, reflecting the adjustment to the organisation's mindset when recruiting apprentices in very early career, rather than graduate trainees:

> '[What] we have been spending a lot of time talking about is that we see this as a career, not a job. And I think we don't generally have that challenge with our trainees. And I'm not sure I could tell you precisely why that is, but I've not experienced that with trainees' (Kieran, partner, organisation A).

Although the need for some adjustments in the organisation's approach have been noted above, the participants did not indicate that the apprentices were less effective as part of the community of practice than their trainee counterparts:

> 'I think generally, the impression I get is that the standard of apprentices has been really high, and they're just as valuable a resource to the teams as the trainees often are. … but having said that, you know there is that slight distinction, probably just at the beginning, of apprentices getting up to speed with, you know, just the very fact of working a 9-5 job and working in an office. Which some of the much better trainees are immediately much better at because they have probably got much more experience of that. But I think that sort of distinction doesn't really, you know, hold after a little while of apprentices getting into the swing of things' (Ellen, associate solicitor, organisation C).

For more experienced participants who had employed a number of cohorts of apprentices, the adjustments were also acknowledged, but as the apprenticeship became more

embedded, there was a view that the two routes were both effective. Overall, for early adopters, the apprentices were regarded as at least equivalent to trainees once they had had the opportunity to establish themselves:

> 'I definitely don't think it's a back door. It is an alternative route to qualification, there's no doubt about that, but I see it, my view is it absolutely is on equal footing. And I don't think it's an easy route. I actually think it's the harder route for anyone coming through, because [you have] to do that law degree while you're effectively working full time' (Susannah, HR professional, organisation C).

Participants recognised the contribution that apprentices made to their businesses, and regarded them as valuable additions to their pipeline of talent, with a different rate of development to a trainee, but potentially a stronger outcome in terms of integration into the business.

8.8 The importance of being trusted and valued

As the trainee solicitor route is a familiar route to qualification, trainees are a 'known quantity' and in general, teams would be familiar with how they would fit into the work of the organisation and be trusted to carry out tasks of a particular standard. The apprentices in the participating organisations were, in general, younger than their trainee counterparts and in some cases, the organisations' diversity strategy meant that apprentices were from more of a variety of backgrounds than might otherwise be the case:

> 'They're obviously a lot younger … they're inexperienced and whilst I can't say that I was immediately suited for the office environment, (laughs), I think it's fair to say, that you know some of the apprentices coming straight from school don't really know what is expected of them in the work environment' (Gordon, partner, organisation D).

Some participants reflected on the cultural adjustment for apprentices whose background meant that they might not have had experience of a professional environment:

> ‘I remember going to my Dad’s office when I was 14 for a day and I thought it was the most boring thing ever. But I got to see what it was like to have a coffee machine and to have an office and a secretary and you know, that didn’t seem weird when it happened to me one day, years later. And I didn’t think about it when I was 14, but that must have filtered, percolated, into my psyche, so that when I had my first day when I was 23, 24, yes, it was a big deal, but it wasn’t that big a deal’ (Kieran, partner, organisation A).

The need to ‘acclimatise’ the apprentices to a new environment involved, in most cases, an induction to ensure that the apprentices understand how the organisation works and what is expected:

> ‘making sure they behave in accordance with how everyone behaves, and conducts themselves … I think that you know it's difficult for them because they don't understand, you know they might have an expectation of what working life is like, but I think at a solicitors’ firm there are stronger expectations on the hours that people put in, and the sort impression that you have to give’ (Gordon, partner, organisation D).

A trainee solicitor, in contrast, was likely to have had some legal experience as employers generally require this of applicants for a training contract (Law Society, 2021c).

> ‘I suppose the solicitor apprentices, again, because they are joining us at an earlier stage in their development, often they are a bit younger, so they have often never worked in an office before, compared to trainee solicitors, who are also often brand new, formally working in an office, but have usually done some sort of office based work just because, by virtue of the fact that they are a bit older, they might have done work experience in various places’ (Ellen, associate solicitor, organisation C).

All of the employer organisations commented on the advantage of employing less experienced candidates for a much longer period, which was to allow them to ‘mould’ the apprentices, and to develop them as lawyers within the firm, as considered above in relation to the strategic aim of retaining those in whom they had invested:

> ‘so that we can mould them, because otherwise if we take them on at a later stage, they might have learned bad habits. … We’re able to [name of firm] -ise them’ (David, partner, organisation D).

Further, the duration of the apprenticeship means that the apprentices can become integrated into the organisation:

> ‘if you’ve got five years in an organisation, certainly in a firm our size, everybody will know you. And you’ll probably have worked in far more areas than a trainee could possibly … Because for that longer period of time, you were definitely an integral part of the culture of the organisation’ (Graham, HR professional, organisation B).

The emphasis on finding the ‘right person’ or someone who ‘fits’ within the organisation is also a key part of the strategy for recruitment. An individual who does not ‘fit’ is unlikely to remain with the organisation for the full duration of the apprenticeship and may resist the strategy of ‘moulding’ and integrating them into that organisation.

> ‘I think the firm, employees, partners, the partners of the firm come from such a broad aspect of, whether it’s public, private, academy, it wouldn’t be fair to say “right, we only take people from Harrow and Eton”, or something like that. Because the partnership’s not made up of that. … If they are the right candidate, then that is the right person that we can have to fill that role’ (David, partner, organisation D).

Fostering a sense of ‘belonging’ and inclusion was also discussed by participating organisations. The theme of ‘fitting’ in the organisation was raised by all organisations, and the different environments considered. For example, for organisation F, as an in-house legal team in a third sector organisation could not move the apprentices between areas of law, although there was an acknowledgement that different teams, such as marketing and HR within an organisation can have very different cultures. Maajid’s description of his recruitment experience into his employer organisation in section 6.4 is an example of how an individual can ‘feel right’ for one team or organisation, but not another. For early adopters, the apprentices working in the business were described as an integral part of the team, whether in the context of the individual teams if that structure was used, or the wider organisation:

> ‘[a question of] what that fit is, really. Within the organisation and with placements elsewhere with other employers as well, that will open their eyes. So if [organisation]

> is not right, they might think, oh, that place down the road, that's maybe where they feel they might belong. … it's not just that academic side of it, so it's that more cultural bit' (Louise, HR professional, organisation F).

The culture of an organisation can also extend beyond the organisation itself, and the issue of networking and building relationships outside the organisation is an extension of that culture and environment:

> 'I will encourage them, as and when we can see people, and this sounds so, silly, but to come to the pub with them. That's where the relationships are made, whether it's in the pub, at a restaurant, at a seminar, it's outside of the work bubble, if I can call it that, that relationships are made. … if you're a first year apprentice and they're a first year apprentice, in 15 years' time, you will probably have a really good relationship going forward. And that's encouraged' (David, partner, organisation D).

The apprentices' experiences of developing their professional identity during their apprenticeship aligns with the view of the organisations that there is a process of 'moulding' for the apprentices, who generally have little or no work experience before they join the organisation. In contrast, for trainees, there is an expectation that they will be more of a 'finished product' at recruitment stage. This expectation, combined with the shorter duration of their work based learning, limits the 'moulding' that would be possible, since they are expected to be much more 'formed' and 'polished' (Ashley and Empson, 2017 p222) when they arrive.

> 'I just feel that a trainee when they get in front of you is more polished, purely because they've had to be to get through university, LPC, various training weeks and vacation schemes to then get in front of you, they are, and also, they're older. The youngest they're going to be is 22, and in those years, they will have done work experience and got their suit. … An apprentice is an 18 year old that has just come out of school, so they're not going to be polished, and that's our job to do, but ultimately, essentially they are the same people, it's just that … the trainees have had more life experience than the apprentices' (David, partner, organisation D).

David's comment that the 'polishing' is something for the organisation to undertake, rather than the candidate shows the divergence between the apprentices and their graduate

counterparts at the point of recruitment. For some organisations, the diversity strategy as a factor in their recruitment will mean that the apprentices will be from different backgrounds to their graduate counterparts, and this was considered earlier in section 7.2.4.

8.9 The importance of realistic expectations

In order to develop a professional identity within the organisation, it is important that the apprentices are challenged, but not pushed too far, too early, in order to build confidence (Levett-Jones *et al.*, 2009). Making a judgment about what constitutes the right balance between challenge and support is not necessarily straightforward, particularly where organisations have previously have experience only with trainee solicitors. For early adopters, in addition to the practical issues considered above, there were some adjustments in relation to how to work with the apprentices, whose skills and experience levels were different to their graduate counterparts:

> 'we have become aware that they need a lot of training, more than perhaps we predicted, and that's been an eye opener for sure. …I think I probably expected the IT skills to be better, if I'm honest. Maybe I've got to that age where I just assume that youngsters are all whizzes with IT, and I think where the challenge has been is of course we use particular types of software and that is alien to people and perhaps we should have foreseen that a little bit more' (Kieran, partner, organisation A).

In addition, the fact that supervisors were used to law graduates or graduates who had completed a conversion course meant that there was a need to reconsider how to support the apprentices as they built their legal knowledge:

> 'one of the things I got stuck on quite early was trying talk about where law comes from and that employment law was a mix of European law, UK law and case law, and I just realised I'm going to be making no sense. Because you won't have that concept of how European law works and its sort of filters down to what we're doing every day. … So once you've done those basic concepts [at law school] it will be much easier, but actually it is very difficult to sort of know where to start with an apprentice' (Rowan, senior associate solicitor, organisation A).

In general, the organisations indicated that they recognised that it was important to support the apprentices, and to acknowledge that they did not have the same levels of knowledge as a trainee to begin with, but that the gap in that regard would begin to close once the apprentices began their off the job studies. There was also an acknowledgement that capable apprentices could undertake more demanding tasks and that this was beneficial to their professional development.

8.10 Apprentices' futures as part of their communities of practice

Participants who were early adopters of apprenticeships and who had worked with solicitor apprentices with three or more years' experience discussed some interesting observations regarding the advantages of including the apprentices in their communities of practice. The early adopters reported a learning curve in relation to how they structured the apprenticeship and trained the apprentices. For example, in many cases there was an element of moving between teams, but as discussed, this is on a much longer cycle than would be expected for a trainee solicitor, whose period of recognised training would normally be two years, rather than up to six (Law Society, 2021c). For all participating organisations, the duration of experience for an apprentice within a team was significantly longer than would be possible for a trainee solicitor. This was recognised as providing more depth of experience, and allowed more senior apprentices to be involved a matter from beginning to end:

> 'we've now got to a stage where, when they get a bit further up, they can have six month to twelve month seats, so the units, the departments look at them in a different way. So whereas they get a trainee who's in for four months on our model and so you've got two months to get them up to speed, two months when you might be able to get something out of them, you've got somebody who's in there for six months to a year, there's a hell of a lot you can get out of them and they can get more out too' (Graham, HR professional, organisation B).

The career trajectory of apprentices is not yet clear, as the first cohort of apprentices had not yet completed the qualification process at the time the interviews were conducted. The

participants whose apprentices were moving towards completion of the apprenticeship and admission as a solicitor were very positive regarding the apprentices as members of their team and certainly did not regard them as 'less' than their graduate counterparts:

> 'certainly they should be on the same, par at the very least. I can't think why they wouldn't be, because they're doing the degree, they're doing the same bits as you would do in the training contract … So I would certainly expect them to be treated as an equal, that's for sure. … I don't care what degree you got, I don't care where you went. All I care about is, can you do the job, do you have a business focus, are you, do you understand, particularly in-house, do you understand the running of an organisation?' (James, solicitor, organisation F).

As all routes to qualification as a solicitor will be required to undertake the SQE, there will be no difference in the centralised assessment regime. However, although the solicitor apprenticeship is at level 7, it is not a degree apprenticeship in the sense of including the award of a degree. While the standard itself does not include a degree, all providers who have so far entered the market have included the award of a degree. Some providers have degree awarding powers themselves, while others have partnered with an organisation which can award a degree. The apprentices generally felt that the degree was an important part of their qualification, and something that integrated them fully into the wider legal community, the 'constellations of practice' (Wenger, 1999 p126).

Within the participating organisations, opinion appeared to be divided, perhaps in part because providers were all including a degree as standard.

> 'it makes no difference to me. I've never thought of it in those terms actually, because ultimately at the end of it, you are qualified as a solicitor, and that to me is the goal. And the providers that we work with do all accredit with an LLB anyway, so maybe that colours my judgement a little bit. But I don't know' (Susannah, HR professional, organisation C).

In contrast, some participants regarded the inclusion of a degree as essential to the apprenticeship route being seen as having parity with the graduate route:

> 'I do. I think it matters. [the issue about] some people seeing it as the 'back door'. Because I think if these people are doing the same professional qualifications to the same level, why aren't they getting a degree? They should be getting a degree, they deserve a degree' (Graham, HR professional, organisation B).

Further, some participants considered that there was value in the degree itself, in terms of the breadth of academic knowledge that studying a wider syllabus affords:

> 'I am guessing from an academic point of view, that it must make a difference to have studied all the relevant legal areas to an LLB standard. … So it's, to me, it is useful that she still gets that academic rounded view of other areas of law that she is not necessarily covering while she is working as an apprentice. And that she wouldn't cover every single area of law if she was only learning through working' (Ellen, associate solicitor, organisation C).

The participating organisations' experiences of the apprenticeship were positive, although all acknowledged that there had been adjustments in terms of how they supported the apprentices in the work environment, as compared with how they would support trainees. Moreover, a number of these adjustments reflected the fact that the apprentices were at an earlier stage in their career, and that they have lower levels of legal knowledge. The integration of the apprentices into the community of practice was addressed by ensuring that they had effective support and that the relationship between the education provider and the employer was effective. Further, the progression in the apprentices' work, together with the widespread use of time recording allowed the apprentices to not only contribute, but to be seen to be contributing to the work of their team as fee earners for the organisation.

8.11 Conclusion

The employers' experience of bringing the apprentices into the community of practice was examined using criteria from a study relating to belonging while on clinical placements Levett-Jones et al (2009). The chapter explored the experiences of the participants in relation to how the made the apprentices feel welcome, and how they involved and included them in the work of the organisation, for example using time recording systems. The chapter also considered how the employers provided appropriate roles for the apprentices within their teams, and how their contributions were recognised, enabling them to develop, and to feel that they were genuinely part of the organisation. Finally, the participants discussed their ideas on how the solicitor apprenticeship might develop within their communities of practice, and the significance of the award of a law degree in that future development.

Chapter Nine: An Apprenticeship into the Wider Profession

9.1 Introduction

Chapter nine addresses the third operational research question 'How do the experiences of all stakeholders indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession as a whole?'

In addition to the apprentices themselves and their employers, the stakeholder participants were apprenticeship training providers, representatives of professional bodies and organisations, and a legal services employer which does not pay the levy or employ solicitor apprentices. Having examined the experiences of apprentices and their employers in participating communities of practice, this chapter considers how the apprenticeship addresses mechanisms affecting inclusion in the profession more widely, bringing in the perspectives of this wider group of stakeholders. The perspective of stakeholders other than apprentices and their employers is useful in building a deeper understanding (Vogl, Schmidt and Zartler, 2019) of how the apprenticeship is perceived in the wider legal community of practice or 'constellations of practice' (Wenger, 1999 p126).

9.2. The legal profession as a constellation of practice

In previous chapters, the term 'community of practice' has referred to the individual organisations participating in the study. The wider community as a 'constellation of practice' was discussed in section 3.5 (Wenger, 1999 p126-128), and the solicitor apprenticeship itself was established as the unit of analysis for the study. While chapters seven and eight have examined the experiences of individual communities of practice (the organisations), the wider profession as the context for the findings in relation to a wider group of stakeholders allows for the examination of different issues.

For example, sections 4.4 and 4.5 considered the mechanisms affecting inclusion associated with A level grades and the quality of secondary education in the choice of universities open to disadvantaged students. While contextual admissions are becoming more widespread, the proportion of disadvantaged students who are attending elite universities remains modest. This may be due to inequality of access (Boliver, 2013; Boliver, Gorard and Siddiqui, 2021), but it may also be because students from disadvantaged backgrounds are more likely to choose their university on the basis of factors other than academic prestige, such as family responsibilities, financial issues, or that they are concerned that they will not fit in at an elite university (Reay, 1998, 2018, 2021; Reay, Crozier and Clayton, 2010).

Participating providers indicated that while A levels were part of the admission criteria, it was possible to consider admission on the basis of alternative qualifications or experience; for example, Faaiza, was recruited with a BTEC, and Erin, who advised that she did not have the grades that were specified, and would have been required to take a foundation year at university had she opted for higher education. Erin's employer and education provider agreed that she could still join the apprenticeship programme because the employer felt that she was a good fit for the organisation. The literature in relation to graduate recruitment indicates that the criteria for access to the legal profession are also based on 'fit', but this is evidenced in a different way. For graduate entry into the legal profession, recruiting the right people, for 'elite' organisations, has come to mean the brightest and best, as evidenced by attendance at a 'good' university, graduation with 'stellar grades' and evidencing the 'polish' that was discussed in section 4.8 (Ashley *et al.*, 2015). Apprenticeship programmes in law are not currently offered at pre-1992 universities (Gov.UK, 2022) and apprentices recruited as school leavers are unlikely to have had the opportunity to build the experiences that their graduate counterparts are expected to demonstrate. Participating employers' interviews

indicated that they were aware that apprentices would need time to become accustomed to an office environment, and that they would have less legal knowledge and less experience of legal environments than graduate recruits, and that they made adjustments for these differences. In effect, the earlier recruitment point for participating apprentices meant that the factors associated with higher education, such as internships and the expectation that the graduate candidates would be more of a 'finished product', together with the use of a strengths-based recruitment model (Lewis, 2016), is likely to mean that these mechanisms affecting inclusion were 'neutralised' or mitigated.

9.2.1 Precedent, culture and change

Participating employers, whose views and experiences were considered in chapters seven and eight, expressed the view that significant changes to inclusion in the solicitors' profession were unlikely to happen quickly, and that the apprenticeship was a long-term agent of change. The O Shaped Lawyer initiative (O Shaped Lawyer, 2022), considered in section 2.5, indicates that the culture of law is generally risk averse, and this view was supported by other stakeholders who suggest that the legal profession is 'very suspicious of anything new. …My thought is that it is because of the way you're trained to always look back and never look forward' (Wendy, senior leader, professional body).

This view of the legal profession as backward looking, and 'suspicious' of change, combined with the view of 'alternative' routes as 'back doors' considered in section 8.2 mean that while the legal profession has 'a proud reputation' making it an aspirational career, it also has a 'daunting reputation', and there is a risk that those who come from non-professional backgrounds may not have role models within their communities to 'give you the confidence … to know that actually you will be welcome' (Chanvir, policy adviser, professional body). There is therefore a risk that those who find the profession daunting will not even attempt to begin a legal career. If the apprenticeship is seen as a more uncertain route (Casey and

Wakeling, 2022), it is possible that the concerns outlined in Chanvir's comment may act as a deterrent to students from non-professional backgrounds. Further, as considered in section 6.3, information still does not appear to be readily available to school students and their parents, which may mean that they cannot 'get all the information they need to help [them] make an informed decision as to whether actually this is the right pathway.' (Claire, senior leader, apprenticeship education provider).

Edward, a senior leader with an apprenticeship education provider, related an anecdote from his training contract as a solicitor where he was asked to interview a client regarding an injury sustained at work. The client was told that Edward was a trainee solicitor, which was described as being 'like an apprentice'. '[A]nd this guy went mad, he said 'I'm not having an apprentice interviewing me!' … [and] I think there is also this feeling of 'apprentice' being at a lower level. … there is an unhealthy bias, perhaps, against technical education'.

Participants acknowledged that perceptions of apprenticeships were changing, but that this appeared to be a slow process. The experience of apprentices in relation to the information available to them in their schools has been previously considered; the view of apprenticeships as vocational, rather than professional was persistent (section 6.3.2). Although the 'Baker Clause' imposed an obligation on schools to ensure that their students were aware of apprenticeships, this obligation relates to all apprenticeships, vocational and professional (Association of Education and Learning Providers, 2018). However, schools are not necessarily complying fully with this requirement, according to a poll conducted by the Institute of Public Policy Research, reported in the press (Busby, 2019). Recent changes to the regulations in this area may, however, lead to change on this point (Halfon, 2022a). And while numbers of solicitor apprentices have risen substantially, they are still significantly lower than numbers of trainees (SRA, 2021c).

At the time the interviews were conducted, the SQE had not yet been introduced, but was due to come in in September 2021, after the conclusion of the interviews. In any event,

while the date on which the SQE was to be introduced had been announced, the first sitting of the first part of the assessment was not scheduled until November 2021, with the second part of the assessment not available to sit until April 2022 (SRA, 2021a). The consultation process for the SQE, was, as considered above, contentious, with the profession expressing concerns regarding whether the SQE would improve access (SRA, 2017b). However, it is important to note that at the time of the interviews, there had been no sittings of the assessment, and no one had yet qualified through this route, the comments regarding the SQE can only relate to information available at the time.

Some of the participants did not have strong views on the SQE, and some participants did not feel that they knew enough about it at this stage to make any comment. The SQE's format and content are covered in Appendix Three and discussed in section 2.9, but essentially the SQE is a centralised assessment with no regulated process. Satisfying all elements of the SQE, summarised below, means that the candidate is qualified as a solicitor. The elements are:

- Law degree or equivalent (the solicitor apprenticeship is regarded as equivalent for this purpose)
- Two years' qualifying work experience, which can be undertaken in up to four organisations
- Satisfying character and suitability requirements
- Passing SQE Part I, followed by SQE Part II. These assessments also constitute the End Point Assessment (see Glossary) for the solicitor apprenticeship, although in practice, they are taken separately and it is not possible to register for SQE Part II until the apprentice has passed SQE part I.

Where participants expressed a view, their views covered a number of common areas. When the SQE was first discussed, the SRA stated that having a single qualification at a lower cost than the LPC would improve diversity and inclusion (Coleman, 2013). However, while the SQE is 'open to everybody … the more training you can buy, the more likely you are to pass' (Wendy, senior leader, professional body). Some commentators are of the view that the impact on diversity and inclusion is unlikely to be significant unless the SQE is the sole or main criteria for recruitment:

'This assumes that law firms will recruit purely on the basis of SQE scores and that SQE therefore tests all the knowledge, competencies and attributes law firms care about and look for. Clearly this is nonsense. Law firms will continue to look for markers of excellence or even merely competence on the basis of what they know, understand and are, as a community, comfortable with' (Guth and Dutton, 2018 p432). Indeed, Wendy, a senior leader with a professional body, advised that the SQE was merely a 'regulatory tool', and a way of demonstrating 'minimum competence'.

> 'my understanding is it's probably going to be more expensive and maybe potentially more difficult… I guess if someone has had their experience all in one place you probably, you would feel like you could maybe assess performance along that journey better than you could if it was a bit broken up '(Rowan, senior associate solicitor, organisation A).

The views of the participants related mainly to the quality of training, although none of the participants made any positive comments about the assessment itself, other than comments relating to the fact that both apprentices and trainees would take the same assessment.

> 'There's concern with the SQE that there's other firms that maybe don't offer training contracts at the moment, who will be able to sign off apprentices and trainees alike, that potentially aren't at the level of qualified solicitor, because there's less regulation around how to qualify as a solicitor. If you pass that exam you can be admitted automatically, like anyone that's qualified' (Laura, HR professional, organisation A).

The main focus of comments related to the qualifying work experience element of SQE. For some participants, having a variety of experience was potentially valuable, although there were concerns about depth of knowledge of practice:

> 'If they get a really varied experience of different working environments, different firms, that could be really useful. On the other hand, how much do they get to actually really get to grips with particular work area, really get to understand an area of the law' (Gordon, partner, organisation D).

For other participants, the issues for employers surrounding the possibility of completing training in up to four different organisations was a potential cause for concern.

> 'one of the reservations that I have with SQE is consistency. And it's consistency around … the qualifying work experience, it's not consistency of the assessments because obviously that's the whole point of bringing centralised assessment in. But I do have some concerns about the consistency of the qualifying work experience' (Susannah, HR professional, organisation C).

In particular, the possible inconsistency of training in this way, which might make apprenticeship candidates who had undergone a more regulated process more attractive in the legal employment market. However, it was acknowledged that as no-one had qualified through either route as yet, this was speculation.

Overall, it was not possible to make any definite statements regarding the effect of the introduction of the SQE on apprenticeships, although participants generally agreed that they were interested in the effect of 'shifting the bottleneck' (Hilborne, 2021) from training contracts to newly qualified solicitors.

> 'what are the big firms looking at, effectively? Well big firms like us are looking to replicate the old LPC and that broader approach to being a commercial lawyer. And I think that's going to be an important factor, and I think that the stated aim of the SQE, that it was about broadening that profession out, that it was about diversity and

> inclusion, I think the SQE has not, the SQE will not achieve that' (Graham, HR professional, organisation B).

In contrast, the participants' views on the solicitor apprenticeship were generally positive. The early adopters had been able to integrate the apprentices into their strategy for the organisation and into the business structure. Although not all organisations have set up apprenticeship programmes, more were now doing so:

> 'lots of firms still haven't woken up to it. … So I think a lot of firms are still are looking at it and saying 'I wonder what that might turn out to be?' (Graham, HR professional, organisation B).

While some organisations in the wider legal community have not yet 'woken up' to apprenticeships, the view of the employer organisations was positive, particularly those who had recruited a number of cohorts. Participants generally felt that the length and depth of experience that apprentices were able to build would be likely to make them strong newly qualified solicitors:

> 'if they came to me as an NQ, I would rate them as a general principle. Obviously it would depend on the interview, how the interview goes, but I would assume that they would have more experience, just because of the nature of the route' (James, solicitor, organisation F).

In contrast, some participants considered that candidates who had qualified through the SQE, but whose work experience has been accumulated in up to four different areas, rather than going through a regulated process as the apprentices will have to do, were likely to experience a 'massive skills gap' (Cathryn, senior leader, apprenticeship education provider) at newly qualified level. Another participant in a policy advisory role with a regulatory body, Chanvir, considered that it might make apprenticeship 'more popular', because employers could be confident about who had 'signed off' the experience and under what circumstances.

> ‘I think they [employers] might be more minded to take the apprentice. … four different places of qualifying work experience … it’s going to get confusing, with the pathways and the routes and who’s done what. And actually they’ve worked in four different places, but have they?’ (Claire, senior leader, apprenticeship education provider).

Claire went on to give the example of apprentices who had built up their experience in a law clinic at university during the early part of their degree, expressed concern about the quality of experience that could be accumulated in this way. Claire speculated as to whether employers could be confident that newly qualified solicitors who had built experience in this manner would be comparable with an apprentice or someone who had completed a training contract, and considered that newly qualified level salaries might be adjusted downwards to reflect this uncertainty.

The apprentices have yet to have their first cohort qualify, and there was still an element of risk, partly due to the length of the commitment. The participants generally reported good levels of retention, although compared to the two year training contract model, there was a higher risk of non-completion:

> ‘because it’s so new and no-one’s actually qualified yet it does feel a bit like it’s in a trial process. And that’s held off, a lot of law firms have held off offering an apprenticeship purely for the reason that they didn’t want their apprentices to be first cohort to sit the SQE. So I think it slightly is in a trial period, but I think the experiences that I’ve had with solicitor apprenticeships are that actually that the vast majority of, you still get a fairly high drop out rate’ (Laura, HR professional, organisation A).

With regard to the longer term, the participants were positive about the inclusion of apprentices in their strategy going forward, but realistic about the likely timescale to fully integrate the apprenticeship as an accepted route and to make a significant difference to diversity within the profession:

> ‘I’d like to get to a position where we’re 50/50 on graduate/apprenticeship, that would be ideal for me’ (Susannah, HR professional, organisation C).

However, some participants acknowledged that it was likely to be a lengthy process to change the view of the legal profession:

> 'I hate to say it, but this takes decades, right? I fully expect to be retired before we can say, yes, that last two decades, we turned things around, and actually, the legal profession is really an open, good profession that reflects society, and is accessible, anyone, anyone can make it in the legal profession if they're bright, if they work hard' (Kieran, partner, organisation A).

As the first cohort of apprentices has not yet reached the point of qualification at the time the data was collected, participants were only able to discuss the possible effect on recruitment of graduates going forward. However, there was a general view that the introduction of a new route did not necessarily mean more solicitors, as this would be a market decision and a commercial judgement for each organisation to make. If both apprentices and graduates were included in these strategic plans, this could be indicative of a more inclusive approach. Participants reported that seeing the experience of early adopters had influenced their strategy in recruiting apprentices:

> 'I worked on the case a couple of years ago with a firm in [major northern city] and they had a trainee, I thought. He was brilliant and it wasn't until I was having a conversation with the solicitor and he said no, it's not, he's not actually a trainee, he's a legal apprentice. And he was basically telling me that it's the best thing, I don't think they really recruit trainees anymore, they just recruit apprentices. … So it was then that I thought, I don't know why we're not really doing this? (Rowan, senior associate solicitor, organisation A).

Participants who were in the early stages of their own apprenticeship schemes considered the possible future strategies, which might result in a reduction of graduate recruitment, although even early adopter organisations continued in general to recruit more trainee solicitors than apprentices.

> 'I would imagine when they get to the point that they join the trainee intake that actually the trainee numbers might reduce. Because you don't necessarily need that

> amount of junior resource at that level, but I don't think there'll ever become the scenario where trainees as graduates aren't recruited anymore. I don't think it will ever replace that system' (Laura, HR professional, organisation A).

While the participants did not generally consider that it was likely that the profession overall would cease to recruit graduates, the need for more lawyers has already been questioned. For example, authors such as Susskind (2017) have predicted a decline in the number of lawyers overall, due in part at least to the increased use of legal technology.

> 'it's always been my concern and it's always been the feedback that we have given to the SRA, we do not want everybody in our business to be qualified as a solicitor, particularly in today's day and age. … I think over time we do need to see fewer lawyers coming through, because the roles will change, the roles will be quite different. The roles are changing, you know we are seeing better use of technology, increasing pace of technology, so yes, I think I do see the bottleneck shifting' (Susannah, HR professional, organisation C).

Participants' comments suggest that once apprentices have gone beyond the initial stage of their apprenticeship and are beginning their legal education 'off the job', there are likely to be opportunities for them to add value and become more integrated into the community, particularly given their lower cost base. The accounts of the apprentices discussed in section 6.4 suggest that there are opportunities to add value at a relatively early stage in the apprentices' experience within their organisation. The value that the apprentices are potentially able to add provides an incentive to integrate them into the organisation alongside their trainee counterparts.

> 'I think actually with the solicitor apprenticeships, our approach is that we're not creating more qualified candidates. … so normally we have about seven or eight trainees joining each year in [redacted], this year we very deliberately recruited only four trainees to join because we've got three solicitor apprentices that will join the rotation. So they're not joining as additional, they're just balancing out the numbers' (Susannah, HR professional, organisation C).

Some participants pointed out that there were precedents for a blend of different routes to qualification in a professional context:

> 'I'd like to think that they would work in parallel like they do with accountancy firms. I think it will take a lot of years for it to be equivalent numbers… I think at the moment, most students … would make the presumption that the main route is through the degree and then qualifying that way, and that apprenticeship is just like the new route and that new route will build up' (Judith, employability leader, education provider).

The participants' comments suggest that they regarded the apprentices as part of the junior level resourcing pool of the organisations which recruit them. However, none of the participants suggested that apprentices would actually displace graduates altogether.

9.2.2 Hierarchies

Many of the participants commented on the perception that there was a hierarchy within the legal profession:

> 'there is a huge amount of snobbery in the entire legal profession, there is a certainly a hierarchy' (Wendy, senior leader, professional body).

The issues discussed above in relation to perceptions with regard to CILEx qualification, and 'snobbery' about alternative routes to qualification ('back doors') support Wendy's assertion. However, some participants considered that the introduction of the apprenticeship could create further stratification:

> 'what will the new fissures be in the system?' Maybe a hierarchy, this 'false hierarchy' even within apprenticeships because of the firm where you trained. People who have gone down the 'conventional' route may say "my route [was] much more rigorous than that, so I'm not going to employ you, I'd rather employ people who are of my own image"' (Chanvir, policy advisor, professional body).

Chanvir raises the possibility of different levels of prestige even within the apprenticeship itself, in addition to the existing hierarchies. Perceptions of apprenticeships as 'alternative routes' are considered below, but Chanvir's comment suggests that the apprenticeship itself may develop its own hierarchy.

9.2.3 'Alternative' routes and inclusion

The employer organisations which participated in the study indicated that they did not generally consider the route to qualification as a solicitor important: 'it's not a back door. We've got two front doors.' (Graham, HR professional, organisation B), although they acknowledged that some colleagues did have reservations about candidates who had not qualified through the 'traditional' route.

> '[some of them think] the only way to qualify as a lawyer is to go to University and actually to go to a 'good' university and you know, get your stellar grades and all of that kind of thing' (Susannah, HR professional, organisation C).

Participants also commented that alternative routes to practice were perceived as less prestigious. The view of the apprenticeship as an 'alternative route' and ideas of manual or vocational work which continue to be associated with the term 'apprentice' may affect the extent to which there is inclusion in the wider profession. The term 'alternative route' has been used by a number of participants, whose comments indicate that they regard the apprenticeship as a route which has parity with the graduate route:

> 'I definitely don't think it's a back door. It is an alternative route to qualification, there's no doubt about that, but … my view is it is absolutely on an equal footing. And I don't think it's an easy route' (Susannah, HR professional, organisation C).

With regard to other types of alternative route, qualifying through CILEx (see Glossary) has provided a non-graduate pathway to cross qualification as a solicitor, and as a legal

qualification in its own right. However, as discussed above, there is a perception that this, and other 'alternative routes', potentially including the apprenticeship, are not regarded as having parity of esteem with the graduate pathway in the profession as a whole. The route to qualification for lawyers qualified outside England and Wales, the Qualified Lawyers Transfer Scheme, is also regarded as an 'alternative route' and some organisations did not take on solicitors qualified through this route 'it was just seen that the QLTS was a back door into the profession' (Edward, senior leader, apprenticeship education provider). Participants' comments on this view suggested that for some 'alternative routes' it is a perception, rather than a well-founded view:

> 'I don't know why we thought clerks weren't as good as trainee solicitors. I don't know where that badge came from, and so maybe it's just an old-fashioned view, but yes, I do worry about it … whether or not they [apprentices] will always be seen as not quite as good because they didn't do it the traditional route' (Cathryn, senior leader, apprenticeship education provider).

One participant compared legal professional qualifications to qualification in accountancy, which provided a range of possible qualifications:

> 'being an accountant isn't about being ACA, there are different professional bodies and that does give choice. That gives choice to organisations, about the level at which they want to bring people in, and that is something that hasn't been available to the legal sector, ever, and the nearest thing to it is the Legal Executive route, but that was always seen as, you know, the poor man's route. It was never seen as quite the same, was it?' (Graham, HR professional, organisation B).

If solicitor apprenticeships are perceived as carrying some risk, if they are regarded as 'alternative routes', this may mean that there is a perception that they are not as prestigious as the graduate route (Hyde, 2019), and may experience the issues that lawyers qualifying through CILEx have experienced, with reports of 'bullying' in the legal press (Slingo, 2021b):

> 'I always look at CILEx and I think there's still quite a lot of attitude that CILEx qualified lawyers aren't as strong as in the 'normal' route qualified lawyers, depending on who you speak to and which firm you're at' (Laura, HR professional, organisation A).

As the apprenticeships are still at a relatively early stage, the risks considered above in terms of the quality of the route and its equivalence with the 'traditional' graduate route may be regarded as less significant, but the duration of the commitment is likely to continue to give employers and apprentices pause for thought, and represent a long term planning issue.

The possibility that the introduction of the SQE would adversely affect the CILEx route was also considered by one participant, whose organisation employed CILEx legal professionals:

> 'those who have been paralegals who just want to be very specialist in a particular area. I think that's where the benefit of CILEx is, because that's not something that SQE necessarily offers. They've got to qualify across that broad range of practice areas, haven't they? So I think there is probably room for both, but I do think CILEx have got job on their hands to promote that and give it the kudos that it deserves, really. Because I think there is probably still across the professional, still, all these years on, still a little bit of snobbery around alternative routes' (Susannah, HR professional, organisation C).

The 'snobbery' to which Susannah refers may in part be due to the perception that the traditional route requires a degree, while the level 7 apprenticeship is considered 'equivalent' to a degree by the SRA (SRA, 2022b). This issue is examined in more detail in 9.2.4 below.

9.2.4 The significance of the law degree

The view of 'alternative routes' as 'back doors' into the legal profession may be addressed by the introduction of the SQE, as it means that, subject to the transitional period, everyone entering the legal profession will take the same assessment. However, the inclusion of a law degree in the apprenticeship by all providers to date suggests that alternative routes, particularly non-graduate alternative routes, do not have the same 'prestige' as the

traditional route, and that for apprenticeships to achieve parity of esteem for the wider legal community, the inclusion of a law degree is important, that it 'validates' the apprenticeship:

> 'how strange would they look in the job market? Almost, they would be discriminated against, because firms wouldn't recognise a solicitor without a degree. Anybody from a diverse background … We don't want them to stand out for the wrong reasons. And I think not having a degree would make them stand out. I'm not surprised that every provider's included a law degree; you have to, to avoid that discrimination' (Patricia, senior leader, apprenticeship education provider).

The perception that the apprentices would not be seen as having parity of esteem with those who have followed the 'traditional' route appears to be shared with the apprentices themselves. The education providers who participated in the study considered that the apprenticeship route without an award of a law degree would be much less attractive, and that school careers advisers still have concerns regarding alternative routes:

> 'People still want to go down the LPC route, and there is that … prestige thing … it goes back to what their careers officers are telling them. … when they think about being a solicitor, they'll want to do the LLB, and then [go] on to be a solicitor that way' (Edward, senior leader, apprenticeship education provider).

Indeed, the experiences and motivations of the apprentices indicate that the inclusion of a law degree is as important to them as it appears to be to the wider profession:

> 'I would be really disappointed if I came away without a degree. I just think if you are going to put all that work in … and also, I think people would be put off. I personally would. … and I do think in today's society, having a degree really opens so many doors. … Like if someone came in and was like "oh, yes, I'm a lawyer, but I don't have a degree" I'd be like "what? How can me and you have the same knowledge of the law if I have this thing, certificate to prove it, and you didn't do the same exams?" I would be just, yes, I don't think it would help with the stereotype of apprenticeships being easier if the LLB was gone' (Nina, fourth year apprentice).

The apprentices' comments highlight the significance of the law degree as a mechanism of inclusion, and while not all the employers who participated considered it important to them, the education providers have all included a degree.

> ‘And if you don’t have a degree, I think there is potential for discrimination. I would say that there is a snobbery, but it’s artificial and I think it’s one that’s been introduced through the government’s policy, over the years to put people through university. And if you look in countries like Germany, where only 10% go to university, I don’t think that the 10% look down on the other 90% of the population that don’t have a degree’ (Wendy, senior leader, professional body).

As discussed, there was a general agreement among participants that the law degree, or LLB was an important part of the apprenticeship, and none of those who offered the solicitor apprenticeship offered it without an LLB. For some participants, the addition of a degree was something that distinguished the apprenticeship:

> ‘if you say “degree apprenticeship” to me anyway, it sounds a little bit… glamorous… it sounds like it adds a bit of a sparkle’ (Sarah, outreach team member, apprenticeship education provider).

However, for other participants, the terminology alone was not really sufficient to change perceptions of apprenticeships generally:

> ‘just putting the word ‘degree’ in front of apprentice doesn’t, I think, address, what are probably long-standing perceptions that apprenticeships were for people who weren’t able to go to university’ (Patricia, senior leader, apprenticeship education provider).

For most providers, however, the inclusion of a degree was important to the programme:

> ‘I’m not sure why the standard doesn't incorporate a degree. I think that was an omission. … It’s integral. And it is for us. And I don't think you could keep somebody on a five and a half year programme without having some form of qualification that they are working towards. … … they [employers] would see that as a strange thing, or person to employ and that's exactly what you don't want. Anybody from a diverse background who’s got onto the apprenticeship programme you want them then to be included in any job application that they might want to make. We don't want them to stand out for the wrong reasons’ (Cathryn, senior leader, apprenticeship education provider).

The inclusion of a law degree means that there is ‘common understanding’ among those who qualify as solicitors through the apprenticeship or the graduate route. Without the LLB,

candidates would be ‘likely to be educationally slightly impoverished, really, to be honest, because what you wouldn’t do is you wouldn’t get that broader understanding and context’ (Edward, senior leader, apprenticeship education provider).

> ‘Their standing is not quite the same if they didn’t have a law degree, so I think it is an important component for that adding value aspect of the apprenticeship’ (Brian, senior leader, apprenticeship education provider).

These views indicate that some participants regarded the distinction between graduates and non-graduates in the legal profession as problematic for the profession as a whole, with a culture of treating a degree as an essential component of qualification. However, for others, the award of a degree was not significant in the long term:

> ‘I don’t think a degree is essential, I have never thought a degree was essential to work in the law. … there are some very senior people in legal who still don't have degrees, both barrister and solicitor. … what you’ve got is 2 generations of people who have been told that they have to have degree who now are looking and seeing that the next generation is not going to have a degree, and that must be somehow lesser, because they were told they needed one so if you’re telling a future generation they don't need one, there it must be something lesser about it. It’s one of the reasons why chartered legal executives, who are perfectly competent lawyers are criticised, because it's non-degree route’ (Wendy, senior leader, professional body).

With regard to the decision not to include a degree by the Trailblazer Group, two participants had been involved with the consultation exercises. One participant felt that the standard should include a degree, the other noted that the SRA did not finalise the level of the solicitor apprenticeship until relatively late in the process, and considered that this may have influenced the decision not to include a degree, but the participant acknowledged that this was essentially speculation.

9.3 The war for talent

The preference for Russell Group universities in legal recruitment more widely has previously been noted, although this was not generally supported by the participant employers. However, some stakeholders acknowledged that:

> 'Russell Group domination is almost here to stay … [and] there is a very cogent argument to be made for the quality of people who go through the conventional route and establishments … [but] there could be stunning people that emerge as well if we just shift things around a bit' (Chanvir, policy advisor, professional body).

The alignment of the assessment system, with all candidates sitting SQE in the future, was acknowledged as important, but it was also agreed that the trajectory of the initial cohorts of apprentices, and the first cohorts of SQE qualifiers, would be significant in establishing the apprenticeship route's parity of esteem.

The numbers of applicants for each position as a trainee within law firms are very high, with a 2% likelihood of success in applying for a training contract with some organisations (Bird, 2020). As there is so much competition within the existing pool of talent, this does not necessarily provide an incentive for many organisations to look for alternative 'pools of talent', particularly not if their competitors are also looking for 'prestigious' applicants from the universities (Philip Brown, Lauder and Ashton, 2011 p93). The participants in the study acknowledged that they were actively looking for additional pools of talent outside the graduate recruitment market, evidenced by the school outreach initiatives and open evenings discussed in section 7.3. The competition between organisations for the graduates from the 'best' universities, does not necessarily always yield the best recruits (Ashley and Empson, 2017). However, with substantial levels of applicants to consider if vacancies remain after taking those candidates, there is little incentive to seek out alternative pools of talent:

> ‘I think one of the issues with legal is that it is … almost entirely private practice and it’s human nature to employ someone who looks like you. … So you wouldn’t necessarily want to go looking in other pools when there’s plenty in the pool you are in who are more than capable of doing the job’ (Wendy, senior leader, professional body).

In the solicitors’ profession, the substantial number of law graduates who do not enter the profession mean that as Wendy’s comment indicates, there may be little incentive to look for other pools if levels of applications are high. Apprenticeships have been promoted as a way of addressing skills shortages in a number of sectors (BIS, 2015; Chankseliani, Keep and Wilde, 2017). And while the skills of graduate recruits in law have been the subject of debate (Fancourt, 2004), the need for apprenticeships as a way to address skills shortages does not appear to apply to the legal profession in quite the same way.

> ‘I feel law firms don’t need to buy into this [the apprenticeship]. I feel if I was an employer and I had 30 applications … I can pick someone who’s got a first class degree, I can pick someone who … looks prestigious on paper’ (Sarah, outreach team member, apprenticeship education provider).

The skills shortages which drove the development of apprenticeships in some sectors do not appear to be significant in a market where graduate candidates applying for training contracts with some organisations may have only a 2% chance of success (Bird, 2020). As Sarah’s statement suggests, there are already significant numbers of skilled graduate applicants, even without the apprenticeship, and there does not appear to be a skills shortage in the legal profession in quite the same way as other sectors.

9.3.1 Talent pipelines

Perceptions of the legal profession as socially exclusive have been considered in sections 3.3, 3.9, and 7.2.2, and the strategies in relation to inclusion and engagement in the participating communities of practice by those who employ apprentices are considered in

more detail in chapter seven. Although the employers' strategies included significant consideration of factors related to diversity and inclusion, as discussed, the decision to employ apprentices is essentially a business decision, which is also influenced by factors such as utilising the apprenticeship levy. The commitment required to take on a solicitor apprentice is significant, and the perceptions of risk in relation to such a lengthy commitment were examined in sections 6.4, 7.2.1, and 7.2.4. The apprentices commented on the security that the six year duration of the apprenticeship provides, and that fact that it means that they accumulate substantial experience and do not need to apply for a training contract, while also acknowledging the significance of the commitment:

> 'Even as a non-school leaver, it scared me. (laughs) I thought, six years of my life! That's so much! … it's six years of your life, [but] you get a qualification at the end of it that you have for life. Nobody can take that away from you' (Guilia, third year apprentice).

The duration of the apprenticeship may be particularly daunting to individuals who are either school leavers, or early in their careers. Carl, a senior leader with a higher education provider which does not yet offer solicitor apprenticeships, points out that for many younger people, their focus is on 'what's the next hurdle that I've got to jump, rather than what's happening in five years' time', and while the comparative security of the route is very attractive, it does mean that they have to think ahead. Further, if the apprentice leaves the apprenticeship early, unlike the university route, there is no financial risk to them as they cannot be required to repay any training costs to their employer (Employinganapprentice.com, 2022).

For employers, the six years also represents a significant commitment:

> 'the long term budget planning, for business plans of all kinds, you know, … some departments, HR, finance departments, being prevalent in this kind of decision tree, probably think what is our client base and our revenue six years from now, what about technology [etc] And there are always reasons not to plan ahead six years down the line, I think' (Chanvir, policy adviser, professional body).

The duration of the commitment, together with resourcing issues described above means that taking on an apprentice represents a risk for the employer. The rise of the 'gig economy' means that 'Generation Z [is] 'not a job for life generation' and may be more likely to move jobs regularly (Carl, senior leader, education provider). However, the possible effect of job insecurity is to prefer the more 'secure' option of a six year period of training with a professional qualification at the end. For employers, the six year commitment is challenging and runs counter to the established culture, as noted by Chanvir above:

> 'lawyers, by nature are risk averse, and that's the nature of it. I mean, that's why you go to a lawyer, isn't it, to minimise your risk?' (Graham, HR professional, organisation B).

The strategic factors considered in section 7.2 include creating 'pipelines' of talent, in some cases longer than the two year pipeline for graduate recruits which larger firms generally use (Law Society, 2021c). However, the 'backward looking' training that the O Shaped Lawyer initiative (O Shaped Lawyer, 2022) describes may mean that five year plans are more difficult to agree, and may impede change: 'I don't think business planning in the legal sector is perhaps as strong as other sectors' (Chanvir, policy advisor, professional body). 'I think it takes some special firm to be able to say "this is our trajectory for the next decade"' (Carl, senior leader, education provider)

In addition, the partnership model may also affect the pace of change and the willingness to commit to such a plan:

> 'It takes a very long time to turn around. … there isn't that mindset to look forward, because … your job is about looking back to see what happened before and applying that to this situation. So it's no wonder that legal is always very incremental in its change, whereas when you look at other professions like accountancy and so on, they are forward looking and they usually seize opportunities in a way that you don't see lawyers doing….the other issue for a lot of firms is the partnership model, I think it is not conducive to moving forward, and innovating, and investing, and training' (Wendy, senior leader, professional body).

For larger organisations who recruit trainee solicitors on a regular cycle, it is common practice to recruit trainee solicitors for their two year period of training two years in advance of their start date (Chambers Student, 2022). This is, in effect, a four-year cycle. The longer cycle for the solicitor apprenticeship involves recruiting, in many cases, an individual who will, as discussed, be recruited on the basis of 'potential', and is likely to require more support in the initial stages of their apprenticeship. However, the experiences of the employers discussed in sections 8.7 and 9.2.1 suggest that the apprentices are likely to be more effective at the point of qualification, because they are able to gain a depth of experience which is more difficult for trainee solicitors to accumulate during a two year period. The view of the participant employers was that while the longer duration of the apprenticeship meant significant planning, the outcomes were beneficial to their organisations. In addition, the 'peaks and troughs' of legal practice mean that a longer cycle may in itself be beneficial. For example, trainee recruitment is often reduced during an economic downturn, which means that there is likely to be a shortage of newly qualified solicitors when the economy recovers:

> 'they've got too few solicitors because they turned the tap off, they turned the wrong tap off, basically' (Graham, HR professional, organisation B).

The prominence of initiatives such as the O Shaped Lawyer (O Shaped Lawyer, 2022) indicate that these issues are acknowledged by the legal community of practice. The increase in numbers of apprentices in the legal sector has been substantial, although the pandemic has, inevitably, disrupted their trajectory, and this, considered in conjunction with the strategic impetus towards addressing the reputational issues associated with improving diversity indicates a change in these attitudes to make the profession more inclusive.

9.3.2 Professional identity formation in the wider profession

Part of the strategy for participant organisations relates to promoting inclusion, even where looking for other types of candidates is not strictly necessary:

> 'we took it upon ourselves to, if you like, go looking more. …traditionally we have relied predominantly on our reputation, and that's a self-fulfilling prophecy, unfortunately, because you just attract the same candidates, and that's what we are trying not to do, we don't want to attract, the same, you know we get great candidates, and that's brilliant, we want to continue to get great candidates, but what we are trying to do is make ourselves more accessible' (Kieran, partner, organisation A).

Further, the longer period of immersion in the culture of the organisation at which they are apprenticed does give the apprentices, who their employers have, in the main, sought out as a different 'pool of talent' an opportunity to develop their identity as professionals. Further, the analysis of the survey and interview data indicated that the employers and apprentices both regarded this as a period of 'moulding' and integration into the business. However, while the development of a professional identity through the learning experience of being part of the community of practice, initially as a newcomer, is valuable, one participant raised the issue of 'assimilation', which could be regarded as being at odds with the concept of inclusion:

> 'surely the whole point of having a diverse workforce is to benefit from the diversity that is brought by those people and to think of things that you hadn't thought of before, rather than… assimilation, which just creates a 'little you'' (Wendy, senior leader, professional body)

However, the apprentices themselves took a different view of the process that they were undergoing:

> 'working with countless lawyers … I find that my style is reflective of all the good bits of the lawyers I work with. … and then you kind of find one style, or one way you really like, and then you kind of harness that and I think it does … definitely give you the opportunity to find your identity as a professional. You just pick up all the good things that people do!' (Nina, fourth year apprentice).

The professional identity of each individual apprentice, although aligned with the culture of the organisation, remains uniquely their own, and the longer period of immersion means that they are able to work with a range of colleagues, using those experiences to develop their own way of being as a member of that community of practice.

Further, the organisations which participated acknowledged that their apprenticeship programmes represented a learning curve for them, and that they had, in some cases, treated the apprentice/employer relationship as dialogic, making changes to the programme, and also feeding back to the education providers, to ensure that the learning experience benefited all parties. Ingrid, whose employers were early adopters of the apprenticeship, and who is now in her fifth year, described the changes made to the structure of the apprenticeship learning, both on and off the job, as a result of apprentice feedback. In addition:

> 'they actually gave a slot to apprenticeships purely to talk about our experiences and how it was working. And I just thought that was such an amazing thing because you know our annual AGM, the one time where the whole firm comes together and they're giving air time to apprentices to talk about our experiences to everyone. And that was a really big moment for me because I felt like it really showed how committed [name of firm] are to apprenticeships and making a success of it' (Ingrid fifth year apprentice).

While concerns that apprentices' inclusion in their community of practice could be regarded as 'assimilation', the apprentices' experiences suggest that the process of 'moulding' is one in which they are able to develop their own professional identity, albeit one which is influenced by the culture of the organisation in which they spend such a lengthy period of time. While each community of practice has its own culture that shapes professional identity, the wider constellation of practice also impacts on each community, both in terms of regulation (professional ethics, for example) and with regard to cultural issues. The solicitor apprenticeship, for example, was introduced because the Legal Education and Training

Review (2013) indicated that this would be an appropriate method to help address social exclusion in the profession. In addition, the SRA's introduction of the SQE as a centralised assessment and the End Point Assessment for apprentices is also an influence on the communities of practice; ultimately, all solicitors will take the same centralised assessment in order to quality.

9.4 The apprenticeship levy

While the levy, which is discussed in detail in sections 2.6 and 7.2.5, has provided employers with an incentive to take on apprentices, the stakeholders who participated in the study considered that there was a potentially distortive effect in relation to the levy and that decisions to employ apprentices were business decisions, which required a business case.

The apprenticeship levy has also been criticised in the policy literature as potentially distortive in the apprenticeship market in the current form (Richmond, 2020). However, for some participants, 'gaming' (Whittaker, 2016) the levy in order to develop existing staff was understandable, given that the money would otherwise be lost:

> 'if I were a business, I would just selfishly skill up people who had already shown loyalty to me' (Sarah, outreach team member, apprenticeship education provider).

However, other participants, while acknowledging that the levy might have a distortive effect, felt that its effect on employers was generally positive:

> 'employers are willing to engage with them [apprenticeships], because they are paying into the levy in any event … I've got to spend my levy, let's see if this suits us' (Claire, senior leader, apprenticeship education provider).

The practice of using the levy to bring in graduates as apprentices to complete what is in effect a training contract has been criticised by, for example, the Junior Lawyers' Division

(Slingo, 2021c). However, it is, under current regulations, permitted, and one participant suggested that clarity on this point was essential; if this was regarded as a 'loophole' which was ultimately going to be closed, this could lead to uncertainty:

> 'leaving any situation vague, that discourages providers to move into that market. Not sure they will do because why would you invest in creating a programme if you're not sure if it's going to be something that's going to continue?' (Claire, senior leader, apprenticeship education provider).

As considered above, the legal profession as a whole is generally risk averse, and alternative routes into the profession are generally regarded as inherently risky (Casey and Wakeling, 2022). If there is a risk that apprenticeship funding would cease to be available, the risk could be regarded as much higher, potentially acting as deterrent.

Some participants reported experience of levy surrender, either by their organisations, or by client organisations to whom they provided assistance. The levy surrender is a mechanism whereby a levy payer is able to give some of their levy funding to another organisation which is not a levy payer (ESFA, 2022).

> 'So we've got quite a hefty levy that we don't use, and what we are going to be doing is sponsoring maybe the smaller firms, but certainly the law centres to take on individuals from a diverse background and we will sponsor them. So it's moving our levy over so that they can use that, and I think it's those, we're setting up a sort of, a cooperative if you like, where firms can get involved in that if they're not using their whole levy and they can maybe sponsor individuals from more diverse backgrounds in other firms' (Cathryn, senior leader, apprenticeship education provider).

For employers who participated, none reported surrendering the levy, but another participant training provider reported that some client organisations were transferring their levy in order to allow legal advice centres to take on apprentices. However, this was not widespread and many employers were either using their levy or treating it as a 'stealth tax', according to participants. However, Brian, a senior leader for an apprenticeship education provider, states that organisations which were using the levy surrender were supporting legal advice

centres, which usually advise pro bono. Brian further advised that 'most of them are doing their best to make the most of it at the moment', and the use of the levy surrender was not widespread at the time of the interview.

While some provider organisations reported that a wider range of employers were now engaging with them in relation to the apprenticeship, others reported that there had been low levels of interest in their apprenticeship and that it was not necessarily viable:

> 'we certainly saw the levy as a massive barrier [And with non levy-paying firms] we found it very difficult to engage them, and get them to see the positive advantages that would come' (Patricia, senior leader, apprenticeship education provider).

However, other providers reported that the levy 'geared up the market to taking on young people to more firms who wouldn't have been able to do that before' and that the provider was working with organisations with whom they had not previously had business to business contact before the introduction of the levy (Brian, senior leader, apprenticeship education provider). However, numbers of apprenticeship schemes, although growing, are still relatively modest compared with the numbers of trainee solicitors.

9.5 Employers who do not employ solicitor apprentices

As discussed in sections 5.2 and 5.4, the perspective of organisations which did not employ solicitor apprentices, or at least did not do so yet, is useful in building a full picture of how the apprenticeship promotes inclusion. I approached several organisations, including very large organisations who were levy payers and much smaller organisations who were not. The perspective of a partner in a smaller organisation was useful, as there are indications that there are barriers to SMEs taking on apprentices in all sectors (Slater, 2022). Organisation G is a commercial law firm which does not routinely recruit trainee solicitors, and which often recruits in-house from paralegals already working in the organisation. It does not pay the

apprenticeship levy as its payroll is below the threshold, and while at the time of the interview, the organisation did not have any solicitor apprentices, it did employ a level 3 conveyancing apprentice.

The participating education providers who commented on the position of smaller employers advised that they were generally not early adopters of the solicitor apprenticeship, but that there was a 'growing awareness' from smaller organisations, and that sometimes this was driven by 'the potential aspiring apprentice themselves', which encouraged organisations which would not previously have entered this market to do so, (Brian, senior leader, apprenticeship education provider). In effect, the apprenticeship was being used to upskill existing employees who might, for example, be working as paralegals. However, Patricia, also a senior leader at an apprenticeship education provider, described the initial issues when setting up apprenticeship training programmes in an area where a significant proportion of the potential employers were non-levy payers:

> 'Firms do not necessarily understand enough about different routes into the profession … prospective employers … couldn't really see what was in it for them. Quite transactional in their approach to it' (Patricia, senior leader, apprenticeship education provider).

This is consistent with the experience of Lauren, a manager with responsibility for legal apprenticeship programmes for an education provider, who stated that early adopters of the apprenticeship were:

> 'bigger, central law firms, the bigger names [who wanted to demonstrate that] they were embracing this new opportunity, this new route into law and opening up … a more diverse range of learners, really' (Lauren, manager, apprenticeship education provider).

Participants noted that for SMEs and smaller firms 'to have a regular trickle of apprentices every year was always going to be quite tricky' (Carl, senior leader, education provider), at least partly because of resourcing issues:

> ‘I think if you haven’t got the kind of training infrastructure set up and probably the resources, and certainly smaller firms don’t take on trainees, part of the reason they don’t probably is that they don’t have the resources to put in, to put into training. And I’m not sure that it would be any different for an apprentice, you know, if anything they probably require more time, certainly at first, than a trainee would’ (Tom, partner, organisation G).

Tom’s comment suggests that for organisations which had not previously recruited at a junior level with a view to training, the culture of the organisation and the infrastructure were less likely to be in place to address the needs of newcomers into the community of practice.

9.5.1 Deterrents to apprenticeship programmes

With regard to setting up an apprenticeship programme in a community of practice which did not routinely recruit at this level, or which did not do so in a regular cycle, but on an ad hoc basis, a number of barriers were identified. First, the issue of the duration of the apprenticeship, which has been considered above in the wider context, but which is particularly an issue, indeed a risk, for a smaller organisation. Six years is a ‘long commitment’ for both the individual and the organisation, and ‘very few firms can see where they are going to be in even two or three years, let alone six’ (Tom, partner, organisation G). Tom could, however, see the attraction of the longer period of training, as it provided an opportunity to ‘learn the trade’, and advised that ‘it doesn’t surprise me that no one offers an apprenticeship without a degree’ as he felt that the apprenticeship was an attractive route for those who were ‘put off’ by universities ‘essentially being a kind of middle class environment and not being bothered about wanting a university experience, but still wanting a qualification and getting a degree’ (Tom, partner, organisation G).

The participants discussed the issue of resources and the necessary infrastructure to provide the experience that would be required to integrate a newcomer and allow them to

develop a professional identity within the community of practice of that organisation. The employers which already employed solicitor apprentices, and the apprentices themselves discussed the support that was needed to mentor, train and build the three way relationship between the provider, the apprentice and the education and training provider. However, where no regular cycle of recruitment is in place, and the organisation is an organisation with an annual payroll under £3,000,000, which does not pay the levy, it is more difficult to ensure that this structure is maintained. Organisations which do not take on trainees regularly will not have the resources and infrastructure in place to provide what they need, as noted by Tom (partner, organisation G). Further:

> 'I can't see that an apprenticeship is going to be any more attractive to a firm that thinks 'we don't want trainees because, you know, they're a burden, they suck up time, they're costly'' (Tom, partner, organisation G).

For a smaller organisation, the biggest issue is therefore likely to be that of resourcing and supervision if the infrastructure to train more junior lawyers is not in place. Indeed, as Brian, senior leader with an apprenticeship education provider noted, in a larger organisation, there are often several points of contact for a provider, with the supervisor and the designated liaison roles often filled by different people. With a small organisation, both roles would often be filled by the same person, which, while this allows for the development of a strong relationship, it is likely to result in more work for the individual, who is likely to have billing targets and other obligations in addition to this role.

Further, while it is, as discussed in section 2.6, possible to draw down levy funding even if the organisation is not a levy payer, the organisation is still required to make a contribution to the cost of that training, 5% at the time of the interviews. In addition, the organisation will have to pay the apprentices' salary and most other costs associated with that role. While organisations which would otherwise sponsor the LPC will derive a benefit, it is more difficult to see the benefit to those that do not:

> ‘some firms might look at it and go, we don’t normally pay for training … we don’t pay graduates for their degree, we don’t pay for the LPC, they have to pay for all that, so we’re not actually any better off paying for an apprentice’s training’ (Tom, partner, organisation G).

Overall, while smaller organisations were taking on solicitor apprenticeships, the numbers and the breadth of participation are still relatively low compared to larger organisations:

> ‘I think initially it was the bigger central law firms, the bigger names, that were interested in it. And I think they wanted to show that they were embracing this new opportunity, this new route into law, and opening up, obviously to a broader range, a more diverse range say, of learners really. I think other, maybe smaller firms and local authorities have seen that it is a model that works and it's kind of broad enough to work for them as well’ (Brian, senior leader, apprenticeship education provider).

While this suggests that awareness of apprenticeship as a route is growing, smaller organisations may take a little longer to begin employing solicitor apprentices:

> ‘I think there are a lot of solicitor firms out there that aren’t even aware that they could have apprentices in the practice simply because they are busy building their practice and it’s small. … for me, you’re going to stand a better chance of getting better social mobility if those apprentices are spread across all types of solicitor firms, not just the big ones’ (Wendy, senior leader, professional body).

Wendy’s observation in relation to the legal profession is echoed by suggestions that SMEs in other sectors are key to addressing issues of access for ‘disadvantaged young people’ (Slater, 2022)

9.6 Training providers’ experiences of apprenticeships

The participating organisations acknowledged that part of the strategic decision-making related to the apprentices, as ‘home grown’ talent who had been immersed in the culture of the organisation for a longer period of time, would be less likely to leave on qualification than graduate recruits, who were with the organisation for around a third of the time. Brian, a

senior leader with an apprenticeship education provider advised that he was seeing smaller organisations with whom the organisation had not had previous 'business to business' contact, expanding the range of organisations which are participating in the apprenticeship. In addition, organisations which had previously indicated that they would not be employing apprentices have announced in the legal press that they will now be offering them (Slingo, 2021a). This indicates a much wider range of organisations, each with their own culture, accepting apprenticeship as a route to qualification that is moving towards parity of esteem with the 'traditional' graduate route.

Training providers are required to apply for admission to the Register of Apprenticeship Training Providers before they are able to offer apprenticeship courses and receive levy funding (Gov.Uk, 2022). In addition, they are subject to inspection by Ofsted in addition to inspections required in relation to other programmes by, amongst others, the Office for Students (ibid). This involves significant compliance and administration costs, as discussed in section 9.6.1. The current level of available funding for the solicitor apprenticeships is £27,000 (Institute for Apprenticeships, 2022b). For training providers, the funding is available over a period of 60 months, which does not include the end point assessment. All participating training providers included a degree in their programme for solicitor apprentices. However, the level of funding, while similar to the fee payable for a law degree, also covers the professional qualifications (SRA, 2020b). In addition, the apprentices have 20% off the job training with the providers, typically on a day release basis.

Providers' experiences were that the programme did not align readily with their existing programmes, and it could not be dovetailed with their law degree. In addition, the regulatory requirements in relation to the programme were not necessarily familiar to a higher education institution:

> ‘it was quite complicated. It was a completely different set of language and nomenclature, I found it very hard to engage with and get up to speed with it … like ‘End Point Assessment’, it wasn’t language that within an academic environment we were used to using’ (Patricia, senior leader, apprenticeship education provider organisation).

Further, the fact that the standard is relatively recent and has yet to have a cohort of apprentices actually qualify makes it a little uncertain, introducing an element of risk in relation to investing in the programme and potentially making a loss due to low numbers initially. Indeed, one participating provider reported that they had had to suspend their programme as it was not financially viable, and other participants expressed concerns that uncertainty was deterring providers from setting up apprenticeship programmes:

> ‘why would you invest in creating a programme if you're not sure if it's going to be something that is going to continue… [reviewing the apprenticeship standard] … gives higher education institutions the confidence, but it also then gives the law firms the confidence in that as a method of recruitment; it's not an experiment, it's not a trial, this is approved as a route into the profession’ (Claire, senior leader, apprentice training provider organisation).

In addition, the levels of support required in relation to the programme, for example some participants reported that they had ‘skills coaches’ to guide the apprentices, and employers reported that they had regular three way meetings between skills coaches, supervisors and the apprentices, meant that there were significant costs involved with the programmes:

> ‘So if you are a well-funded, prestigious law school, you don’t want the effort to do it. And … the actual process of setting it up is a real disincentive. It’s actually really difficult to get it set up. ……and then you think, well let’s go through the process of getting approved as a provider and so on and so forth, you look at it and you think, why would we do this? There’s just not the incentive’ (Edward, senior leader, apprenticeship education provider).

The participants' comments suggest that there appeared to be issues with regard to culture and fit between apprenticeships and higher education, and these are discussed in section 9.6.1 below.

9.6.1 Culture and fit within higher education

As part of the data collection process, a number of Russell Group universities were approached, but did not wish to participate. However, one Russell Group university responded to a question regarding whether they would consider providing legal apprenticeship programmes. Their response was that they did not run vocational programmes at all because of their focus on providing outstanding academic education; in effect, their view was that vocational programmes were not a fit with a research-led culture of academic excellence.

The participants who did offer apprenticeship programmes reported a 'steep learning curve', for a number of reasons. The administration of solicitor apprenticeships involves additional regulatory requirements and more relationship building with employers as the on and off the job experience for the apprentice must enable them to the meet the outcomes of the apprenticeship (Education and Skills Funding Agency, 2018). The requirements for an apprenticeship training provider are set out in government guidance and include the need for the 'three way' relationship with the employer, the provision of pastoral support and regular reviews of progress (ibid).

Participants found that there was a considerable investment of time and a significant learning curve in setting up an apprenticeship programme. There was an acknowledgement

that the apprentices could not simply be included in existing programmes; it was important to have separate programmes that met their needs and their method of learning:

> 'So for a university to get involved in offering these programmes, with all the regulatory backdrop that goes with them, it's a significant investment of time and expertise to start offering this kind of programme. And I think the other aspect that a university has got to bear in mind is that an apprenticeship is very different, or it should be very different, maybe it's not always treated as such, but it should be very different in terms of learning experiences, it's not just bolting something on to existing academic programme. It needs to be thought through' (Brian, senior leader, apprenticeship education provider).

All of the apprenticeship providers who participated in the study were experienced in the provision of legal professional education in the form of the LPC. Participants from apprenticeship training providers commented on their view of the distinctions between academic and professional legal education. For example, Russell Group universities do not typically offer the LPC, which is a course based on legal practice. Some participants felt that the background of the university team, particularly whether they had legal practice experience or not, also made a difference:

> 'to run the apprenticeships you need to have the right team in place… if you haven't got the solicitor/barrister side, you're starting from a different place in getting the build up to what it's like to be an apprentice in a law firm' (Judith, employability leader, apprenticeship education provider).

Further, the idea that law degrees could include preparation for SQE Part I, which the SRA discussed as part of the consultation for the SQE (SRA, 2017c) was not generally adopted by pre-1992 universities:

> '[Russell Group universities] have been very resistant to the whole move towards the kinds of skills and competency frameworks that would be necessary if you were to integrate SQE Stage I in the academic stage of training, and for me, it feels a similar narrative. There's a sense that they don't prepare people for legal practice … So I think there is a disconnect between the language and expectations of traditional academic degrees and the language and expectations of the degree apprenticeship route' (Patricia, senior leader, apprenticeship education provider).

Providers generally found that setting up the solicitor apprenticeship programme was demanding, but also that the ongoing running of the programme was also demanding, and not necessarily suited to a higher education environment.

> 'some universities have taken on apprenticeships, but have struggled to get it to fit their business model as a university. And we've noticed that sometimes it jars a bit, sometimes, with what the processes and the thinking is around it compared to maybe FE colleges that are much more used to delivering them and have got the processes and that fluidity through them' (Louise, HR professional, third sector employer).

Further, an apprenticeship programme involves a tripartite arrangement between employers and apprentices, and this is particularly important, given that the apprentices are employees, rather than traditional students. For universities which do not have a history of teaching practice skills, this would require a move away from their existing law degree:

> 'if you can't teach professional skills, then I don't understand how you would adapt your programme … because you are teaching knowledge, skills and behaviours. … So I suppose it again would depend on your relationship with the law firms and how much of that apprenticeship they would be delivering for you. To fill the gap you could not fill. … but I could see why institutions wouldn't want to go down that route, because it's just too complex' (Claire, senior leader, apprenticeship education provider).

Claire's comment addresses the need for a close relationship between the employer organisation, which is providing the situated learning (Lave and Wenger, 1991) which facilitates the integration of the apprentice into the community of practice, and the provider, whose training needs to align with and complement that experience.

In addition, the regulatory environment for apprenticeships is demanding, with one provider referring to the level of compliance required due to the fact that there were several regulatory bodies involved, all with different requirements in terms of that compliance. The nature of

the support which an apprentice and a full time student might require was also identified as different by the participants, and all agreed that what was suitable for apprentices would need to be considered carefully. Further, there was an agreement that the profit margins for providers were very narrow, and that this made it a difficult sell to a university.

> 'the way that it's regulated is much more geared towards, for example, a further education institution, than a higher education institution … around the LPC, to a certain extent around the LLB, there is a community, you know who is doing the programme in other universities, there is an external examiner system, there is a sharing of best practice. You don't get that with the apprenticeship … there isn't that feeling of a broader educational community around it' (Edward, senior leader, apprenticeship education provider).

One provider who participated in the study had felt it necessary to suspend their apprenticeship programme as low numbers and high costs meant:

> 'it was draining significantly the finance for us. … we had to have them as a distinct group, but at the same time trying to integrate them into the life of the school, so it was really quite resource intensive because we had a programme leader supporting their needs, they were all being taught separately, so this made it very, very costly, … it wasn't viable for us in that kind of scheme' (Patricia, senior leader, apprenticeship education provider).

Numbers of solicitor apprentices remain relatively low compared to traditional students following other routes. Further, the infrastructure required to set up and run the programmes, and the impracticality of merging apprentice cohorts with other cohorts mean that for smaller providers, there are challenges in relation to the viability of the programmes at this stage.

Because the funding available for training is capped, and employers may not be willing to pay additional fees, the business case for universities is not straightforward:

> 'you've got a university that does things in a particular way, that perhaps is less nimble and less swift, perhaps. But certainly there are the quality assurance

> processes that need to be worked through, and they're pretty complex. And you've got this partnership working, how will it work, does it fit within or outside our existing models, cost-benefit analysis and all of that stuff. And if you are looking at a degree apprenticeship, for example, you're saying so, we might get a handful of students, but is it going to be cost effective? And I think that is a challenge. So I think it's only the top end of this twenty seven thousand pounds, potentially up to six years, it's, apprenticeships are never going to make universities money, which is, I think, a problem' (Carl, senior leader, education provider).

Participants' experiences suggest that apprenticeship programmes could not generally be added onto existing programmes, and that apprenticeship programmes would need to be designed and delivered separately, at least to some extent. This is considered below in 9.6.2, together with administration issues related to apprenticeship programmes.

9.6.2 Designing and administering programmes

The providers all included the award of a degree in their programmes, both in cases where they had set up the programme, and where they were partnering with another organisation which did not have degree awarding powers. Post 1992 providers generally have higher numbers of part time students in any event (McCaig, 2015), and in general, the programmes for solicitor apprenticeship would involve part time day release studies of 20% of the apprentices' time (SRA, 2014b). However, participants reported that it was not generally possible to include the apprentices within an existing programme or to 'bolt on' a programme to something already in existence (Brian, senior leader, apprenticeship education provider). For some providers, as considered above, the need to deliver an entirely separate course meant that the apprenticeship was not viable while numbers remained relatively low.

For other providers, the programme was required to be a distance learning programme due to the nature of their relationships with their partner law firms:

> 'on the tuition days, … we have monthly tuition days, where we go through things live. And what really threw it all into sharp relief was … [d]id we go up to [apprentices' location], did they come down here on a monthly basis, … and did we

> engage local tutors? …[so] it was a distance learning programme in a non-distance learning school. And then you had this dimension where we're chasing round the country, really' (Edward, senior leader, apprenticeship education provider).

Some providers had found their parent universities supportive and had established programmes, but they acknowledged the issues facing the sector when determining whether to become involved in solicitor apprenticeships, given how different they were to existing programmes:

> 'it's the sector catching up in how we manage that, how we manage those, these new types of programmes. Because they're different, they're different to our normal provision. And I think maybe that's, I don't know how many, the vibe I get is not many higher education institutions are really embracing them, but as I say, I wonder if that's because of the regulation, the fact that they are new, the fact that they are different' (Claire, senior leader, apprenticeship education provider).

With regard to how the apprenticeship programmes contributed to inclusion, one provider advised that they considered that their undergraduate and LPC programmes were more diverse, perhaps partly due to their status as a post 1992 university and to their location. Another provider discussed the high levels of ethnic diversity and first in family learners on their existing law programmes. However, two key points emerged from these discussions. First, for many first in family students and those from less advantaged backgrounds, there was a need to work while at university, which the participant raising this point considered affected their results, as they were often taking on 'too much' paid employment for a full time course and were often:

> 'secretly working … whereas if they were actually doing an apprenticeship … I feel like it would be less stressful for them because it's all open' (Judith, employability leader, apprenticeship education provider).

Second, that the situated learning, and the development of their professional identity alongside their academic studies meant that:

> ‘they haven’t had that period where you’ve got to make that transition from being a student to being a lawyer; they’ve always been lawyers’ (Edward, senior leader, apprenticeship education provider).

However, within the organisation, it is possible that the apprentices’ trajectory might be affected by the apprenticeship ‘label’:

> ‘if somebody had been brought through as an apprentice, do they make that step up to being head of the area, or a partner, or is there that perception that they are still the apprentice and at some point that barrier’s got to be crossed’ (Carl, senior leader, education provider).

‘Crossing the barrier’ as a newly qualified lawyer within an organisation will be addressed by individual organisations as the first cohorts of apprentices qualify, beginning in 2022. However, there may be wider issues of acceptance as newly qualified lawyers within the wider profession, and these are considered in 9.7 below.

9.7 The future of the apprenticeship in the legal profession

Participants acknowledged that perceptions of apprenticeships were changing, but that this appeared to be a slow process. The experience of apprentices in relation to the information available to them in their schools has been previously considered, and the view of apprenticeships as vocational, rather than professional, was persistent.

However, there was an acknowledgement among participants that attitudes towards apprenticeships were evolving, and that they were becoming more widespread:

> ‘it’s like mobile phones. A few years ago, not everybody had a mobile phone, and then there came a tipping point where “what, you mean you don’t have a mobile phone?” I don’t think we’ve come to a point where people say “what, you mean you don’t have apprentices?” I don’t see it, really, and I’m not quite sure when that would happen. And I think probably we’ll still see the graduate route’ (Edward, senior leader, apprenticeship education provider)

It is possible that the route will be recognised as simply a parallel route with graduates, although the additional experience involved with the apprenticeship route may result in solicitors who are much stronger at the point of qualification. Edward's comment suggests that the solicitor apprenticeship may become more widespread, but that it is unlikely to displace the graduate route.

9.8 Conclusion

The chapter has examined the solicitor apprenticeship in the context of the wider solicitors' profession using the views of all stakeholders, including stakeholders who do not currently offer solicitor apprenticeship programmes. The culture of the legal profession was examined, and the significance of including a law degree in the development of a perceived hierarchy of routes to qualification. The chapter also examined the participants' views in relation to accessing different pipelines of talent, and the process of identity formation in the wider profession. The perspective of an organisation which did not employ solicitor apprentices was examined, together with issues of resourcing training in smaller organisations, and the significance of the apprenticeship levy in the legal employment market. The experience of solicitor apprenticeship training providers was reviewed, including cultural factors, course design and administrative issues for providers of higher education. It was noted that issues of resourcing, and particularly profit margins and compliance costs, acted as a potential deterrent for some education providers. It is still unclear what the trajectory of the solicitor apprentices would be in the future. Once employers have additional cohorts of apprentices reaching the point of qualification, the value of the apprentices to legal services providers is likely to be much clearer, and this could influence more employers and education providers to offer solicitor apprenticeships going forward.

Chapter Ten: Discussion

10.1 Introduction

Chapters three and four considered the literature surrounding mechanisms of inclusion and the importance of high quality, or 'expansive' situated learning in the community of legal practice. This chapter considers the data from the study, which was examined in chapters six to nine inclusive, in conjunction with the literature, and discusses key points raised in more detail, grouping the discussion under four themes:

1. 'Moulding' versus 'polishing' in early career legal professionals;
2. The importance of breadth in the apprenticeship experience;
3. The power of credentials; and
4. Disruption to the legal profession

Using these themes, the chapter examines how the solicitor apprenticeship promotes inclusion, examining the literature and the study's findings in relation to access to the solicitor apprenticeship, and the distinctions between the graduate and the apprentice route to qualification.

The mechanisms affecting inclusion reviewed in chapter four relate to early years, education, university and working life (Boudon, 1974; Belsky, Melhuish and Barnes, 2007; Stewart and Waldfogel, 2017; Lampl and Milburn, 2019; Reay, 2021). As discussed, where an individual is from a socially disadvantaged background, that disadvantage is often compounded throughout their educational experience(Skills Commission, 2019). The apprentices who participated in the study were recruited in early career, or as school leavers, rather than going to university. In effect, they avoided two of the significant mechanisms affecting inclusion; choosing the 'right' university to secure a professional career (Philip Brown,

Lauder and Ashton, 2011), and completing placements during their university years (Crawford and Wang, 2019).

This chapter will also consider the key findings in relation to the experiences of stakeholders within the community of practice following recruitment. The effect of the longer duration of the apprentices' experience in the community of practice, and the importance of a high quality apprenticeship are further examined using the expansive-restrictive apprenticeship framework introduced in section 3.2. This chapter then examines the findings in relation to the wider solicitors' profession, the 'constellations of practice' (Wenger, 1999 p126), examining perceptions of the apprenticeship in the wider context of the legal profession, including the changing qualification landscape, and the significance of the law degree. The chapter also considers how the solicitor apprenticeship is disrupting the legal profession, including an examination of whether the disruption could be regarded as a return to the route to qualification into the profession before the introduction of the requirement for a degree in the 1970s. Finally, the chapter considers the wider implications of the study, and examines the possible impact of professional apprenticeships. The contrast between the experiences of graduate entrants and apprentices, or the 'moulding' contrasted with 'polishing' approach is examined in the next section.

10.2 Moulding versus polishing

In chapters six to nine inclusive, participants used the term 'moulding' in relation to the development of the professional identity of the apprentices during the apprenticeship. Further, participants referred to the 'cultural immersion' of the apprentices in the organisation, and the effect of the longer exposure to the community of practice. However, there was an acknowledgement that the apprentices, like their graduate counterparts, needed to be the right 'fit' initially in any event, for example, Maajid's interview for a second

team as he was not considered to be a ‘fit’ for the first team in the same organisation (section 6.4). Further, recruitment for apprentices was generally agreed to be on the basis of ‘potential’, and the confidence that the individual would complete the apprenticeship, rather than past experience. For example, Erin, a third year apprentice advised that she did not achieve the required grades for her apprenticeship, but was still admitted to the apprenticeship; ‘they must have liked me’ (section 9.2). Being a ‘fit’ for an organisation can be interpreted in a number of ways. For example, Wendy, a participant in a leadership role with a regulator, used the term ‘assimilation’ in the sense of creating ‘a little you’ (section 9.3.2), absorbing the individual into the organisation, rather than building their professional identity. In contrast, the term is used in a different sense in the Bridge Group report (Bridge Group, 2018), which regards ‘assimilation’ as the development of a professional identity within the organisation, rather than a loss of identity. If assimilation is used in the Bridge Group sense, there is social inclusion, because the individual is recognised as becoming part of the community of practice, developing an identity of their own in that professional context, guided by their mentoring and training. However, the sense in which Wendy uses the term is not inclusion, but a homogenisation process, which absorbs the individual into the organisation, and effectively dictates their identity. The participants’ interviews discussed the inclusion of the apprentices in their community of practice, identifying it as one of the key issues relating to their apprenticeship. In contrast, the ‘fit’ expected of graduate recruits suggests that they already have the same ‘social capital’ (Ashley & Empson, 2017 pp212-213). as the organisation recruiting them, and are developing an aligned professional identity.

The table in appendix eight summarises the main issues in relation to the terms which have been identified in the literature and in the participants’ interviews. The use of the term ‘moulding’ in this table assumes that the recruitment process is focused on individuals

whose prior legal knowledge, if any, is capped at level 3 (A levels). In contrast, the use of the term 'polishing' assumes that recruitment takes place during or following a degree in law, or in another subject, but with a law conversion course. The recruitment of graduates, who are level 7, discussed in section 4.8, assumes that the candidates are more developed, rather than simply more knowledgeable about black letter law (the cases, rules, and statutory material that make up the law). They are expected to be much closer to the 'finished product', with an emerging professional identity that aligns with the organisation. 'Moulding' appears to refer to the provision of a structure and a process which allows the apprentices to develop their identity, which includes a sense of belonging within the employer organisation and the profession more widely. Kieran's view (partner, organisation A) discussed in section 8.3, was that the apprenticeship was not a single process, but 'four plus two', with four years required to bring the apprentices to the level of the graduate recruits so that they could join them for the final two years, albeit with more experience of the organisation. The structures and processes which promote this development are considered in section, 10.3 where the expansive-restrictive framework for apprenticeship quality (Fuller and Unwin, 2003a, 2014a), which was initially examined in section 3.2, is considered in more detail in the context of the solicitor apprenticeship. In the next section, the polishing effect of internships and placements, which are generally avoided by the apprentices, who are generally recruited earlier in their careers, is examined. If the graduates and apprentices are part of the same cohort for the two years leading to qualification, as reported by many participants, the 'moulding' could be arguably regarded as taking place mainly during the four years leading to that point in order to prepare them for 'polishing' alongside their graduate counterparts.

10.2.1 Polishing through internships and placements

The significance of placements and internships as part of the university or graduate experience in relation to social mobility and inclusion (Grey, 2019) is discussed in section 4.7. There is an expectation that graduate applicants will have undertaken vacation schemes, mini pupillages and other forms of legal work experience during their degree and professional education (Chambers Student, 2022). There is also an expectation that graduates will present as 'polished' during the recruitment process, partly at least because of these experiences (Ashley et al., 2015). As the apprentices are already employees, placements and internships are unlikely to form part of their experience during the apprenticeship, although two participants referred to opportunities for secondment with clients on whose matters they were working as part of their apprenticeship. However, some participants did refer to work experience or placements while they were at school. Indeed, there is a requirement that school students should have the opportunity to undertake work experience of some kind (Holman, 2014). In contrast with their graduate counterparts, for whom vacation schemes and mini pupillages would be required, the participating employers did not expect that the apprentice candidates would have comparable experiences of working in a legal environment. For those participants who provided details of work experience, this was arranged through the school, and two of the participants referred to the involvement of third sector organisations which arranged work experience for school students from schools in socially deprived areas. Further, two participant employers referred in section 7.4 to work experience opportunities offered to school students as part of their outreach initiatives, again, focusing on socially deprived areas, or schools with lower levels of engagement with employers.

Although there was no evidence of a requirement for apprentices to have experience in a legal environment, work experience and placements are potentially significant in relation to

apprentices' preparation for the recruitment process. Some participants, for example Ellen in section 7.6, indicated that outreach from the profession to schools would be of benefit to less advantaged applicants. With regard to the graduates, section 4.7 considers the research suggesting that those from more advantaged social backgrounds and networks are likely to be more successful in securing internships (Wang and Crawford, 2019) in any event. However, it is possible that these demographics are less likely to apply where the opportunities are made available through social outreach initiatives; indeed, they might not be eligible to apply through targeted initiatives, addressing the possible advantage to those who already benefit from family and professional networks. Further, the issues noted in relation to unpaid internships (Major and Machin, 2020 p59) may not impact disadvantaged school students in full time education, as they are less likely to have to forgo paid work in order to take them up.

While legal internships and work experience are likely to be of advantage to school students applying for apprenticeships, as discussed, there does not appear to be an expectation (Langdon-Down, 2014) that they will have been undertaken before the apprentice applies for a role. In summary, the issues which mean that internships and placements are potentially mechanisms which adversely affect inclusion do not appear to apply to apprentices in the same way; they are effectively sidestepped. Further, because solicitor apprentices who complete a full apprenticeship rather than being recruited as graduates are recruited earlier, there is no expectation that the 'polishing' effect of university, placements and so on will have been experienced. Participants acknowledged in 7.5 that they could not expect the same levels of experience from apprentices as they would from graduates, and referred to the use of 'strength' based interviewing, which does not depend on past experience in the same way as a competency based method. While the structure of the apprenticeship and the timing of recruitment mean that some mechanisms which affect inclusion, such as choice

of university, are effectively avoided, other mechanisms affecting inclusion, particularly those related to access, while not avoided, were addressed by the apprenticeships considered in the study, as considered below in section 10.2.2.

10.2.2 Access

Recruitment practices for graduates are discussed in section 4.8, which examines their potential to impact social inclusion, as they include practices which may actually be regarded as socially exclusionary. For example, the expectation that candidates will present as confident at networking events or assessment days; 'polished' (Rolfe and Anderson, 2002; LETR, 2013; Ashley and Empson, 2017 p222). This 'polish' may be acquired by candidates who have attended universities which have high levels of contact with legal employers, for example, Russell Group universities, as discussed in section 4.6, and also through placements and internships as considered above. However, less advantaged demographics are over-represented at post-1992 universities, and underrepresented at Russell Group universities (Reay, 2016, 2021). Further, as discussed in section 10.2.1, more advantaged candidates are more likely to secure available internships and placements, as the recruitment processes are very similar to those used to recruit graduates (Crawford and Wang, 2019), potentially compounding disadvantage.

The organisations which participated in the study also used recruitment processes for their apprentices which closely resembled those used to recruit graduates, for example the 'objective' multi-stage processes described in the literature (Brown and Hesketh, 2004 p10), which the apprentices found challenging. The profile of the participant apprentices was that all were under 25 and most were school leavers or very early career, with one having completed a level 2 legal administration apprenticeship before beginning a solicitor apprenticeship. However, while the resemblance between the processes is considered in

some detail in section 7.5, the expectations of external, primarily school leaver candidates were different, with participants expressing the view in section 8.5 that the apprentices were not going to be a 'finished product' (Claire, senior leader, apprenticeship education provider), but early talent that would require development over a longer period.

There is an expectation that the organisation will need to mould and develop the apprentices into qualified professionals during the apprenticeship. Further, the strategic aim of improving diversity and promoting social inclusion, which emerged as a theme for the participating employers, together with the outreach initiatives considered above, mean that it is more likely that employers will be mindful that their apprenticeship candidates will be at a different stage in their careers. Participating employers indicated that their focus was therefore on 'potential', rather than any expectation that the applicants would be polished 'finished products'.

The stages of the recruitment process were demanding, and apprentices reported being asked to, for example, analyse a case and, pre-pandemic, take part in assessment days (section 7.5). Some participants indicated that a 'strengths based' (Bibb, 2016) approach was generally used to assess applicants' suitability. The use of this approach to assess whether the person is a 'fit' with the organisation by using questions around the individual as a person, rather than their past achievements appears likely to address concerns regarding the expectations of the apprentice candidates. Strengths based interviews do not require a 'polished interview technique, so they can help improve the social mobility of new recruits (Lewis, 2016). Indeed, as Susannah, HR professional with organisation C suggested, one of the key issues was determining whether the applicant would complete the apprenticeship, and had the potential and determination to complete the apprenticeship and become a

lawyer, not whether they were a ‘finished product’, already polished, as might be expected of a graduate.

While the application process for the apprenticeship was undoubtedly challenging, apprentices who were in the earlier stages of their apprenticeship, and who had therefore applied more recently also discussed the availability of apprenticeship information on YouTube and other social media. For example, there are several blogs featuring solicitor apprentices who talk about their experiences within their employer organisations (The Lawyer Portal, 2020; My Legal Career, 2021), as well as numerous YouTube videos and webpages explaining how to analyse a case, conduct a video interview and complete common assessment day tasks (Chung, 2020; Cole and Kumar, 2020; Sabahipour, 2021). None of these resources would necessarily be a substitute for individual careers guidance, but as Ellen points out in section 8.8, employers are aware that the apprentices who are school leavers or in very early career are not comparable with trainee solicitors when they are applying for the apprenticeship.

While the recruitment processes are still extremely demanding, employer expectations are not comparable with the ‘finished product’ presentation that is expected of an applicant for a training contract. For example, it is not realistic to expect that a school leaver will have undertaken several legal vacation schemes or have had experience of working in an office for any length of time. This was acknowledged by the participants, whose inductions included getting the apprentices used to working in that environment, ensuring that they felt they belonged, and beginning the lengthy ‘moulding’ process. The participants indicated that the recruitment process, while daunting, is adjusted to acknowledge the difference

between the apprentices and a training contract applicant, making it more likely to serve as a mechanism of inclusion for the apprentices.

It should be noted that while apprentices are not exclusively school leavers, participants acknowledged that the apprenticeship route for career changers was difficult, in many cases because of the salary level for an apprentice. Two participant employers reported that older candidates who were changing careers had either not take up offers of an apprenticeship, or had dropped out, apparently because the level of salary available for an apprentice role represented a reduction in income. Further, it is likely that some candidates for the solicitor apprenticeship are recruited internally, having undertaken legal work for their employer, but not having qualified as a solicitor. This may provide an opportunity which might not previously have been available, and while none of the participants falls into this category, which is therefore outside the scope of the study, this too may serve as way to address the mechanisms affecting inclusion which prevented these individuals from qualifying through the traditional route initially.

10.2.3 Moulding in the community of practice

This chapter has examined how the 'moulding' strategy affects the solicitor apprentices' access the legal profession, addressing operational research questions one and two. The role that the apprenticeship plays in social inclusion once the apprentices have accessed the profession, and taken up their roles is also significant. The apprenticeship model means that the majority of the apprentices' learning happens in the workplace, rather than in a university context. This model of learning, together with the extended duration of the solicitor apprenticeship may provide a mechanism of inclusion for apprentices who might otherwise not have been able to qualify.

10.2.4 Belonging

The apprenticeship model means that the majority of the apprentices' learning will be 'situated learning', which facilitates substantial participation in the community of practice (Lave and Wenger, 1991). What constitutes effective situated learning and contributes to a sense of 'belonging' in the community of practice was considered in chapter eight, using criteria that emerged from the findings of a study of clinical placements in nursing (Levett-Jones *et al.*, 2009). In summary, if apprentices are to feel a sense of 'belonging', they will need to see themselves as integrated into the business of the organisation (whether commercial or serving the wider organisation), and contributing to its work; 'learning as social participation' (Wenger, 1999 p4).

As discussed in section 8.10, in organisations where clients are charged for legal work, solicitor apprentices would typically be regarded as 'fee earners'; members of the team who earn money for the organisation by having their time charged to clients, rather than working as support staff. In most cases, apprentices working in this environment were required to record time in a similar way to other fee earners. For apprentices, where their employer did charge out their work to clients, it was generally at a lower rate than they would charge for a trainee or newly qualified solicitor, in order to reflect their level of experience. As considered above, apprentices' salary levels are generally lower than would be expected for a graduate, as they are typically entering with a level 3 qualification, rather than a qualification at level 6 or above. This was regarded favourably by clients, both as evidence of the organisation's commitment to social mobility, and as a 'cost efficient' measure (Nina, fourth year apprentice).

Cost efficiency is an important commercial imperative for recording the apprentices' time, particularly given the changes to the way in which legal services are delivered following the development of AI and 'remarkable algorithms' to carry out some legal tasks (Susskind, 2017 p188). These changes have meant that legal services could be 'decomposed' or 'disaggregated' into tasks, rather than being regarded as a single service performed by a solicitor, allowing each of those tasks to be performed more efficiently (ibid p32). The more routine tasks described in Figure 8.2 are example of tasks which can be undertaken by apprentices at a lower cost base. This is important commercially in relation to cost-effectiveness, but it also plays an important role in the development of the apprentices' sense of belonging and the development of their professional identity. Direct involvement in the work of the organisation, even at a lower level, performing 'disaggregated' tasks (Susskind, 2017 p32) enables the apprentices to contribute to the work of their team and the wider community of practice, a 'form of belonging' (Wenger, 1999 p4).

The employers acknowledged that while trainee solicitors were much more advanced in terms of knowledge when they arrived, and had experience of the workplace, the structure of their training meant they were involved in a team for a relatively short time, and generally moved on to other teams as they became more effective in their roles, effectively beginning the process of settling into a new team again, although their experience with the organisation continued to build. Nina's comment (fourth year apprentice) in section 6.4 referred to the possibility that for a trainee solicitor, the identity of the training organisation was potentially less significant, as they could always move elsewhere after the two years were completed. Nina also referred to the fact that apprentices were more likely to stay than trainees, because the organisation had invested in them, and they were more 'ingrained' (Ellen, associate solicitor, organisation C). Trainee solicitors are, as discussed, more expensive in terms of salary and the rate at which their work is charged to clients. If they have been

sponsored for their professional training, for example through the payment of professional course fees for the LPC, there is also an additional cost to the business in that respect. The structure of the apprentices' learning over a much longer period of time allows them to become more involved in the work of their team, fostering a sense of belonging to that community of practice, promoting more effective learning. However, participants acknowledged that for organisations which do not pay the apprenticeship levy, and who do not have a regular cycle of trainee recruitment, the infrastructure needed to support an apprentice effectively, and to integrate them in the way described would be difficult to replicate. Over the longer duration of the apprenticeship, the apprentice is likely to integrate effectively, and to feel more of a sense of belonging in a smaller organisation, although the initial resourcing issues and risk of making such a long-term commitment may be a deterrent.

10.2.5 Duration of 'immersion' and the formation of professional identity

This longer period of immersion in the culture of the organisation also allows a more gradual moulding process to take place. The inclusion of the apprentices in the work of the organisation, and of their teams in the way described in section 10.2.4 allows them to develop their professional identity over the course of their apprenticeship. The participating apprentices also acknowledged that they had the opportunity to develop as professionals during their apprenticeships. For example, Anita, as a first year apprentice anticipated that she would change significantly during her apprenticeship, developing from a teenager to a professional in her mid-twenties. She also observed that what was learned at university was very different to what she expected to learn in a legal professional environment. This suggests that although the trainee solicitors arrived with more black letter legal knowledge, the apprentices, having completed the four years of Kieran's 'four plus two' structure,

discussed in section 8.3, brought knowledge of the organisation, its procedures, and an understanding of legal practice to the final two years of their apprenticeship.

However, while the professional identity development allows an organisation's apprentice to become 'schooled in your ways' (Ellen, associate solicitor, organisation C), the findings suggest that the apprentices are not 'assimilated' in Wendy's sense of becoming 'a little you', but that the nature of their experience allows them to build their professional identity using the examples of good practice that they encounter during their apprenticeship. This is more aligned with the use of this term in the Bridge Group report discussed in section 1.2.3 (Bridge Group, 2018). The examples of effective learning discussed in the study of clinical placements for nurses noted that where the workplace experience was effective, this influenced:

> 'self-concept, confidence, resilience, self-efficacy [and] *the extent to which they were willing to question or conform to poor practice,* motivation to learn and future career decisions' (Levett-Jones et al., 2009 p319 emphasis added)

In effect, the development of a professional identity during the apprenticeship, where the apprentice feels a sense of belonging and is appropriately managed should enable them to develop and exercise professional judgement, something which is included in their apprenticeship standard (Institute for Apprenticeships, 2015). The tripartite relationship, discussed in 10.3.1, between the apprentice, the employer and the education provider, together with the regulatory oversight required for an apprenticeship programme is also likely to facilitate this process, and to allow the development of that individual's professional identity within the supporting framework of the organisation's culture. The experience of the apprentices in the later stages of their apprenticeship supports the view that their experiences and the feedback loop facilitated by the tripartite relationship structure have

allowed them to develop their own identity within their community of practice; inclusion, rather than assimilation (section 6.5).

The first cohorts of solicitor apprentices entered the legal profession as 'newcomers' following the introduction of the trailblazer apprenticeships, developing their professional identity within their organisation and the wider community of practice (Wenger, 1999). The regulatory requirements that apply to apprenticeships which are funded by the apprenticeship levy and the tripartite relationship discussed above mean that the nature of the apprentices' learning experiences, both within the community of practice, and in their off the job learning, are subject to scrutiny. The need for apprentices to evidence that they have met the outcomes in their standard before they are able to proceed through 'gateway' to their end point assessment means that there are quality control mechanisms in relation to their experience. The longer duration of their experience also allows a depth of experience that participants acknowledged as significantly less likely to be possible to achieve in a two-year training contract, where trainees moved teams every four-six months. For a trainee, it would simply not be possible to replicate the experience of being involved in a significant case over several years from its inception up to the Supreme Court that Juliet described in section 6.4. The participating apprentices indicated that they valued their opportunity to start at the beginning, and to build their experience and professional identity, developing as lawyers within their community of practice. In order to facilitate this development, or moulding, the quality of the apprenticeship is an important factor. The apprenticeship is regulated in compliance with the apprenticeship standard (Institute for Apprenticeships, 2015), which is intended to provide the necessary breadth and quality of experience within the apprenticeship. This should, as considered in section 3.2, serve to ensure an expansive apprenticeship experience. While the trainee solicitors are required to meet exactly the same outcomes as their apprentice colleagues, their work based experience is typically limited to their two year training contract, in contrast to the apprentices' much longer period

of work in the organisation. Further, for the trainees, the work based learning element of their experience typically comes at the end of their journey towards qualification, where the apprentices spend the majority of their time learning at work throughout their apprenticeship.

10.3 The importance of breadth in the apprenticeship experience

With regard to the kind of work that it is possible for apprentices to undertake, both the apprentices and the employers who participated in the study acknowledged that levels of legal knowledge were typically very low at the start of the apprenticeship. For example, one employer described the initial six months of a solicitor apprenticeship as comparable with work experience. However, the off the job study with the education provider allows the apprentices to build their knowledge of, for example, cases and statutory material or black letter law', in the context of their employment and to develop their broader professional knowledge as part of the wider legal community. The development of legal knowledge, combined with appropriate experience that aligns with their apprenticeship standard, and effective supervision allows the apprentices to develop a sense of belonging during their long period of immersion in the culture of the organisation.

Because the initial experience for the apprentices cannot be based on work which involves high levels of legal knowledge, since they typically have very little, it is important to be able to provide more process-driven, administrative, and routine work to being with. In section 2.4, Susskind's view of legal work was discussed, and the view of legal work as 'disaggregated' in a vertical, rather than a horizontal way 'wherein legal tasks of all types require a mix of legal expertise, process and technology' (Eisenberg and Susskind, 2021). This disaggregation provides further opportunities for apprentices to develop within their community of practice, and to become involved in matters at an early stage, undertaking tasks like checking interview transcripts for a case, as described by Rowan in section 8.5.

Further, as discussed in section 6.3.2, solicitor apprentices have, at least initially, less legal knowledge than their graduate counterparts, who will have either a law degree or equivalent qualification when they are hired. The legal tasks considered by Eisenberg and Susskind above allow the apprentices to experience the 'mix' of legal and other elements incrementally over their longer period of engagement with the organisation. This provides an opportunity to obtain a thorough understanding of the processes and technology required to perform legal tasks. Further, the longer period of immersion in the organisation means that the apprentices spend longer in each team, or remain within one team, allowing them to build experience and knowledge in context, and to develop a professional identity through that experience (Wenger, 1999). In the initial stages of their apprenticeships, the apprentices will not be expected to have the legal knowledge that would be expected of a graduate, but the combination of on and off the job learning ensures that the apprentices will have the same outcomes at the point of qualification. Participating employers commented on the requirement for legal knowledge, with Rowan from organisation A advising that they did not study their specialist area of law before beginning work in a legal services organisation, and Graham from organisation B's comments in 7.2.1 that black letter law, while important, did not necessarily play a prominent role in activities such as 'putting a deal together and brokering'.

In effect, the solicitor apprentices' legal knowledge is developed alongside the experience, where, for some modules, it can be contextualised and put into practice immediately. For example, Edward's comments regarding the apprentices' perceptions of themselves as 'lawyers', and their ability to 'draw links' between on and off the job learning in some, but not all areas. For example tactical discussions in relation to litigation, would be likely to be 'quite rich' where on and off the job learning could be combined, while conveyancing, which is generally more administrative in the nature of the work, might offer fewer such opportunities.

The participating apprentices acknowledged that not all of the modules that they were required to study in order to pass their end point assessment and obtain their law degree were directly relevant to their work within an organisation. However, they considered that to achieve professional parity of esteem with their graduate counterparts, the award of a law degree, and the breadth of knowledge that came with that, was important, and this will be considered in more detail below. Further, the education providers who participated in the study considered that the apprentices' wider legal studies ensured that they had the same underlying knowledge as their graduate colleagues; in effect, a professional identity comparable with theirs, rather than an identity based on a narrower field of knowledge.

With regard to the quality of the apprentices' situated learning experience, the significantly longer timescale of the apprenticeship is likely to enable the apprentices to become more integrated into their organisation. Compared with a graduate training contract, the apprentices' involvement in matters can be much deeper, potentially allowing them to be engaged with matters from beginning to end. Using the lens of Wenger's social theory of learning, which was discussed in the section 3.5, the experiences described by participating apprentices show the progression of their learning and development within their community of practice.

For example, in section 6.4, Juliet, a fifth year apprentice with organisation C stated that she had been involved in a significant case since she began her apprenticeship. The case had gone to the Supreme Court, and organisation C were successful. Juliet's involvement with the case as an apprentice within her team involved the kinds of tasks set out in figure 8.2, from administrative tasks initially, to tasks which involved more knowledge and skill, but

which contributed to an increasing extent to the ‘practices of [her] communit[y]’ (Wenger, 1999 p7). Further, this represents a more expansive apprenticeship experience, with progression and breadth, rather than regarding the apprentice as ‘another pair of hands’ (Fuller and Unwin, 2014a). Participant employers acknowledged that the supervision process, and the work which was allocated to apprentices was different to general line management, and needed to support progression toward their apprenticeship outcomes (Ellen, associate solicitor, organisation C).

Participating employers and apprentices discussed the tasks that were undertaken during the apprenticeship, and the examples provided for each year of the apprenticeship are set out in Figure 8.2.

(Wang and Crawford, 2019; Major and Machin, 2020; Reay, 2021)(Chan, 2013The grid below examines how these tasks map onto the expansive-restrictive apprentice continuum:

Table 10.1 Expansive-Restrictive Apprenticeships (Fuller and Unwin, 2014b p5; Brockman and Laurie, 2020 p5)

Expansive	**Restrictive**	**Solicitor apprenticeship Positive**	**Solicitor apprenticeship Negative**
Apprentice develops occupational expertise to a standard recognised by the occupational field.	Apprentice develops skills for a limited job role without improving on their existing level of competence.	The end point assessment for the apprentices is the SQE. SQEII involves skills assessment to the same standard as an NQ	Both participants and the profession more widely have expressed concerns regarding the SQE, which one commentator has described as 'a floor, not a ceiling' (Pugh, 2017)
Employer and provider understand that apprenticeship is a platform for career progression.	Apprenticeship does not build the capacity to progress beyond present job role.	'The ambition is that they become associates in [name of firm]. We wouldn't have done it if that wasn't the ambition' (Kieran, organisation A)	There is likely to be a transition from being apprentices to being perceived as lawyers: 'at some point that barrier's got to be crossed' (Carl HE provider)

Expansive	**Restrictive**	**Solicitor apprenticeship Positive**	**Solicitor apprenticeship Negative**
Individual has dual status as learner and employee: explicit recognition of, and support for individual as learner	Status as employee dominates: limited recognition of, and support for, individual as learner	'we don't expect them to stay late because they've got studying to do.' (David organisation D) There is recognition that they are learning, for example Rowan's acknowledgement that an explanation of sources of employment law would make 'no sense' to someone just beginning their legal studies.	The SME participant advised that for a small business, the 'drain' of an apprentice in the early stages meant that it was more difficult for smaller businesses to make this commitment.
Individual makes a gradual transition to productive worker and is stretched to develop	Fast transition to productive worker with limited knowledge of the occupational field.	The apprenticeship involves 'long work experience', 'drip feeding', and getting involved in cases. The table of work undertaken in	The range and variety of tasks may be more difficult to provide where the employer is an SME. Further, the way in

Expansive	Restrictive	Solicitor apprenticeship Positive	Solicitor apprenticeship Negative
expertise in their occupational field.		section 8.5 shows the range of tasks, some of which will depend on the profile of the employer, and the incremental nature of the experience.	which time recording and billing targets are used by employers needs to be balanced; participants discussed the possible pressure caused by time recording, while also referring to the sense of contribution and adding value.
Individual is treated as a member of an occupational community with access to the community's	Individual treated as extra pair of hands who only needs access to limited knowledge and skills to perform job.	'They're so ingrained' (Ellen, organisation C). Participants referred to the need for apprentices to feel that they belonged. Some participating	The participants referred to a learning curve in relation to apprenticeships, and the difference in knowledge and

Expansive	**Restrictive**	**Solicitor apprenticeship Positive**	**Solicitor apprenticeship Negative**
rules, history, occupational knowledge and practical expertise.		employers recruited into an individual team, with the expectation that the apprentices would qualify into that team.	experience between graduates and apprentices.
Individual participates in different communities of practice inside and outside the workplace.	Training restricted to narrowly defined job role and workstation.	Apprentices are eligible for membership of the Junior Lawyers' Division ('JLD') in the same way as graduate recruits. Participants referred to opportunities for professional development and experience, such as attending networking	The tripartite relationship between apprentices, their employers and their education providers should ensure that this is the case. For example, Lauren's comment that the apprentices would have access to the same support as other students. However, the

Expansive	Restrictive	Solicitor apprenticeship Positive	Solicitor apprenticeship Negative
		events with clients, and in one case, secondment opportunities.	quality of experience depends on the individual employer and provider.
Individual's work tasks and training closely mapped against recognised occupational standards and assessment requirements to ensure they become fully competent.	Weak relationship between workplace tasks, occupational standards and assessment requirements.	The apprenticeship standard requires regular tripartite reviews, and providers acknowledge the difference between the mentoring role of an apprenticeship supervisor, and the role of a line manager, pointed out by Ellen from organisation C in section 8.5.	The administrative commitment in relation to compliance with the apprenticeship standards may be difficult for SME employers.

Expansive	**Restrictive**	**Solicitor apprenticeship Positive**	**Solicitor apprenticeship Negative**
		The apprenticeship standard replicates the day one solicitor outcomes required by the SRA.	
Off-the-job training includes time for reflection and stretches individual to reach their full potential.	Supporting individual to fulfil their potential is not seen as a priority	The end point assessment includes a requirement for a portfolio, which includes a reflection in relation to tasks submitted as evidence.	Although a reflective portfolio is a requirement, support in developing reflection as a professional skill will depend on the employer and the provider, as the portfolio will need to include on the job learning evidence.

Expansive	**Restrictive**	**Solicitor apprenticeship Positive**	**Solicitor apprenticeship Negative**
Named individual acts as dedicated support to apprentices	No dedicated individual; ad-hoc support	Supervisor, tutor, different models of supervision, but supervision always a feature of the apprenticeship experience.	Practical issues for some employers in terms of continuity and liaison with the education provider might make it difficult to provide a consistent approach
Individual's progress closely monitored and involves regular feedback from a range of employer and provider personnel who take a holistic approach.	Individual's progress monitored for job performance with limited developmental feedback.	The tripartite review requirement should ensure that this takes place, and that these meetings are distinct from the appraisal system in place for employees. Louise, HR professional with a third sector organisation advised that the apprentices had regular	In commercial legal services providers, the system of charging for time and the use of billing targets as a measure of performance would need to be adapted to meet the apprentices' needs.

Expansive	Restrictive	Solicitor apprenticeship Positive	Solicitor apprenticeship Negative
		meetings, and that while they were appraised alongside their colleagues, their appraisal was distinct in that it was not linked to a pay review. Ellen from organisation C also made this distinction between line management and the role of apprentice supervisor.	

The apprentices and employers who participated in the study indicated that they had attained a breadth of experience over the duration of their apprenticeships that suggested that they could be regarded as 'expansive'. The apprenticeship standard and the inclusion of a professional qualification as a solicitor, together with the regulation and oversight from bodies such as the Institute for Apprenticeships should ensure that this is the case. However, these requirements do appear to deter smaller legal employers from committing to the apprenticeship, and the participants acknowledged that there had been a learning curve in relation to how to deliver the apprenticeship effectively.

10.3.1 The tripartite relationship

Delivery of the apprenticeship includes the experience of higher education, and as the majority of their time will be spent learning on the job, the apprentices are less likely to be able to have the same kind of 'wraparound' university experience as their graduate counterparts. Most of the apprentices who participated in the study indicated that this was not a concern. Indeed, some participants found the idea of a 'university experience' rather off-putting. Providers who participated in the study did, however, indicate that they were mindful of the potential issue and did not want the apprentices to 'miss out', providing access to university experiences for the apprentices so far as the programme allowed. As the apprentices were likely to have access to their employers' networks, their higher education networking and support could be regarded as additional, rather than alternative opportunities.

Establishing networks and making social contacts is a significant element to establishing a career, and early development of these networks, or a social background which provides access to them can be advantageous (Wang and Crawford, 2019; Major and Machin, 2020; Reay, 2021). For the apprentices as 'newcomers' to their community of practice, the

opportunity to establish networks within the organisation and with its clients or contacts, is likely to be the primary form of networking, as they will spend 80% of their time in the workplace, rather than in a university environment. The participant employers' discussions regarding networking addressed this, and this is considered section 8.8. For example, a supervisor for organisation A stated that they actively encouraged the apprentices to attend social events with clients so as to provide opportunities to build relationships informally. While the apprentices spend less time in a 'classroom' environment, the quality of three-way relationship between the apprentice, their employer and the provider is highly significant in terms of ensuring effective learning during the apprenticeship (Chan, 2013).

Louise (HR professional, organisation F) acknowledges in section 8.5 that the relationship between the manager, the apprentice and the training provider is crucial to the success of the apprenticeship, and that if this relationship breaks down, this needs to be addressed. In addition, the design and content of the apprenticeship programmes needed to align with their learning in the workplace in order for them to meet the needs of the apprentices as learners in employment. Brian, a senior leader with an apprenticeship training provider noted in section 9.6.2 that the apprenticeship programmes could not simply 'bolt on' to existing degree or professional programmes, and that this had raised issues of programme viability for some provider while numbers remained relatively low. Further, the need for providers to work with employers to meet the needs of all three parties and avoid simply adding work based activities onto an existing academic programme (Minton & Lowe, 2019 p200) was noted in section 3.7. While participating providers were clear on the importance of developing programmes suitable for the needs of the apprentices and their employers, they were equally clear on the significance of including a law degree in their apprenticeship programmes, and this is considered in more detail below.

10.4 The power of credentials

The apprentices were, in general, concerned that the apprenticeship alone, without the award of a degree, would not be seen as having parity of esteem with the 'traditional' route, and that their sense of 'belonging' in the profession would be adversely affected. There appears to be both educational and symbolic value to obtaining a law degree ('LLB') in this context. The inclusion of an LLB into what the LETR advised should be a non-graduate route raises a number of questions. As discussed in section 9.6, apprentices cannot readily be included in the existing law degree programme, partly because of the requirement for most of their learning to be situated learning, but also because of the nature of the learning, which, where possible, is intended to align with the apprenticeship standard. For a more traditional academic law degree, alignment with the solicitor day one outcomes is not necessarily an objective, not least because only a proportion of law graduates will eventually qualify as solicitors (Law Society, 2021a).

All providers of the solicitor apprenticeship have, as discussed in section 6.3.2 included a law degree in their programmes. While the law degree awarded by apprenticeship education providers may be more aligned with the requirements of the standard, it is still an award of a degree, and, as discussed in sections 6.3 and 9.2.4, it was important to many of the apprentices who participated in the study when deciding whether to follow this route.

As discussed in section 6.3, the apprentices were encouraged to regard higher education as the default destination for school leavers. Higher education is promoted as an engine of social mobility and an investment in the individual's future in a 'knowledge economy' (BIS, 2016). However, participants referred to the certainty of their route, which as a single pathway to qualification did not require them to reapply for anything further once they had begun a solicitor apprenticeship. They also referred to the inherent risk that graduates take of not being able to secure 'graduate employment' in their preferred field. The high levels of

graduates mean that the job market is highly competitive (Phillip Brown, Lauder and Ashton, 2011), with employers, in some cases, targeting a small number of elite universities when recruiting as a way of enhancing their 'brand' (Phillip Brown, Lauder and Ashton, 2011 p96). Further, there is an expectation that candidates will be graduates, and employers have been criticised for using degrees as a way to 'screen' candidates, which is 'contributing to ongoing skills gaps' (CIPD, 2022b). The legal profession does not necessarily have the same issues as other professions in relation to skills gaps or shortages of candidates, with a 2% success rate for applicants to some legal services organisations (Bird, 2020). However, the requirement for a degree for direct entry into the profession since the 1970s, and the perceived 'hierarchy' of roles suggests that there is an expectation of a degree in the legal profession, and that the apprentices were likely to be disadvantaged in their careers if they did not have one, as discussed in section 9.2.4

In sections 6.3 and 9.2.4, the importance of the LLB to the apprentices was discussed, and while some of those who participated were not particularly concerned about the LLB for its own sake, they generally regarded the LLB as important to their careers as lawyers; having 'the papers' to show that that they are qualified to the same standard (Anita, first year apprentice). The general concerns regarding routes which were seen as a 'back door' and the potential for discrimination were also discussed in sections 9.2.1 – 9.2.4, but it is worth discussing them further here, as the perception of non-graduate routes is important to understanding why the inclusion of a degree is so significant. If a route is regarded as a 'back door', there remains a risk that the career of that individual will be adversely impacted and that their professional status will be seen as lower than if they had qualified through the traditional route. For example, instances of 'bullying' aimed at CILEx qualified lawyers, who are not required to have a law degree, reported in the legal press (Slingo, 2021b), and the perception that the legal profession is subject to 'deep seated cultural biases' (Bones, 2022).

Some participating employers expressed strong views regarding the inclusion of a degree, others were less concerned and felt that it was more important that the individuals were able to 'do the job'. However, those employers who expressed strong views considered that the degree was important because the apprentices 'deserved' a degree, and because, given their course of study, they should have a degree. In some cases, however, the employers had not given very much thought to the issue of the degree, mostly because all providers to date have either included a degree awarded by their own institution, or have partnered with another institution which has degree awarding powers. The inclusion of a degree had therefore not required a decision on their part.

In contrast, the providers all considered that the degree was an important part of the qualification, even though it is not part of the level 7 apprenticeship standard. As discussed in sections 6.3 and 9.2.4, the apprentices felt that the degree was important, and its inclusion was a significant factor in their decision to follow the apprenticeship route. As previously discussed, there are residual perceptions of apprenticeships as 'vocational' routes in the sense of more skills-based occupations. For example, a survey conducted by the Chartered Institute of Personnel and Development in 2013 on parental attitudes towards apprenticeships found that only 22% of respondents regarded apprenticeship as either a first or a second choice for their child's ultimate qualification, while 45% regarded an honours degree as a first or second choice (CIPD, 2013 p3). While the introduction of standards-based apprenticeships is likely to have had an effect on this perception of apprenticeships, the award of a degree in addition to qualification as a solicitor is likely to be important in reassuring parents that this is a 'real' route into professional life. While Graham's comments in relation to 'black letter law', (section 7.2.1) and those of Edward in relation to the need for a broadly based legal education (section 9.6.2), both comments acknowledge that a law degree as an academic award is not necessarily aligned with the needs of practice. Indeed,

as discussed in section 9.6.1, Russell Group universities generally do not offer the professional law courses that those seeking to enter the legal profession would generally undertake in order to prepare for their SQE.

Preparation courses for the SQE are embedded in the solicitor apprenticeship, as the SQE is the end point assessment for the apprenticeship, and as previously considered in section 9.2.4, all higher education providers have included a degree in their programme. As these elements are now also included in the graduate route, albeit in a different way, it is possible that the routes will be regarded as equivalent. As discussed in section 7.2.3, the expectation is that apprentices will remain in the organisation into which they qualified (Harris and Simons, 2005), as this will be a familiar environment and they will have been immersed in that culture for up to six years while they undertake their degree and SQE studies. Indeed, participating employers included improved retention in their strategic drivers for setting up apprenticeship programmes. However, even if apprentices are likely to remain in the organisation, rather than applying for roles in other organisations on qualification, it does not mean that qualifying without a degree would have no effect on their careers. It is too early to determine their career trajectories in the long term, and in any event, their programmes do include a degree in all cases, but the participants' views indicated that the apprentices regarded the degree as an important factor in their decision, and that if the apprenticeship did not include an award of a degree, it would be a 'back door' into the profession, which would potentially deter applicants. The numbers qualifying through the CILEx route, examined in section 2.7, remain modest, and the reports of bullying and poor attitudes towards solicitors qualifying through this route (sections 9.2.3 and 6.3.2) suggest that it is still not regarded as equivalent to the graduate entry route.

The apprentices discussed this perceived lack of parity of esteem in section 6.3.2, noting that teachers and parents did not always recognise the apprenticeship route as equivalent. Employers and education providers also discussed the issue of parents' perceptions of apprenticeships, and the need to provide more and better information for parents regarding apprenticeship opportunities. The influence of parents with regard to careers advice was noted in the sections 6.3.2 and 7.3, with some employers addressing this issue by holding open events which parents could attend to ask questions and find out more information. Employers and providers both noted the importance of getting parents engaged with the idea of an apprenticeship as an alternative to the university route. The inclusion of a degree was regarded as important by the apprentices, primarily because they considered that it was essential for them to be regarded as having parity with their graduate counterparts, particularly with regard to their future careers. Some participants advised that providers and employers were encouraged to treat the apprenticeship itself as the qualification, which would be the equivalent of a degree, rather than actually involving the award of a degree. A number of participants considered that this approach could act as a barrier to the parity of esteem that the apprentices considered important if the degree were to be 'stripped out' of the apprenticeship (Louise, HR professional, organisation F).

As noted earlier in this section, the end point assessment for the solicitor apprenticeship is the SQE. The introduction of the SQE as a centralised assessment which would apply to all routes was intended to ensure uniformity of standards throughout the profession (Coleman, 2013). The SQE standard specifies a degree (not necessarily in law) 'or equivalent', which includes the solicitor apprenticeship (SRA, 2022b). However, responses to consultation from the profession and education providers indicated that there were concerns regarding the proposed requirements. Participants in the study indicated that they had concerns regarding the SQE and were not necessarily prepared to regard it as the key indication that

the applicant was a suitable candidate. The culture of the legal profession, discussed in section 9.2, is generally regarded as risk averse, and employing candidates who have qualified using 'alternative routes' into the profession is potentially a risk. It is therefore unlikely, certainly in the short to medium term, that the introduction of the SQE will mean that non-graduate routes will be more readily accepted by the profession as a whole. The employers who participated were, overall, open to alternative routes to qualification, as evidenced by their apprenticeship programmes, and several participants reported internal promotions and qualification within the organisation, rather than being recruited as a trainee. However, in some cases, interviewees advised that there appeared to be 'snobbery' around the need for a degree (Wendy, senior leader, professional body). The findings and literature support the view that while a requirement to go to a 'good' university and get 'stellar grades' (Susannah, organisation C) affects inclusion, the award of a law degree in the apprenticeship actually appears to be a driver of inclusion; it provides evidence of parity.

The apprentices' view that the degree is an important factor in their decision to follow the apprenticeship route, together with the perception that the profession appears to have of 'alternative' non-graduate' routes suggest that the solicitor apprenticeship, at least in the current employment market, is more likely to serve as a mechanism of inclusion with a degree than without one. If there is still snobbery around alternative routes, the capacity of the apprenticeship to disrupt the profession and drive social inclusion may be limited if there is no award of a degree.

10.5 Disrupting the legal profession

Chapters three and four discussed the prevalence of Russell Group university alumni in the legal profession, and the perception of the profession as 'elitist' (Milburn and Lampl, 2019). The participating apprentices and employers described their experiences of recruitment in

sections 6.3.2, 7.5 and 9.2.3. One of the key elements of traditional approaches to recruitment was attendance at an elite university. Some participants referred to perceived biases regarding graduate recruitment, and the overrepresentation of elite universities in the professions. If potential apprentices who are less likely to access elite universities are being encouraged to take the university route in any event, and are not being given access to equal amounts of guidance with regard to the apprenticeship route, this is potentially compounding existing disadvantage, rather than alleviating it. The study confirms that, as with the LPC, it is primarily post-1992 and private universities which are offering the solicitor apprenticeship, rather than Russell Group universities (Gov.UK, 2022). In relation to operational question two, organisations which participated in the study did not indicate that they focused on recruitment from elite universities, and several participants stated positively that they had no such preference. Indeed, as discussed in sections 6.3.1, 7.2.4 and 9.3, some participants recognised the symbolic importance of doing a degree at a 'prestigious' university, but questioned its significance as an indication of an applicant's suitability. Indeed, the paralegals in the SRA's 2010 study of work based learning discussed in section 1.2.3 referred to their view that having a degree from a 'minor', rather than a prestigious university was a factor in whether they were offered training contracts by their employers.

This is not particularly surprising, given the participating employers' choice to include the solicitor apprenticeship in their resourcing and recruitment strategies. However, none of the participants who regularly recruited graduates indicated that they intended to cease graduate recruitment entirely in favour of apprenticeships. Those who recruited both suggested that they were both part of the organisation's junior resourcing strategy going forward, rather than recruiting only graduates or apprentices. The participating organisations anticipated that their new-qualified solicitors would ultimately come from both routes, but that the overall amount of resource at that level would not be likely to increase, as legal services work

becomes increasingly deconstructed into its component tasks in order to allow it to be carried out more efficiently (Susskind, 2017). More apprenticeships may therefore mean fewer training contracts.

The findings discussed in sections 6.3.2 and 7.5 show evidence that participants considered apprenticeships to be competitive. Further, the statistics considered in sections 2.3 and 2.5 indicated that the number of solicitor apprenticeships available was considerably lower than for training contracts, despite the solicitor apprenticeship's growing popularity (Law Society, 2021b). The strategies in relation to apprenticeships discussed in section 7.2 suggest that those directly engaged in apprenticeships regard diversity and inclusion as important factors when recruiting junior talent.

With regard to operational research question three, section 3.8 above discussed the profile of registered education providers for the apprenticeship, noting that most were also current or former providers of the LPC (Institute for Apprenticeships, 2022b; SRA, 2022e). The LPC is typically offered by post-1992 universities and is a professional, rather than an academic course. As discussed, all those who participated in the study were being offered a law degree as part of the provider's apprenticeship programme. The apprenticeship standard itself, which does not include a degree, was developed by stakeholder committees, including significant input from employers (IATE, 2020), and informs the providers' programmes. Further, the literature indicates that engagement with employers during the development of the programme is imperative in order for the apprenticeship to work 'holistically' (Minton and Lowe, 2019 p200). If the apprenticeship is not an academic programme, and it is not offered by 'old' universities, it is effectively serving a different purpose, providing a programme which supports learning at work, within the community of practice. Further, the apprentices are

recruited by the employer through their recruitment process, not by the universities through UCAS (Apprenticeships.gov.uk, no date); they are employees, rather than traditional students. Indeed, for the apprentices who participated in the study, the choice of provider was made by the employer, rather than the apprentice. Students who are the first in their family to attend university and those from less advantaged backgrounds are more likely to attend post-1992 universities (Costley, 2010), which make up the majority of the providers for the apprenticeship courses (Institute for Apprenticeships, 2015). Further, widening participation programmes undertaken by pre-1992 institutions appear to be focused on recruiting only the very 'brightest' candidates from less advantaged demographics (McCaig, 2015 p5); access to elite institutions from disadvantaged backgrounds is highly competitive. Certainly, participating education providers in section 9.6 indicated that their student demographics included high levels of first in family and 'widening participation backgrounds' (Patricia, senior leader, apprenticeship education provider), and cohorts drawn from social mobility 'cold spots' which were geographic areas that generally had lower levels of participation in higher education (Edward, senior leader, apprenticeship education provider). This suggests that apprentices whose backgrounds might either make it more difficult for them to access elite institutions (Boliver, 2013), or who might avoid such institutions if they feel that they are not right for them are less likely to feel that they do not 'fit in' (Reay, 1998, 2018; Reay, Crozier and Clayton, 2010; Thompson, 2019) during their off the job studies at newer universities.

As choice of university is essentially not a factor for the solicitor apprentices, 'stratification' in relation to their higher education experience, as may occur with the graduate route, is less likely to be relevant (Wakeling and Savage, 2015). In effect, any potential disadvantage that may arise from attending a university which is not regarded as prestigious, or which does not benefit from extensive contact with employers (Ashley *et al.*, 2015), is avoided due to the structure of the solicitor apprenticeship.

Some Russell Group institutions now offer degree apprenticeships, although these do not currently include the solicitor apprenticeship (UCAS, 2022a). However, as considered above, the institutions delivering the 'off the job' training for solicitor apprentices are providers which have experience of delivering professional programmes such as the LPC. The only Russell Group university to offer vocational legal training such as the LPC in addition to academic courses is Cardiff University (Cardiff University, no date). As discussed in section 9.6.1, Russell Group universities were approached as part of the study, and a senior leader at one university responded that their focus was on providing excellent academic education, rather than vocational training. Further, the experiences of universities which have set up apprenticeship programmes have involved a 'learning curve', and these experiences are discussed in more detail in section 9.6. For example, participating universities have found the compliance requirements for apprenticeships different to those to which they were accustomed in higher education, (section 9.6)

In addition, the discussion in relation to profit margins and resourcing during interviews with participating providers indicated that there were concerns about impact on prestigious research activity, and that there were 'cultural' issues with an apprenticeship programme, as described in Patricia's comment in section 9.6. This was the case even though the institutions which participated in the study were already experienced in providing professional, as well as academic programmes. However, as the employer and training provider would be signatories to an apprenticeship agreement as well as the apprentice, developments in this area will be driven by employers, and as the apprenticeship grows, it is possible that some pre-1992 universities may become involved in the longer term through their relationships with employers.

While it is not possible at this point to be certain about the effect on the apprentices' career trajectories following qualification, the distinction between pre and post-1992 universities is not an issue which affects inclusion for solicitor apprentices, and it seems unlikely it will become an issue in the near future. Further, as larger firms begin to move into the apprenticeship space (Slingo, 2021a), recruiting apprentices alongside graduate entrants, the university at which the apprenticeship programme was undertaken is likely to be less important than the organisation into which the individual qualified.

10.5.1 Inclusion strategies

It is possible that the introduction of the solicitor apprenticeship will affect post-1992 universities' undergraduate intakes, as their demographics may move to the apprenticeship route, depending on apprenticeship availability. As Edward's comment above in section 9.6.2 suggests, universities which provide law as an academic subject, and have avoided engagement with the SQE as part of those degrees may not be affected. However, any movement in this direction may affect the career outcomes for law graduates from post 1992 universities who have undertaken a law degree, and are competing with graduates from Russell Group universities, and with apprentices for legal professional roles, making competition to qualify more intense.

Participating organisations referred to a social mobility component to their strategy in relation to apprenticeships, and this was reflected in their outreach practices and eligibility criteria for the solicitor apprenticeship. For example, organisation B's policy of specifying lower A level grades than would typically be expected of applicants to a Russell Group university was discussed in section 6.3.1. A level grades for less advantaged students are often lower than

for their more advantaged counterparts (Waller, Ingram and Ward, 2017). Insection 6.3.1, Nina, a fourth year apprentice; reported that her employer was interested in recruiting those who did not have 'A stars, but … have a little bit about [them]'. An approach which takes a more holistic view of the applicant, rather than focusing on their A level results suggests a more inclusive approach. Indeed, as discussed in section 3.3, some organisations outside the study have announced that they will no longer consider A level results for graduate recruits (Slingo, 2020c), suggesting a wider recognition of this issue in the profession.

A strategy in relation to social mobility and inclusion was regarded as a commercial issue by the participants, but not simply from a financial perspective, enabling levy payers to make use of the apprenticeship levy. The literature review discussed the significance of inclusion as part of a diversity strategy (SRA, 2017d, 2018; Bridge Group, 2020), and participating employers discussed reputational issues, reporting that client organisations regarded a requirement to demonstrate diversity, including social diversity, as part of the process of bidding for work or for inclusion on advisory panels. Participating organisations generally considered that employing apprentices was a clear indication of their commitment to diversity, and that the response from clients, for those organisations which carried out work for clients, was positive. For the city council participant, the employment of a solicitor apprentice was specifically a diversity issue, with the participating apprentice advising that in a socially diverse city, this was an essential part of demonstrating that the organisation was treating the issue seriously.

The participant organisations' strategies all referred to social inclusion and mobility, and described outreach which generally focused on underrepresented demographics. However, one participant, from a regulatory body, speculated that private schools were possibly being discouraged from promoting the apprenticeship as a route for their students, perhaps

because of a perception that apprenticeships were intended to serve candidates from less advantaged backgrounds (section 9.2.3).

This was echoed by the only participating apprentice who had attended a private school, who stated that the apprenticeship route would, in their experience, be counter to private schools' marketing, which focused on prestigious university admissions. In summary, participating organisations were treating inclusion as part of their strategy for outreach in relation to apprenticeships, and priority was, in many cases, being given to reaching demographics which might not otherwise have had engagement with the legal profession (operational research question two). Although the sample of participating organisations is by no means representative of the profession as a whole, the commercial and reputational pressure to demonstrate diversity is evident across the sector. Further, the SRA is highlighting diversity, including social mobility and inclusion as a professional issue, and publishing statistics in relation to this area (SRA, 2018, 2020a; Bridge Group, 2020). As discussed in sections 6.5 and 7.2.2, the employment of apprentices is generally regarded as evidence of a commitment to social diversity, and most participating employers specifically referred to the importance of demonstrating their commitment in this regard (section 7.2.2).

If solicitor apprenticeships continue to be part of the wider diversity strategy, as well as being commercially effective, they are likely to serve as a mechanism of inclusion for learners for whom university is not their preferred option. As discussed in section 3.5, diversity-focused policy initiatives which have a commercial justification are more likely to avoid 'impression management', rather than actually promoting diversity effectively (Rivera, 2012 p80).

The strategies in relation to apprenticeships discussed in section 7.2 suggest that those directly engaged in apprenticeships regard diversity and inclusion as important factors when recruiting junior talent. It is notable that the statistics considered in sections 2.3 and 2.5

indicated that the number of solicitor apprenticeships available remained considerably lower than for training contracts, despite the solicitor apprenticeship's growing popularity (Law Society, 2021b). While there are clear commercial imperatives behind the increase in the numbers of apprentices, the findings discussed in sections 6.3.2 and 7.5 show evidence that participants still considered entry into the apprenticeship to be competitive. This suggests that the route is not regarded as 'lesser' by the applicants; it is a competitive route, rather than one where employers are having difficulty filling places.

10.5.2 Outreach

It is notable that, in general, many of the participating organisations regarded the apprenticeship as a more inclusive 'pool' or 'pipeline' of talent in addition to the 'pools' of talent in relation to graduate recruitment (Brown and Hesketh, 2004 p196). Some participating organisations provided details of specific strategies for outreach and pre-recruitment relationship building with schools which perhaps received rather less attention from employers. For example, in section 7.3, some participants discussed a strategy of identifying rural or suburban schools, and schools in areas that were harder to reach for outreach initiatives. Participants discussed the importance of outreach initiatives generally, and the need to address the concerns of parents, as well as potential apprentices. Participants in general did not consider that schools were necessarily fully bought into the apprenticeship as a route, and this was aligned with the literature (Halfon, 2022b), and with the experiences of the apprentices themselves in section 6.3 (operational research question one). The apprentices' schools and colleges had not necessarily promoted apprenticeship as a route which could be regarded as having parity with the university route, and apprentices at all levels of experience reported that their schools regarded university as the main destination for school leavers.

Participating organisations outlined their strategies in relation to widening outreach, with participants discussing outreach to schools, and working with diversity recruitment specialists (Rare, 2022). For example, one organisation described an extension of their existing outreach programme to schools which would increase engagement to include years seven and up, developing employability skills (Kashefpakdel, Newton and Clark, 2018) with the students who continue to engage to year 13 being supported to become a 'pipeline' of talent for the apprenticeship.

The view that some schools were in a better position to support their students in relation to applications for apprenticeship or for other employment was expressed by some participants, including apprentices. They also considered that candidates from 'better' schools might be able to present themselves more effectively (Boudon, 1974; Bourdieu, 2010) than a candidate from a school in a deprived area. Indeed, some participants expressed concerns that if apprenticeships continued to grow in popularity, candidates from backgrounds which enabled them to be better prepared to apply to a professional organisation could potentially be at an advantage when applying for an apprenticeship role. Ellen, an associate solicitor with organisation C, considered that improved outreach, support and engagement (Musset and Kurekova, 2018) with less advantaged demographics was a preferred way to address this issue, rather than using different criteria in the recruitment process. As discussed in 7.6, Ellen considered that while it was important to acknowledge that the apprentices were at a different point in their development, an outreach and support based approach was preferable to making assumptions regarding the apprentices' backgrounds, and the level of support that they had received. Further, one apprentice considered that strategies that involved prioritising diversity might 'protect' the apprenticeship, and ensure that students from schools in less advantaged areas would have an equal opportunity to access the apprenticeship route.

Overall, new and longer pipelines, as well as additional engagement and support for schools which might otherwise not receive these levels of attention from employers were recurring themes. However, the length of the commitment, and the requirement for school leavers to be sure at the age of 18 that they wanted to be a solicitor, were both considered likely to make potential candidates think carefully about whether it was the right path for them. However, some participants expressed the view that for some candidates, the level of risk in the apprenticeship route was lower than going to university, because if they decided to leave the apprenticeship, they would not incur any cost, unlike the university route (Department for Education, 2022a). Further, it was notable that one participant reported recruiting candidates who had begun studying at university, and had decided to apply for an apprenticeship, rather than completing their studies. In general, the route was becoming better known, numbers of available apprenticeships were growing (Law Society, 2021b), and one participant reported very high levels of applications, even where little promotion had been undertaken before advertising the apprenticeship roles. This suggests that outreach has had an effect, and that the apprenticeship is becoming more recognised as a route to qualification, and a 'high quality alternative to university' (Turner, 2022). If apprenticeships are perceived as having parity with a graduate route to qualification, those who qualify as solicitors through the apprenticeship route are also more likely to be regarded as equivalent to their graduate counterparts, and to be included in their community of practice on an equal footing.

(Musset and Kurekova, 2018)

The apprentices who were in the earlier stages of their apprenticeship, and who had therefore applied more recently discussed the availability of apprenticeship information on YouTube and other social media. For example, there are several blogs featuring solicitor apprentices who talk about their experiences within their employer organisations (The

Lawyer Portal, 2020; My Legal Career, 2021), as well as numerous YouTube videos and webpages explaining how to analyse a case, conduct a video interview and complete common assessment day tasks (Chung, 2020; Cole and Kumar, 2020; Sabahipour, 2021). None of these resources would necessarily be a substitute for individual careers guidance, but as Ellen points out in section 7.6, employers are aware that the apprentices who are school leaver or very early career are not comparable with trainee solicitors when they are applying for the apprenticeship.

Having considered the mechanisms affecting inclusion in relation to access to the legal profession, it is also important to discuss the experiences of the apprentices after they have been recruited. The culture of the legal profession at a macro level, and the culture of individual organisations at a micro level have been discussed in relation to the development of the apprentices as professionals in sections 6.4 and 8.2. Early responses to the prospect of apprenticeships led to an expression of concern that it might result in a 'lowering of standards' (Smith, 2015). Further, the perceived 'professional snobbery' against alternative routes, particularly the CILEx route (Hyde, 2019) is potentially an issue in terms of how the apprentices are seen in the legal employment market. It is arguable that the apprenticeship route represents not a disruption, but a return to the position prior to the 1970s when the requirement for a degree was introduced. Indeed, apprenticeship was a requirement from 1280 until 1843, when the reduction of the period of articles (see Glossary), a form of apprenticeship to three years for graduates from specified universities only was permitted for the first time (see appendix one). Centralised assessments were introduced in 1836, with a legal requirement for assessments set by the Law Society being introduced in 1877 (ibid). The introduction of the LPC in 1993 de-centralised assessments, which were still regulated by the Law Society, and later the SRA, but a return to centralised assessment with the

introduction of the SQE in 2021 is much closer to the route to qualification before the introduction of the requirement for a degree (ibid).

While the apprentices and those following the 'traditional' route to university will ultimately all take the same centralised assessments for the SQE and, for all programmes so far, also have a degree, the introduction of the SQE has been controversial, with significant levels of concern expressed during the consultation process (SRA, 2017). For example, the qualifying work experience (QWE) requirement of the SQE allows candidates to undertake their work experience in up to four places (Law Society, 2021d). This may mean that apprentices actually have an advantage over newly qualified candidates who have pursued the required two years of qualifying work experience independently. As discussed in section 8.2, some participants expressed concern about the how they might assess the quality of the experience under QWE if it was 'pieced together', rather than resembling the training contract, and whether apprentices might actually be regarded more favourably as a result. .

The SQE is a demonstration of minimum competence for practice as a solicitor; 'an essential 'floor' for legal training rather than a sufficient ceiling. After all, the regulator only determines the minimum requirement – the market decides what is ideal' (Pugh, 2017). The market indicates significant growth in solicitor apprenticeships, pre-pandemic, but numbers of apprentices are still significantly lower than graduate recruitment numbers for entry into the solicitors' profession. As discussed above, it is possible that the SQE will make apprenticeships more attractive, and the participant employers who had apprentices approaching the point of qualification were confident that they were at least equivalent to their graduate colleagues, if not better. Indeed, there have been suggestions that the SQE may ultimately 'move the bottleneck' (Hilborne, 2021) from high levels of applications for

relatively small numbers of training contracts to increased levels of applications for newly qualified solicitor roles. If the apprentices are potentially in a stronger position with regard to newly qualified solicitor roles, it may make the application process for these roles even more competitive. Further, if the employers' expectations with regard to retention of the solicitor apprentices as part of their pool of newly qualified talent are met, there may ultimately be fewer newly qualified solicitor vacancies, increasing competition still further.

10.6 Professional apprenticeships: the wider implications of the study

The research question for this study asks how the solicitor apprenticeship contributes to social inclusion in the legal profession. The operational questions examine how the experiences of stakeholders indicate that the solicitor apprenticeship serves as a mechanism of inclusion. However, the solicitor apprenticeship is part of a much wider policy shift from university as the default destination for school leavers. The current 'levelling up' agenda (Secretary of State for levelling up, 2022) calls for opportunities to be spread across the whole country so that 'every place and every person' can real[ise] their potential (ibid pxiv), including through opportunities for improved 'educational attainment' (ibid pxii). The 2016 White Paper on education emphasised the significance of higher education in enabling individuals to realise their potential. Six years on, the calls for 'high quality alternatives to higher education' (Turner, 2022) indicate that policy makers still regard education as a significant factor in enabling individuals to reach their potential, but that higher education is not the only way to improve educational attainment. The policy shift is in relation to the way in which education benefits different demographics, and a move away from higher education as the default option. Outcomes for less advantaged learners are not necessarily equivalent to their more advantaged peers throughout the education journey and on into their careers (Boudon, 1974; Friedman and Laurison, 2019; Reay, 2021). Further, the outcomes for higher education in particular are not uniform, with disadvantaged students likely to

experience poorer outcomes than their more advantaged peers (Halfon, 2022b). The solicitor apprenticeship contributes to this policy shift, since it provides a high quality route to a professional qualification.

While other professions have also included the apprenticeship route as part of the available routes to qualification, participants in this study have spoken about the surprise of parents who learn that it is possible to obtain a degree and qualify as a solicitor through this route. The inclusion of a degree is significant; many participants considered that they wouldn't be regarded as genuinely equivalent to graduate route solicitors without a degree, despite the introduction of the SQE. Studying law involves the development of an understanding of the 'black letter' knowledge of legislation and case law, but it also involves concepts such as jurisprudence; the philosophy of law (Oxford Reference, no date). Consequently, law is often regarded as a challenging area of academic study, with some universities requiring prospective student to pass the National Admissions Test for Law (LNAT) in addition to their other entry requirements (UCAS, 2023). Some participants referred to the perception that the traditional degree route to qualification as a solicitor with 'stellar grades' from a 'good university' (Susannah, HR professional, organisation C) was the best way to qualify. For accountancy, which has a longer history of offering the apprenticeship route in all aspects of accountancy as a career path than solicitor apprentices, a degree is not a requirement, although accountancy employers do recruit graduates. In contrast, law may be regarded as something of a 'test case' for professional apprenticeships as a route into professions which typically require a degree, having been graduate-only for so long.

In addition, apprenticeships do still appear to be regarded as a route for less academic students. Participants discussed attitudes that they had encountered to apprenticeships; 'do you even need A levels for that?', 'that's not real', 'just in case, go to uni'. The participants also discussed the prevailing culture of the legal profession acknowledged by the O Shaped

Lawyer (The O Shaped Lawyer, 2020); the 'always looking backward' culture, contrasting it with the more forward focused accountancy profession. If the legal profession is regarded as inherently risk averse, and focused on precedent, but has accepted apprenticeship as a valid route to entry, that may have an effect on how professional apprenticeships are perceived more widely.

The apprenticeship model is generally regarded as being skills–focused; policy in relation to apprenticeships refers to addressing 'skills shortages' (BIS, 2015). Apprenticeship standards, including the solicitor apprenticeship, require that the apprentice evidence the 'knowledge, skills and behaviours' set out in their standard (Institute for Apprenticeships, 2022b). As the apprentices who are recruited straight from school will not have any significant, or possibly any, black letter legal knowledge or concepts, they are starting from the beginning. Participants supervising or managing the apprentices acknowledged the need to consider what types of work would be suitable for the apprentices in the very early stages of their apprenticeships (Susannah from organisation C compared their work to a lengthy period of work experience for the first few months). Having started from this point, the apprentices' combination of the longer period of experience allowed them to build their skills alongside their legal knowledge in their off the job learning. The duration of that experience, up to six years in many cases, may also provide a 'test case' for other professional apprenticeships. The solicitor apprenticeship is a level 7 apprenticeship, but entry is at level 3. The duration of level 7 apprenticeships varies. For example:

- Level 6 data scientist is 36 months;
- Level 7 accountancy and tax apprenticeships average 36-39 months;
- Level 7 data analytics apprenticeship is 24 months;
- Level 7 senior people professional 30 months; and
- Level 6 chartered manager 48 months.

(Institute for Apprenticeships, 2022a).

For apprenticeships at level 7, statistics in relation to the age of apprentices when they begin their apprenticeship suggest that they are experienced, rather than early career candidates under the age of 25. For example, numbers of apprentices aged over 25 at the start of their apprenticeship ranged from 37% to 100%, depending on the apprenticeship, with the majority over 70% (Cullinane & Doherty, 2020a p19). In 2018-19, 29% of the level 7 apprentices for accountancy and taxation were over 25, while only 19% of solicitor apprenticeship starts were 25 or over. While the duration represents a big commitment on the part of both employers and apprentices, the participants' experiences suggest that solicitor apprentices are generally in the early stages of their careers when they begin their apprenticeships. Further, while they are less experienced to begin with, the discussions in sections 8.2 and 8.4 suggest that they become very integrated into the business, add value, and develop a strong sense of professional identity.

Finally, some participant employers actively set out to access new pools of talent ('we have this pool of untapped talent …[that] … we could be tapping into' (Susannah, HR professional, organisation C)), and to create new pipelines into their organisations (section 7.2.4), challenging longstanding views regarding the significance of the high status graduate 'war for talent' (Brown and Hesketh, 2004 p8).

None of the employers who took on both trainees and apprentices indicated that they had any plans to cease graduate recruitment, although some did indicate that they were considering the numbers of newly qualified solicitors and factoring the apprentices into those numbers, which could potentially reduce the number of graduates recruited over time. With regard to how apprenticeships would affect inclusion and the shape of the profession in the future, participants acknowledged that change was likely to be slow, as discussed in section 9.7, but that the increase in apprentice numbers (section 9.3.1) suggested that acceptance of the route was growing.

Law is among the sectors competing for graduates, and while the increasing popularity of apprenticeships in the solicitors' profession is unlikely to displace graduates, participants described a strategy of including apprentices in their pipelines of talent. The experience of a sector which is perceived as inherently risk averse (The O Shaped Lawyer, 2020) is likely to have a positive impact on the perception of apprenticeships as a way to attract and develop talent in other sectors.

10.7 Conclusion

This chapter has used four themes emerging from the literature discussed in chapters three and four, and the findings considered in chapters six to nine. The themes were:

1. 'Moulding' versus 'polishing' in early career legal professionals;
2. The importance of breadth in the apprenticeship experience;
3. The power of credentials; and
4. Disruption to the legal profession

The chapter discussed the solicitor apprenticeship as a mechanism of social inclusion and noted that the earlier recruitment point of the participants allowed them to sidestep factors which might serve to exclude them, such as choice of university and internships. Indeed many employers are actively seeking to recruit candidates from less advantaged backgrounds, and have reported very positive experiences. Further, apprenticeships serve as mechanisms of inclusion by immersing the apprentices over a long period of time in the culture of their organisation, allowing a process of 'moulding' to take place, which engendered a strong sense of belonging and professional identity. This longer period of immersion also allowed the apprentices to build their skills and experience to a level where

they are highly valuable to their employers and the profession (operational research questions one and two). It is, arguably, a return to the older, apprenticeship based system that was abolished with the introduction of the requirement for a law degree. In contrast, the chapter discussed the expectation on the part of employers that graduates would be 'polished' at the point of recruitment; having experienced the required internships and attended a 'good' university. The graduates' shorter period of training would build on their already 'polished' identity; they would not be immersed in the culture of the organisation for as long.

The importance of an expansive apprenticeship experience was re-examined, having been considered earlier in section 3.2, in the context of the trailblazer apprenticeship more widely. The solicitor apprenticeship was considered using the same framework, which provided an opportunity to consider both positive findings in relation to the solicitor apprenticeship, and points which remained a risk to an expansive experience for the apprentices. Overall, the findings of the participating organisations supported the view that the apprenticeship was expansive, and would support the apprentices' professional development. However, there were still areas of risk, where the quality of the apprenticeship experience could be undermined. In particular, the administrative burden on SME employers and education providers with smaller cohorts could be a deterrent to becoming involved in apprenticeships at all. In relation to the wider profession, the 'constellations of practice' (Wenger, 1999 p126), the participants' expressed concerns regarding changes to legal professional education, and in particular, with regard to qualifying work experience. The participants generally considered that the need for some form of assurance regarding the quality of experience for junior lawyers may be addressed by the regulated nature of apprenticeships. The importance of including a law degree in apprenticeship programmes was also discussed. Participants appeared to regard the inclusion of a degree as an indicator of parity between the traditional and the apprentice route (operational research question three).

In particular, the importance of apprentices being able to compete in the legal employment market if they wished without having to explain why they did not have a degree was considered important. Further, the apprentices did not want their route to qualification to be regarded as a 'back door' or lesser route to professional status. In many cases, this perceived legitimacy was more significant than the degree itself; 'having the papers' to prove real equivalence.

With regard to the wider implications of the study, and the potential to disrupt the legal profession, the solicitor apprenticeship challenges the perceptions of apprenticeships as 'secondary' routes, or suitable only for less academic students. It also challenges assumptions regarding the 'war for talent', and evidences the potential of additional 'pools of talent' in which to recruit (Brown and Hesketh, 2004). The solicitor apprenticeships' growing popularity suggests that the profession is coming to regard it as a 'high quality alternative to higher education' (Turner, 2022); another 'front door' into the solicitors' profession. This suggests that the apprenticeship may in the future disrupt recruitment, with newly qualified talent being drawn from both apprentices and graduate routes.

Chapter Eleven: Conclusions

11.1 Introduction

The introduction to this thesis began with a discussion of the experience of a solicitor apprentice who considered a legal career inaccessible via the graduate route (Moore, 2022). In 2015, some organisations expressed concern about the apprenticeship model, particularly in relation to the maintenance of standards of training (Smith, 2015). Once the solicitor apprenticeship standard was approved and the first solicitor apprentices started their new roles in 2016, some organisations stated that they would not be offering the route. Instead, they would be considering other ways to improve access, such as work experience (Smith, 2016). In spite of these concerns, the increase in the number of solicitor apprenticeships starts has been significant, and more organisations are choosing to offer the solicitor apprenticeship as part of their early talent programmes (Law Society, 2021b). In 2022, some members of the 'Magic Circle' of large law firms based in the City of London announced that they would be offering the solicitor apprenticeship, suggesting a widening acceptance of the route within the profession (Fouzder, 2022). The high profile of these organisations is also likely to make solicitor apprenticeships more visible, and the profile of the organisations, coupled with the press coverage, may be seen as an endorsement of the route. If the recent announcement is perceived as an endorsement, it is likely to reduce the perceived risk of offering the solicitor apprenticeship, and of being a solicitor apprentice discussed in sections 6.3 and 7.2.1. In effect, this development makes it more likely that the apprenticeship is beginning to be perceived as a valid route; a 'front door', rather than an alternative route to qualification, enabling it to better serve as a mechanism of inclusion.

In order to conclude this study, the chapter reviews the research questions and summarises how these are addressed by the study. The chapter then moves to knowledge in relation to

apprenticeships more widely, and the solicitor apprenticeship in particular prior to the study, before examining the study's contribution to knowledge, and any conclusions that may be drawn from the findings. Finally, the chapter considers the wider implications of the study's findings, and considers the need for further research. Initially, however, the chapter considers the limitations which affected the study.

11.2 Limitations

The impact of the covid pandemic in relation to the research process has been considered above in section 5.7. In relation to the study itself, there are a number of points to consider. First, it should be noted that the participants represented a range of stakeholders, and that the experience of those stakeholders with the apprenticeship includes, in most cases, experience that pre-dates the pandemic. Data collection began in February 2021, almost a year after the first lockdown.

The table below shows the length of involvement with the solicitor apprenticeship

Table 11.1

Apprentices	**Surveyed**	**Surveyed and Interviewed**
Year 5	3	3
Year 4	3	3
Year 3	3	2
Year 2	10	3

Year 1	7	2
	26	**13**

Only two apprentices were in their first year during the pandemic, and they were also the first cohort recruited by their employer. Six of those interviewed were in their fourth or fifth year of their apprenticeship, and were able to comment on their progress before the onset of the pandemic, and how different this was to 'normal' conditions. All providers (nine participants) had begun offering apprenticeships prior to the pandemic, although one provider had had to suspend their provision due to the pandemic. With regard to employers (11 participants), all but one of the employers had begun offering solicitor apprenticeships before the pandemic.

Some participants were not available or able to participate due to the pandemic, particularly HR personnel, who were dealing with the issues in relation to furlough, staffing, training, etc. With regard to the implications of the pandemic, chapters six to nine inclusive discuss the experiences of the participants, which fall under the following themes:

- Workplace culture
- Work space
- Networking
- Breadth and quality of experience available
- Confidence and sense of professional identity

This is consistent with the observations of Spours et al (2022), which described covid as resulting in 'vocational disruption … problematic transitions and access to higher education

… growing inequalities, … [and] a deterioration in the mental health and well-being of young people' (Spours, Grainger and Vigurs, 2022 p784)

The data collected shows that the pandemic affected the experience of the apprentices, their employers, and training providers. However, the majority of the participants had experience of the solicitor apprenticeship before the pandemic, with only two of the 13 apprentices who were interviewed, and only three of apprentices who were surveyed experiencing recruitment and the start of their role during the pandemic. Surveyed and interviewed apprentices in their second year began their roles in 2019, and would therefore have had some experience of a 'normal' apprenticeship before the pandemic began. The experience of the majority of participants related to the apprenticeship prior to the pandemic, and this provided a useful contrast to their experiences during the pandemic.

The study was subject to a number of limitations, not least of which was the timescale of the apprenticeship itself, with the first apprentices to qualify only being able to do so in 2022 or later. Qualification through this route was not possible before 2022, as the SQE was introduced in 2021, and SQE I must be confirmed before candidates can register for SQE II. The limitations in relation to covid have been considered above, and will not be examined further here, except to note that there were some difficulties with recruiting participants when casual networking interactions were not available e.g. no conference dinners, no networking events etc. Some participants were recruited following outreach on a professional network (LinkedIn), but in the main, these opportunities were not available. The nature of the investigation meant that I was relatively restricted in terms of time. It would have been very valuable to carry out a longitudinal study in relation to the apprentices, and it would also have been valuable to have had more survey responses from non-participating organisations.

As the apprenticeship in its current form was only introduced in 2015, with the first cohorts being recruited for a 2016 start, the area is under researched. Data for this study was collected in 2021 from a range of stakeholders, including apprentices. It was not possible at that time to interview apprentices who had completed their apprenticeship, as the end point assessment had not yet been introduced. Further, the numbers of apprentices were still relatively small in comparison with other professions such as accountancy, which restricted the population from which it was possible to sample.

In relation to the online survey for apprentices and trainee solicitors, the response was very disappointing. A more developed strategy in relation to outreach would have added value here, and involving the Junior Lawyers' Division, although this was not considered as an option at the time due to the pandemic.

With regard to the available time in which to collect data, the process of recruitment began as soon as university requirements in relation to beginning fieldwork had been met. Recruitment and firm commitments to be interviewed or surveyed were not evenly spread over the period set out for data collection. Some of the potential participants approached were not available during the period from February 2021 to October 2021. Later dates were offered to these potential participants, but it was not possible find dates which were suitable for them, or to conduct the interviews before the end of 2021. I took the decision to stop data collection and leave enough time to analyse the data that had been collected.

The relatively recent introduction of the solicitor apprenticeship also meant that there was limited statistical information available from public sources in relation to the apprenticeship.

Further, while some information was available from public sources such as the Law Society's annual statistical report, and the SRA's statistics, some components in relation to indicators of social deprivation, most notably statistics in relation to free school meals, were not available for trainee solicitors. This limited some aspects of the analysis.

Chapter five section 5.5 discusses the approach taken to gatekeepers in relation to the employers who participated in the study. As participating apprentices were either school leavers, or in very early career, I took the decision to approach them through a gatekeeper, often a people management professional. While this proved very helpful in terms of recruitment, I was mindful of the need to protect confidentiality and ensure that the participants could not be identified. In relation to the analysis, and the way in which the data could be presented, this led to a decision not to take a case study approach, since this would allow participants to be identified more easily. All participating employers who were already employing apprentices would have been able to identify the participants with no difficulty had they wished to do so. The University ethics committee approval included participant information sheets which gave assurances of confidentiality, and a case study approach would put these assurances at risk of being breached. This constituted a limitation on the way in which the study could be conducted.

11.3 A mechanism of social inclusion

The research question is 'how, if at all, does the solicitor apprenticeship represent a more socially inclusive route into the legal profession?' The area of solicitor apprenticeships is under researched. In order to develop a full picture of the apprenticeship as a unit of analysis, the study involved a wide range of stakeholders, providing an overview of the way in which the solicitor apprenticeship represents a more socially inclusive route into the profession. The experiences of participants in the study indicate that the solicitor

apprenticeship serves as a mechanism of social inclusion by avoiding factors which might serve to exclude disadvantaged candidates, such as choice of university. Indeed, many of the participating employers referred to their strategy of actively seeking to recruit candidates from less advantaged backgrounds, with the university provider being chosen by the employer, rather than the apprentice. The recruitment processes described by the participating employers included using methods such as strength-based interviews to assess potential, and providing support for school students in social mobility cold spots to build employability skills. Further, the findings show that the solicitor apprenticeships serve as mechanisms of inclusion by immersing the apprentices over a long period of time in the culture of their organisation and the wider profession. The duration of the apprenticeship allows the solicitor apprentices to develop a strong sense of belonging and professional identity, and to build their skills and experience to a level where they are highly valuable to their employers and the profession. This perception of the apprentices as valuable to the organisations is supported by findings that many employer organisations considered that solicitor apprentices were more likely to remain with the organisation after qualification, improving retention within their teams.

In summary, the experiences of the apprentices, their employers, and other stakeholders indicate that the apprenticeship appears to provide a way of addressing the 'barriers to entry' (LETR, 2013) or mechanisms which impact inclusion, that the LETR considered a significant issue in relation to access to the solicitors' profession. The study has also considered how the apprenticeship addresses what the Bridge Group report described as issues in relation to 'assimilation' (Bridge Group, 2018 p7) following access, although the apprentices themselves considered that they were developing their own identities within their community of practice, rather than being 'assimilated'. In essence, the literature and the findings

discussed in chapters six to nine inclusive suggest that the solicitor apprenticeship serves to promote social inclusion in three ways:

1 By avoiding some mechanisms that may negatively impact inclusion such as choice of university and internships, primarily because the apprentices 'side-step' the traditional full-time degree route;

2 By avoiding the requirement to be what Claire, a senior leader with an apprenticeship education provider, described as 'the finished product' at the point of graduate recruitment. This is because the apprentices are recruited on the basis of their 'potential' (Susannah, HR professional, organisation C), rather than as a finished product; and

3 By serving as a mechanism of inclusion through the duration and structure of the apprenticeship, which allows the apprentices to build their experience, develop their identity as professionals and become part of their community of practice, and the wider constellation of legal practice. The longer period of immersion in the culture of the organisation, and the combination of on and off the job learning experiences facilitates the inclusion of the apprentices into the legal profession.

Facilitating of the apprentices' inclusion in the legal profession requires a significant commitment on the part of the apprentices, their employers, and, as section 9.6 illustrates, the apprenticeship education providers. The tripartite relationship between the parties should support the apprenticeship as a single experience, delivered by the employer and the education provider. The findings indicate that it is not possible to use existing programmes and treat the on the job experience as separate from the off the job learning; engagement between employers and education providers is important to a successful outcome (Minton and Lowe, 2019).

11.4 The contribution to knowledge

The solicitor apprenticeship is an under-researched area, partly because the first cohort to qualify did so in 2022, and it was therefore an area to which new knowledge could be added. Studies have been undertaken in relation to other professional apprenticeships, and into the graduate route to entry into the legal profession, but as the solicitor apprenticeships were introduced in 2015, with the first cohorts beginning their apprenticeships in 2016, there is, as yet, no significant body of literature in relation to the solicitor apprenticeship specifically. In relation to the position of the solicitor apprenticeship in comparison with the graduate route to entry, a study which collected data in 2017-18 found that disadvantaged candidates discounted the apprenticeship route as 'unfamiliar' and 'risky' (Casey & Wakeling, 2022 p40). The findings for the study conducted for this thesis found that the participating apprentices' experiences of outreach, available information from their schools, and perceptions of apprenticeships reported by apprentices in their fifth year were not significantly different to those whose apprenticeships had just begun when data was collected between February and September 2021. However, the number of solicitor apprenticeship starts in 2016/17 was just 30, rising to 242 in 2019/20. While this may be an increase in numbers due to 'tactical' use of the route by middle class candidates (ibid), the social and educational background of participants in this study does not appear to support this view. The increase in the availability of solicitor apprenticeships has also generated a substantial body of information online, for example on YouTube, which provides school students with advice on how to address the demands of the interview process and promotes the apprenticeship as a route. In addition, the participating employers acknowledged that outreach to the parents of school leavers who were considering an apprenticeship was likely to be important, with participating organisations describing outreach events such as open evenings which parents were also able to attend and ask questions.

While graduate recruitment still represents the main route into the profession (Law Society, 2021b), the participants' comments suggest that for organisations which offer the apprenticeship route, the experience has been very positive. Further, the findings indicate that the approach to recruitment taken by the participating employers included focusing outreach on candidates from disadvantaged areas and schools. Participants who adopted this strategy generally referred to creating a new 'pipeline' of talent that they might otherwise not have encountered.

This study's contribution to knowledge in this area relates to a richer understanding of the solicitor apprenticeship as a unit of analysis, examining how it impacts social inclusion in the solicitors' profession. The study's use of the experiences of the apprentices, and also of a wide range of stakeholders in the solicitor apprenticeship has allowed the study to provide a range of perspectives (Vogl, Schmidt and Zartler, 2019) at a point where the first cohort of apprentices are approaching qualification, and the standard is undergoing its first review (Institute for Apprenticeships, 2022b). The study also includes the views of an organisation which does not currently offer the solicitor apprenticeship, providing an insight into the perspective of smaller organisations. Further, the study contributes to an understanding of the significance of a long period of immersion in the community of practice (Wenger, 1999), examining the effect of that extensive period of supported experience in relation to the solicitor apprentices' sense of belonging, and to the formation of their professional identities. It also examines the apprenticeship using data collected at a time when the first cohort of apprentices were approaching the point of qualification, and in an environment where apprenticeships are becoming more widely recognised as a route into professional life.

11.5 The study's wider implications

The study's findings address the general perception of apprenticeship as a 'secondary' route into the professions, or a route for less able students. The participants' experiences in the workplace indicate that apprentices in a professional context add value and repay the investment in them, challenging the perceptions of apprenticeships considered in section 6.3.2. While it is too early for there to be any data on this point, the participants also referred to their view that an apprenticeship programme would improve retention of qualified solicitors. The participants commented on the benefits of the apprentices' opportunity to spend more time in each team, or in some cases, in a single team for the duration of the apprenticeship; 'growing up' with the firm. Where the participant organisation employed both trainee solicitors and apprentices, the participating apprentices described experiences where they were able to support trainee solicitors in learning the organisation's systems and processes. While some of the apprentices remained in a single team throughout their apprenticeship, for most organisations, there was some element of experience in other teams, including, in some cases, joining the trainee solicitor cohort for the last two years of their apprenticeships. Further, legal employers are, in some cases, employing apprentices in other roles; one participant employer referred to apprentices in support teams, and indicated that these apprenticeships might become a route into the solicitor apprenticeship in the future.

The 'unbundl[ing]' of legal services (Susskind, 2017 p32) has provided opportunities for the solicitor apprentices to build their experience and become involved in matters from an early stage. Susskind suggests that AI and 'remarkable algorithms' (ibid p187) mean that there will be 'much less need for conventional lawyers' (ibid p187), and that business and interpersonal skills to manage client relationships are likely to become more important. The legal profession is not unique in this, with AI used increasingly in, for example, accounting

(Khan and Faisal, 2021). The findings indicate that the professional identity of the apprentices develops during their extended period of immersion in the organisation, and their additional time in their team or teams allows them to engage with ongoing matters and develop their skills over a longer period of time. The participating apprentices and their employers commented that once the apprentices were established, they would be in a position to liaise directly with clients and colleagues. This also allowed them to further to develop their interpersonal and professional skills over a longer period of time, providing opportunities to perform very effectively as 'new' professionals from an early stage. The apprenticeship route into the accountancy profession was established prior to the introduction of the trailblazer standards in 2015; for example, PWC announced a level 7 apprenticeship in 2012 for a 2013 start (PWC, 2012), and the increased number of starts and employers offering the solicitor apprenticeship route since its introduction suggests that the legal profession is also endorsing this route as a way to enter the profession. In a profession described as 'backward looking' by one of the participants (Wendy, senior leader, professional body), the increase in solicitor apprenticeship starts suggests acceptance of the route as equivalent to the graduate route; 'it's not a back door. We've got two front doors' (Graham, HR professional, organisation B).

The solicitor apprentices represent a new pipeline of talent, challenging the perception that in the 'war for talent' (Brown and Hesketh, 2004 p8) graduates from 'good' universities are the most important pipeline for entry into the legal profession. It is possible that in the long term, where the solicitor apprentices completed their apprenticeship is likely to become important, and 'prestigious' organisations will be seen as a badge of quality and a strong indicator of the nature of their professional identity. However, this is no different to the inferences that are drawn by potential employers in relation to where the solicitor completed their training contract, although it may affect inclusion in the wider profession.

The participating education providers reported that a wider range of organisations, including smaller organisations, were now offering solicitor apprenticeships. The practical issues for those smaller organisations, particularly given the level of support that new apprentices need, may mean that, as for small and medium enterprises more widely, the apprenticeship route will be more challenging to adopt (Foley, 2020). Some participants discussed the fact that they themselves were unable to make use of part of their own apprenticeship levy, and discussed surrendering part of their levy to organisations such as law centres, which would enable them to employ apprentices. Allowing higher amounts of levy surrender (currently up to 25% of the apprenticeship levy may be surrendered (ESFA, 2022) would potentially encourage more organisations to offer solicitor apprenticeships. Further, allowing more flexibility to smaller businesses, for example to use surrendered levy funding to pay apprentices a salary, might also encourage participation. In addition, while the solicitor apprenticeship is under review (Institute for Apprenticeships, 2022b), it may be possible to address the issue of its duration. While some participants regarded the length of the apprenticeship as rather daunting, the benefit of the long period of 'immersion' in the culture of the organisation promotes social inclusion and provides space to develop a strong personal identity. For some participants, the level 3 paralegal apprenticeship involves a university award at level 4, allowing progression with credit for prior learning onto the solicitor apprenticeship. If the solicitor apprenticeship is permitted to include interim awards, this may allow for more flexibility for both apprentices and employers, but it would be likely to affect the levels of certainty for apprentices when beginning their apprenticeship; the perceived risk may be higher for disadvantaged candidates. Finally, the importance of the inclusion of a law degree has been considered, and if the apprenticeship route is to be regarded as equivalent to the graduate route in terms of professional standing, it is valuable to consider including the law degree in the outcomes. The end point assessment and the assessment for qualification as a solicitor are identical already, and it would not be possible to make the law degree (a level 6 qualification) the end point assessment, but including it as

an outcome was something that the majority of the participants regarded as important in order to ensure that the apprentices were not regarded as ‘lesser’ than their graduate counterparts.

11.6 Apprenticeships and current policies

The current policy landscape includes initiatives in relation to levelling up, which is defined as ‘giving everyone the opportunity to flourish’ (Secretary of State for levelling up, 2022 pxii). The Levelling Up White Paper refers to ‘six ‘capitals’’, including human capital, such as skills and experience (ibid xv), areas which standards based apprenticeships are also intended to address (BIS, 2015). The role that degree apprenticeships have played in levelling up in the sense of promoting social mobility was questioned in the report by the Sutton Trust in 2020 (Cullinane and Doherty, 2020a). More recent policy initiatives may change the position with regard to apprenticeships as a route, with calls for high quality alternatives to higher education (Turner, 2022), to address concerns that higher education outcomes for less advantaged students were not equivalent to their more advantaged peers (Halfon, 2022b).

This study focuses on the rules governing the apprenticeship levy at the time the data for the study was collected. In August 2022, some changes were made to the apprenticeship levy which related to recognition of prior learning, and eligible costs. These may make apprenticeships more attractive to employers in small and medium enterprises, particularly since some participants considered that employers who did not pay the levy or regularly train junior lawyers regarded the rules associated with the levy to be a potential deterrent.

11.7 Further research

While the profile of apprenticeships as an alternative to higher education has risen, concerns remain regarding the quality of training, particularly the quality of workplace training (Staton, 2022). In addition, a recent report on apprenticeship outcomes and destinations (St Martins, 2022) indicates the completion rate for standards based apprenticeships in 2020/21 was 52% (ibid p10). An investigation of good practice in a number of sectors, and the development of cross-disciplinary criteria for employers may add to our knowledge of the apprenticeship as a unit of analysis, as well as addressing these issues.

While the participating apprentices in the study were all under the age of 25, as shown in Figure 5.3, following the pandemic, there have been calls for those over fifty who are economically inactive to return to work (Wright and Zeffman, 2022). High skilled economically inactive adults over 50 were more likely to state that they were not returning to work because they had retired (Way *et al.*, 2022). In contrast, just under 10% of those in this age bracket who were economically inactive stated that this was because they did not 'have the right skills' (ibid p16) to return to work. A key factor driving policy on standards-based apprenticeships was addressing skills gaps (BIS, 2015). While there are incentives for employers to take on apprentices who are under 18, or who are care leavers, there are no specified upper age limits (Gov.UK, 2023), and it should therefore be possible for apprenticeships to provide opportunities for over 50s to re-skill and return to work. However, research by the Chartered Institute of Management referred to age discrimination as a 'persistent issue', with employers generally showing a preference for recruiting younger employees (CMI, 2022). Research into how apprenticeships might be used to address these issues would add to both knowledge and guidance in this area.

Finally, as solicitor apprenticeship numbers increase (Law Society, 2021b), it is not clear what effect this will have on law in higher education. Section 4.5 considered issues related to choice of university as a mechanism which can affect social inclusion, especially as attending a high-status university has traditionally been regarded as an indicator of a high-quality candidate for a graduate role in the legal profession (Brown and Hesketh, 2004; Ashley and Empson, 2017). The section also noted that disadvantaged learners were more likely to attend post-1992 universities (Costley, 2010), and universities where they felt that they 'fitted in' (Reay, 1998, 2021; Reay, Crozier and Clayton, 2010). The participant higher education providers in the study commented on the challenges that they had experienced in providing apprenticeships in addition to their existing programmes. Moreover, the number of universities which are undertaking solicitor apprenticeships remains modest, and cohorts are, in some cases, insufficiently large to cover costs. The findings indicated that for some providers, there is a 'loss leader' element to taking on such a resource intensive programme, and in one case, the programme offered by one participant organisation had to be suspended as it represented a net cost to the university. Participants indicated that the programme had to be taught separately from the main degree programme, making profit margins modest. The market is, almost inevitably, dominated by the same large organisations who dominated the LPC market, and for the same reasons; the providers have the required skills to teach for practice, which more academic organisations are less likely to have (Wolf, 2015). For smaller education providers, bidding for contracts with larger legal services providers in order to increase numbers is not likely to be economically viable. Further, if the perceptions of apprenticeships as a 'high quality alternative to higher education' (Turner, 2022) lead to a continued expansion of the apprenticeship route to entry into the legal profession, this may impact recruitment onto law degree programmes, particularly from less advantaged students. The impact on a range of universities is currently unknown, but as solicitor apprenticeship numbers continue to grow, it is possible that a study of this area would contribute to knowledge of the tertiary sector.

It is likely that other areas for research will emerge as the solicitor apprenticeship becomes more established, particularly if the Bar Council take the decision to approve an apprenticeship route to becoming a barrister. Further research in conjunction with the accountancy profession, for whom apprenticeship is a more established route, is likely to provide useful findings as to how the apprenticeship route promotes inclusion. The long-term effect of the apprenticeship is not yet ascertainable, and it will be important to continue to monitor developments, including the career trajectories of the apprentices once they qualify as solicitors.

11.8 Conclusion

This study has addressed the research question 'how, if at all, does the solicitor apprenticeship represent a more socially inclusive route into the legal profession', supported by three operational research questions:

1. How do the experiences of participating apprentices indicate that solicitor apprenticeships represent a more socially inclusive route into the legal profession?
2. How do the experiences of other stakeholders directly engaged in apprenticeships indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession?
3. How do the experiences of all stakeholders indicate that solicitor apprenticeships serve as a mechanism of inclusion in the legal profession as a whole?

The findings of the study indicate that the solicitor apprenticeship avoids some mechanisms which may adversely affect inclusion, since the strategies of the organisations who employ them are commercially sustainable, but also include, in many cases, a diversity strand. Further, employers' expectations of early career candidates for apprenticeship acknowledge that the professional identity of the apprentices as solicitors will be formed during their

‘immersion’ in the culture of the organisation. In addition, the period of immersion will be, in most cases, significantly longer than their graduate counterparts, allowing them to become more integrated into the community of practice (Wenger, 1999).

The solicitor apprenticeship remains a smaller route than the traditional graduate route to qualification. However, there has been a significant growth in apprenticeship numbers. Further, the profile of organisations who are beginning to offer apprenticeship programmes, discussed in section 9.5, suggest that the wider ‘constellations of practice’ (ibid p126) that form the wider solicitors’ profession are beginning to regard the solicitor apprenticeship more positively. If the solicitor apprenticeship route is regarded as a valid route to qualification, and more organisations are offering programmes, which in many cases are part of a diversity and inclusion strategy, the solicitor apprenticeship may serve as a mechanism of inclusion in the legal profession.

References

Adam, C. and Potvin, L. (2016) ‘Understanding exclusionary mechanisms at the individual level: a theoretical proposal’, *Health Promotion International*, p. daw005. Available at: https://doi.org/10.1093/heapro/daw005.

Alasuutari, P., Bickman, L. and Brannen, J. (2012) *The SAGE Handbook of Social Research Methods*, *The SAGE Handbook of Social Research Methods*. Edited by PerttiAlasuutari, LeonardBickman, and JuliaBrannen. London: SAGE Publications Ltd. Available at: https://doi.org/10.4135/9781446212165.

Allen, A. (2011) ‘Michael Young’s *The Rise of the Meritocracy* : A Philosophical Critique’, *British Journal of Educational Studies*, 59(4), pp. 367–382. Available at: https://doi.org/10.1080/00071005.2011.582852.

Allen, K. *et al.* (2012) ‘Becoming employable students and “ideal” creative workers: exclusion and inequality in higher education work placements’, *British journal of sociology of education*, 34(3), pp. 431–452. Available at: https://doi.org/10.1080/01425692.2012.714249.

Amos, S. (2020) *Successful recruitment : how to recruit the right people for your business*. First edition. New York, New York (222 East 46th Street, New York, NY 10017): Business Expert Press (Business Expert Press ebook collections).

Antcliff, V., Baines, S. and Gorb, E. (2016) ‘Developing your own graduate employees’, *Higher Education, Skills and Work-Based Learning*, 6(4), pp. 378–383. Available at: https://doi.org/10.1108/HESWBL-05-2016-0032.

Apprenticeships.gov.uk (no date) *Applying for an apprenticeship*. Available at: https://www.apprenticeships.gov.uk/apprentices/applying-apprenticeship (Accessed: 11 October 2022).

Ashley, L. (2010) 'Making a difference? The use (and abuse) of diversity management at the UK's elite law firms', *Work, Employment and Society*, 24(4), pp. 711–727. Available at: https://doi.org/10.1177/0950017010380639.

Ashley, L. *et al.* (2015) *A qualitative evaluation of non-educational barriers to the elite professions — University of Birmingham*. Available at: https://research.birmingham.ac.uk/en/publications/a-qualitative-evaluation-of-non-educational-barriers-to-the-elite (Accessed: 16 March 2022).

Ashley, L. and Empson, L. (2017) 'Understanding social exclusion in elite professional service firms: field level dynamics and the "professional project"', *Work, employment and society*, 31(2), pp. 211–229. Available at: https://doi.org/10.1177/0950017015621480.

Association of Education and Learning Providers (2018) 'The Baker Clause: Best Practice Guidance for Schools, Providers and Learners', *AELP Briefing paper* [Preprint], (58).

Atkinson, A.B. and Hills, J. (1998) *Exclusion, Employment and Opportunity*. London. Available at: https://www.researchgate.net/publication/4808535_Exclusion_Employment_and_Opportunity.

Augar, P. (2019) 'Review of post-16 qualifications at level 2 and below in England Government consultation'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805127/Review_of_post_18_education_and_funding.pdf (Accessed: 19 May 2022).

Bamfield, L. and Horton, T. (2009) *Understanding attitudes to tackling economic inequality | JRF*. Available at: https://www.jrf.org.uk/report/understanding-attitudes-tackling-economic-inequality (Accessed: 23 July 2020).

Bar Standards Board (2020) *Pupillage statistics*. Available at: https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/pupillage.html (Accessed: 1 November 2020).

Bathmaker, A.-M., Ingram, N. and Waller, R. (2013) 'Higher Education, social class and the moblisation of capitals: recognising and playing the game', *British Journal of Sociology of Education*, 34(5–6), pp. 723–743.

Battiston, A. *et al.* (2020) *Apprenticeships and social mobility: Fulfilling potential*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/894303/Apprenticeships_and_social_mobility_report.pdf (Accessed: 24 July 2020).

Beck, V., Fuller, A. and Unwin, L. (2006) 'Increasing risk in the "scary" world of work? Male and female resistance to crossing gender lines in apprenticeships in England and Wales', *Journal of Education and Work*, 19(3), pp. 271–289. Available at: https://doi.org/10.1080/13639080600776920.

Belgutay, J. and Parker, K. (2021) *Revealed: The £1bn apprenticeship levy underspend | Tes Magazine*, *Times Education Supplement*. Available at: https://www.tes.com/magazine/archived/revealed-ps1bn-apprenticeship-levy-underspend (Accessed: 23 March 2022).

Belsky, J., Melhuish, E.C. and Barnes, J. (2007) *The national evaluation of Sure Start : does area-based early intervention work?* Bristol: Policy.

Bertram, N. and Cooke, A. (2020) *Law firm ethnicity survey 2021 - Chambers Student Guide*, *Chambers Student*. Available at: https://www.chambersstudent.co.uk/where-to-

start/commercial-awareness-info/diversity-and-inclusion/law-firm-ethnicity-survey-2021 (Accessed: 11 February 2022).

Bewick, T. (2022) *Feel the weight: A report on the perceptions and experience of increasing regulatory burden of awarding and assessment organisations over the past decade*. Available at: https://awarding.org.uk/wp-content/uploads/2022/02/Feel-the-weight-2022-Final.pdf (Accessed: 7 September 2022).

Bibb, S. (2016) *Strengths-based recruitment and development : a practical guide to transforming talent management strategy for business results*. London.

Bird, M. (2020) *How competitive is the law? - Chambers Student Guide*, *Chambers Student*. Available at: https://www.chambersstudent.co.uk/where-to-start/commercial-awareness-info/our-newsletter/how-competitive-is-the-law (Accessed: 23 May 2022).

BIS (2015) 'English Apprenticeships : Our 2020 Vision - Executive SU', *English Apprenticeships: Our 2020 vision* [Preprint]. Available at: https://www.gov.uk/government/publications/apprenticeships-in-england-vision- (Accessed: 14 July 2020).

BIS (2016) *Cm 9258 - Success as a Knowledge Economy: Teaching Excellence, Social Mobility & Student Choice*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523546/bis-16-265-success-as-a-knowledge-economy-web.pdf (Accessed: 23 July 2020).

Blair, T. (2001) *Full text of Tony Blair's speech on education | Labour | The Guardian*, *The Guardian*. Available at: https://www.theguardian.com/politics/2001/may/23/labour.tonyblair (Accessed: 18 December 2023).

Blandford, S. (2021) ‘Social Inclusion for Social Mobility – A New Way of Thinking’, *Teaching Times (online)*, 13 June. Available at: https://www.teachingtimes.com/social-inclusion-for-social-mobility-a-new-way-of-thinking/ (Accessed: 8 November 2023).

Bloodworth, J. (2016) *The myth of meritocracy : why working-class kids get working-class jobs*. 1st edn. London: Biteback Publishing Ltd (Provocations).

Boliver, V. (2013) ‘How fair is access to more prestigious UK universities?’, *The British Journal of Sociology*, 64(2), pp. 344–364. Available at: https://doi.org/10.1111/1468-4446.12021.

Boliver, V., Gorard, S. and Siddiqui, N. (2021) ‘Using contextualised admissions to widen access to higher education: a guide to the evidence base’. Available at: https://www.dur.ac.uk/dece/ (Accessed: 6 April 2022).

Bolton, P. (2022) *Higher Education Student Numbers*. Available at: https://commonslibrary.parliament.uk/research-briefings/cbp-7857/ (Accessed: 27 July 2022).

Bolton, S.C. and Muzio, D. (2007) ‘Can’t Live with ’Em; Can’t Live without ’Em’, *Sociology*, 41(1), pp. 47–64. Available at: https://doi.org/10.1177/0038038507072283.

Bond, E. (2021) *How to ensure recruitment and selection processes are fair*, *Harper James Knowledge Hub*. Available at: https://harperjames.co.uk/article/fair-recruitment-process/ (Accessed: 20 September 2022).

Bones, C. (2022) *Justice Week: CILEX chair calls for end to legal profession’s ‘deep-seated cultural biases’*, *https://www.cilex.org.uk/media/media_releases/justice_week_2022*.

Boudon, R. (1974) *Education, opportunity, and social inequality : changing prospects in Western society*. New York: Wiley (Wiley series in urban research).

Bourdieu, P. (2010) *Distinction : a social critique of the judgement of taste*. 8th edn. London ; New York: Routledge (Ebook central).

BPP (2021) *Law Apprenticeships | Law | BPP*. Available at: https://www.bpp.com/courses/law/apprenticeships (Accessed: 5 March 2021).

Bradley, J., Newhouse, C. and Mirza, N. (2019) 'Driving social mobility? Competitive collaboration in degree apprenticeship development', *Higher Education, Skills and Work-Based Learning*, 9(2), pp. 164–174. Available at: https://doi.org/10.1108/HESWBL-07-2018-0077.

Braun, V. *et al.* (2021) 'The online survey as a *qualitative* research tool', *International Journal of Social Research Methodology*, 24(6), pp. 641–654. Available at: https://doi.org/10.1080/13645579.2020.1805550.

Braun, V. and Clarke, V. (2019) 'Reflecting on reflexive thematic analysis', *Qualitative Research in Sport, Exercise and Health*, 11(4), pp. 589–597. Available at: https://doi.org/10.1080/2159676X.2019.1628806.

Bridge Group (2017) *Introduction of the Solicitors Qualifying Examination: Monitoring and Maximising Diversity*. Available at: https://www.sra.org.uk/globalassets/documents/sra/research/monitoring-maximising-diversity.pdf?version=4a1ace (Accessed: 24 July 2020).

Bridge Group (2018) *Summary Report Socio-economic Background and Early Career Progression in the Law*. Available at: https://static1.squarespace.com/static/5c18e090b40b9d6b43b093d8/t/5cd180d73cfb160001436429/1557233888333/03+Research+2018+Progression+law.pdf (Accessed: 20 September 2022).

Bridge Group (2020) *SQE: monitoring and maximising diversity*. London. Available at: https://static1.squarespace.com/static/5c18e090b40b9d6b43b093d8/t/5f0d4e7ca1941063f2d63f97/1594707581191/SQE_BridgeGroup_July20_FINAL.pdf (Accessed: 14 July 2020).

Bridge Group/Social Mobility Commission (2020) *Socio-economic diversity and inclusion: employers' toolkit*, *Social Mobility Commission Gov.uk*. Available at: https://socialmobilityworks.org/toolkit/measurement/ (Accessed: 10 July 2020).

Brighouse, H. (2010) 'Moral and Political Aims of Education', in *The Oxford Handbook of Philosophy of Education*. Oxford University Press, pp. 35–51. Available at: https://doi.org/10.1093/oxfordhb/9780195312881.003.0003.

Brinkmann, S. and Kvale, S. (2015) *InterViews : learning the craft of qualitative research interviewing*. Third edition. Los Angeles: Sage.

British Medical Association (2022) *'People like us don't become doctors'*. Available at: https://questionnaires.bma.org.uk/news/peoplelikeus/index.html (Accessed: 14 September 2022).

Brockman, M. and Laurie, I. (2020) *On-the-job training in apprenticeship in England*. Southampton. Available at: https://eprints.soton.ac.uk/444479/1/Gatsby_On_the_job_training_report_final.pdf (Accessed: 13 November 2023).

Brown, B.A., Harte, J. and Warnes, A. (2007) 'Developing the health care workforce', *Education + Training*, 49(3), pp. 193–200. Available at: https://doi.org/10.1108/00400910710749323.

Brown, G. (2010) *We can break the glass ceiling | Gordon Brown | The Guardian*, *The Guardian*. Available at: https://www.theguardian.com/commentisfree/2010/jan/15/aspiration-mobility-middle-class-labour (Accessed: 2 September 2022).

Brown, M. (2014) *Higher Education as a tool of social mobility*. London. Available at: http://www.centreforum.org/assets/pubs/he-as-a-tool-of-social-mobility.pd (Accessed: 5 April 2023).

Brown, P. and Hesketh, A. (2004) *The Mismanagement of Talent: Employability and Jobs in the Knowledge Economy*. First. Oxford: Oxford University Press.

Brown, Phillip, Lauder, H. and Ashton, D. (2011) *The global auction [electronic resource] : the broken promises of education, jobs and incomes*. New York ; Oxford: Oxford University Press.

Brown, Philip, Lauder, H. and Ashton, D. (2011) *The Global Auction: The Broken Promises of Education, Jobs, and Incomes*. Oxford: Oxford University Press.

Bukodi, E. and Goldthorpe, J.H. (2019) *Social mobility and education in Britain : research, politics and policy*. Cambridge (Cambridge core).

Burchardt, T., le Grand, J. and Pichaud, D. (2002) *Degrees of Exclusion: Developing a Dynamic Multidimensional Measure. In Understanding Social Exclusion*. Edited by J. Hills, J. le Grand, and D. Pichaud. Oxford: Oxford University Press.

Burrage, M. (1996) 'From a gentlemen's to a public profession: Status and politics in the history of English solicitors', *International Journal of the Legal Profession*, 3(1–2), pp. 45–80. Available at: https://doi.org/10.1080/09695958.1996.9960410.

Busby, E. (2019) 'Schools refusing to let colleges speak to students about apprenticeships and technical qualifications, think tank says', *The Independent*, 9 January.

Byrne, D. (2022) 'A worked example of Braun and Clarke's approach to reflexive thematic analysis', *Quality and Quantity*, 56, pp. 1391–1412. Available at: https://doi.org/10.1007/s11135-021-01182-y.

Camden, B. (2021) *Minister orders apprenticeship drop-out rate investigation*. Available at: https://feweek.co.uk/minister-orders-investigation-into-astonishing-apprenticeship-drop-out-rate/ (Accessed: 5 September 2022).

Cardiff University (no date) *Law - Study - Cardiff University*. Available at: https://www.cardiff.ac.uk/study/postgraduate/subjects/law (Accessed: 7 October 2022).

Casey, C. and Wakeling, P. (2022) 'University or Degree Apprenticeship? Stratification and Uncertainty in Routes to the Solicitors' Profession', *Work, Employment and Society*, 36(1), pp. 40–58. Available at: https://doi.org/10.1177/0950017020977001.

Chambers (2019) *Law firms' preferred universities 2019 - Chambers Student Guide*. Available at: https://www.chambersstudent.co.uk/where-to-start/newsletter/law-firms-preferred-universities-2019 (Accessed: 17 November 2020).

Chambers Student (2022) *Law careers, training contracts and pupillages - Chambers Student Guide*, *Chambers Student*. Available at: https://www.chambersstudent.co.uk/ (Accessed: 17 August 2022).

Chankseliani, M., Keep, E. and Wilde, S. (2017) *People and policy: A comparative study of apprenticeship across eight national contexts*. Wise Qatar Foundation.

Chan, S. (2013) 'Learning Through Apprenticeship: Belonging to a Workplace, Becoming and Being', *Vocations and Learning*, 6(3), pp. 367–383. Available at: https://doi.org/10.1007/s12186-013-9100-x.

Chan, S. (2016) 'Belonging to a workplace: first-year apprentices' perspectives on factors determining engagement and continuation through apprenticeship', *International Journal for Educational and Vocational Guidance*, 16(1), pp. 9–27. Available at: https://doi.org/10.1007/s10775-014-9282-2.

Ching, J. (2012) ‘The significance of work allocation in the professional apprenticeship of solicitors’, *Studies in Continuing Education*, 34(1), pp. 57–70.

Chung, G. (2020) *Law Firm Case Study, Group Exercise | Assessment Centre #1 - YouTube*, *YouTube*. Available at: https://www.youtube.com/watch?v=Wn9Q9XedKB8 (Accessed: 11 October 2022).

CILEx (2015) ‘CILEx Omnibus Member Survey 2015 Chartered Institute of Legal Executives’. Available at: https://www.cilex.org.uk/pdf/2015_Omnibus_summary.pdf (Accessed: 21 January 2022).

CILEX (2020) *Paralegal Apprenticeship – CILEx Law School*. Available at: https://cilexlawschool.ac.uk/employ-an-apprentice/our-programmes/paralegal-apprenticeship/ (Accessed: 1 November 2020).

CIPD (2013) *Parents Attitudes to Apprenticeships | Reports | CIPD*. Available at: https://www.cipd.co.uk/knowledge/fundamentals/people/routes-work/eo-apprenticeships-report#gref (Accessed: 31 August 2022).

CIPD (2022a) *Selection Methods | Factsheets | CIPD*. Available at: https://www.cipd.co.uk/knowledge/fundamentals/people/recruitment/selection-factsheet (Accessed: 1 August 2022).

CIPD (2022b) *Too many employers still using generic degree qualifications to screen candidates, reducing employment opportunities and contributing to ongoing skills gaps | CIPD*. Available at: https://www.cipd.co.uk/about/media/press/030822-degree-qualifications-skill-gaps#gref (Accessed: 30 August 2022).

City, U. of L. (2022) *Apprenticeships • City, University of London*. Available at: https://www.city.ac.uk/prospective-students/courses/apprenticeships#accordion642145-header642150 (Accessed: 21 January 2022).

Clarke, V. and Braun, V. (2017a) 'Thematic analysis', *The Journal Of Positive Psychology*, 12(3), pp. pp297-298. Available at: https://doi.org/10.1080/17439760.2016.1262613.

Clarke, V. and Braun, V. (2017b) 'Thematic analysis', *The journal of positive psychology*, 12(3), pp. 297–298. Available at: https://doi.org/10.1080/17439760.2016.1262613.

Clegg, N. (2011) 'Opening Doors, Breaking Barriers: A Strategy for Social Mobility'. Available at: www.cabinetoffice.gov.uk (Accessed: 18 September 2022).

CMI (2022) *Let's talk about Age in the workplace - CMI*, *Chartered Management Institute*. Available at: https://www.managers.org.uk/knowledge-and-insights/article/lets-talk-about-age-in-the-workplace/ (Accessed: 31 January 2023).

Coghlan, D. and Brydon-Miller, M. (2014) 'The SAGE Encyclopedia of Action Research', *The SAGE Encyclopedia of Action Research* [Preprint]. Available at: https://doi.org/10.4135/9781446294406.

Cole, L. and Kumar, A. (2020) *LATC: Assessment Centre Workshop with Lucy Cole and Anushka Kumar - YouTube*. Available at: https://www.youtube.com/watch?v=QJjOVkGwx6c (Accessed: 11 October 2022).

Coleman, M. (2013) *SRA | Policy statement: Training for Tomorrow | Solicitors Regulation Authority*, *SRA Policy Statement*. Available at: https://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/policy-statement/ (Accessed: 18 March 2022).

Coombe, Geoff (2022) 'Review of first sitting of SQE1 Executive Summary'. Available at: https://www.sra.org.uk/sra/research-publications/review-first-sitting-sqe1/ (Accessed: 7 September 2022).

Coombe, G (2022) *SRA: Review of first sitting of SQE2 Independent Reviewer for SQE*. Available at: https://www.sra.org.uk/sra/research-publications/review-first-sitting-sqe2/ (Accessed: 7 September 2022).

Coombs, H. (2021) ‘First-in-Family Students’, *HEPI* [Preprint]. Available at: www.hepi.ac.uk (Accessed: 27 April 2022).

Costley, C. (2010) *Report for the SRA on Work Based Learning 2010*. Available at: https://eprints.mdx.ac.uk/8529/ (Accessed: 7 April 2023).

Costley, C. and Dikerdem, M. (2011) *Work Based Learning: Work Based Learning Pedagogies and Academic Development*. Available at: http://www.flexwbl.org/wp-content/uploads/2020/11/16.-Work-Based-Learning-Pedagogies-Costley.pdf (Accessed: 19 December 2023).

Crawford, I. and Wang, Z. (2019) ‘Social mobility via elite placements: working class graduates in elite accounting and banking firms’, *Accounting education*, 28(5), pp. 508–531. Available at: https://doi.org/10.1080/09639284.2019.1661857.

Crawford-Lee, M. and Moorwood, S. (2019) ‘Degree apprenticeships: delivering quality and social mobility?’, *Higher Education, Skills and Work-based Learning*, 9(2), pp. 134–140. Available at: https://doi.org/10.1108/HESWBL-05-2019-123.

Cullinane, C. and Doherty, K. (2020a) *Degree Apprenticeships: Levelling up? Making degree apprenticeships work for social mobility*. Available at: https://www.suttontrust.com/wp-content/uploads/2020/05/Degree-Apprenticeships-Levelling-Up.pdf (Accessed: 27 July 2020).

Cullinane, C. and Doherty, K. (2020b) *DEGREE APPRENTICESHIPS: LEVELLING UP? Making degree apprenticeships work for social mobility*. Available at: https://www.suttontrust.com/wp-content/uploads/2020/05/Degree-Apprenticeships-Levelling-Up.pdf (Accessed: 27 July 2020).

Dandridge, N. (2017) *The final report of the Social Mobility Advisory Group*. Available at: https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-09/working-in-partnership-executive-summary.pdf (Accessed: 28 July 2022).

Department for Education (2022a) *Apprenticeship funding rules - GOV.UK*. Available at: https://www.gov.uk/guidance/apprenticeship-funding-rules#the-latest-rules-2022-to-2023 (Accessed: 3 August 2022).

Department for Education (2022b) *Apprenticeship off the-job training Policy background and examples to support the 2022 / 2023 apprenticeship funding rules*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1110377/20221011_OTJ_Guide_v4_-_For_22_23_Rules_Final.pdf (Accessed: 20 April 2023).

Devins, D., Ferrández-Berrueco, R. and Kekale, T. (2015) 'Educational orientation and employer influenced pedagogy', *Higher Education, Skills and Work-Based Learning*, 5(4), pp. 352–368. Available at: https://doi.org/10.1108/HESWBL-03-2015-0010.

DfE (2019) *Apprenticeship funding in England*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975814/Apprenticeship_funding_in_England_from_Aug_2020_Policy_Document_FINAL.pdf (Accessed: 20 August 2020).

Dore, R. (1976) *The diploma disease : education, qualification, and development*. Berkeley: University of California Press.

Dowden, R. (1978) 'Interview for Catholic Herald | Margaret Thatcher Foundation', *Catholic Herald* [Preprint]. Available at: https://www.margaretthatcher.org/document/103793 (Accessed: 26 July 2022).

Education and Skills Funding Agency (2018) *Becoming an apprenticeship training provider - GOV.UK*, *Gov.UK*. Available at: https://www.gov.uk/guidance/becoming-an-apprenticeship-training-provider (Accessed: 25 April 2023).

Education Business Partnership (2022) *Home - Education Business Partnership*. Available at: https://educationbusinesspartnership.co.uk/ (Accessed: 27 July 2022).

Eisenberg, N. and Susskind, R. (2021) *The Practice | Vertically Integrated Legal Service*, *Integration in legal Services, Volume 7, Issue 4*. Available at: https://thepractice.law.harvard.edu/article/vertically-integrated-legal-service/ (Accessed: 23 February 2022).

Elliott, V. (2018) 'Thinking about the Coding Process in Qualitative Data Analysis', *The Qualitative Report* [Preprint]. Available at: https://doi.org/10.46743/2160-3715/2018.3560.

Employinganapprentice.com (2022) *Leaving an Apprenticeship | Employing an Apprentice*. Available at: https://www.employinganapprentice.com/apprentices/leaving-an-apprenticeship/ (Accessed: 22 August 2022).

Engeström, Y. (2001) 'Expansive Learning at Work: Toward an activity theoretical reconceptualization', *Journal of Education and Work*, 14(1), pp. 133–156. Available at: https://doi.org/10.1080/13639080020028747.

ESFA (2021) *Apprenticeship training provider accountability framework 2021 to 2022 - GOV.UK*. Available at: https://www.gov.uk/guidance/apprenticeship-training-provider-accountability-framework-20212022 (Accessed: 17 March 2022).

ESFA (2022) *Transferring your apprenticeship levy to another business - GOV.UK*. Available at: https://www.gov.uk/guidance/transferring-your-apprenticeship-levy-to-another-business (Accessed: 1 April 2022).

Fancourt, A. (2004) *Hitting the ground running? Preparing students for practice (UKCLE project) at UKCLE*, *UKCLE*. Available at: https://ials.sas.ac.uk/ukcle/78.158.56.101/archive/law/projects/past-projects/fancourt/index.html (Accessed: 19 August 2022).

Felce, A. (2019) 'Managing the quality of higher education in apprenticeships', *Higher Education, Skills and Work-Based Learning*, 9(2), pp. 141–148. Available at: https://doi.org/10.1108/HESWBL-10-2018-0106.

Foley, N. (2020) ‘Apprenticeships in small and medium-sized enterprises’. Available at: www.parliament.uk/commons-library|intranet.parliament.uk/commons-library|papers@parliament.uk|@commonslibrary (Accessed: 26 October 2022).

Foley, N. (2021) ‘Apprenticeship Statistics’, *House of Commons Library* [Preprint]. Available at: www.parliament.uk/commons-library|intranet.parliament.uk/commons-library|papers@parliament.uk|@commonslibrary (Accessed: 22 September 2022).

Fouzder, M. (2021) ‘Nokia to score panel firms on diversity progress’, *The Law Society Gazette*, 21 May. Available at: https://www.lawgazette.co.uk/news/nokia-to-score-panel-firms-on-diversity-progress/5108453.article (Accessed: 7 April 2023).

Fouzder, M. (2022) *Magic circle firm to welcome solicitor apprentices | News | Law Gazette*, *Law Gazette*. Available at: https://www.lawgazette.co.uk/practice/magic-circle-firm-to-welcome-solicitor-apprentices/5114545.article (Accessed: 18 January 2023).

Freer, E. (2018) *Social mobility and the legal profession : the case of professional associations and access to the English bar*. 1st edn. London: Routledge.

Friedman, S. and Laurison, D. (2019) *The Class Ceiling: Why it Pays to be Privileged*. Bristol: Polity Press.

Friedman, S., Laurison, D. and Miles, A. (2015) ‘Breaking the “class” ceiling? Social mobility into Britain’s elite occupations’, *The Sociological review (Keele)*, 63(2), pp. 259–289. Available at: https://doi.org/10.1111/1467-954X.12283.

Fuller, A. (2016) ‘The Growth of Apprenticeship in England: Doubts Beneath the Numbers’, *Challenge*, 59(5), pp. 422–433.

Fuller, A. and Unwin, L. (1998) ‘Reconceptualising apprenticeship: exploring the relationship between work and learning’, *Journal of Vocational Education & Training 50.2 (1998): 153-73. Web.*, 50(2), pp. 153–173. Available at: https://doi.org/10.1080/13636829800200043.

Fuller, A. and Unwin, L. (2003a) ‘Learning as Apprentices in the Contemporary UK Workplace: creating and managing expansive and restrictive participation’, *Journal of Education and Work*, 16(4), pp. 407–426. Available at: https://doi.org/10.1080/1363908032000093012.

Fuller, A. and Unwin, L. (2003b) ‘Learning as Apprentices in the Contemporary UK Workplace: creating and managing expansive and restrictive participation’, *Journal of Education and Work*, 16(4), pp. 407–426. Available at: https://doi.org/10.1080/1363908032000093012.

Fuller, A. and Unwin, L. (2014a) *Creating and Supporting Expansive Apprenticeships: a guide for employers, training providers and colleges of further education*.

Fuller, A. and Unwin, L. (2014b) *Creating and Supporting Expansive Apprenticeships: a guide for employers, training providers and colleges of further education*. London.

Gadamer, H.-G. (2004) *Truth and Method*. 2nd edn. London: Continuum.

Galletta, A. and Cross, W.E. (2013) *Mastering the Semi-Structured Interview and Beyond*, *Mastering the Semi-Structured Interview and Beyond*. New York: NYU Press (Qualitative studies in psychology). Available at: https://doi.org/10.18574/9780814732953.

Gambin, L. and Hogarth, T. (2016) ‘Counting the cost, reconciling the benefits: understanding employer investment in Higher Apprenticeships in accounting’, *Accounting Education*, 25(5), pp. 502–518. Available at: https://doi.org/10.1080/09639284.2016.1218779.

Gambin, L. and Hogarth, T. (2021) ‘Employers’ behavioural responses to the introduction of an apprenticeship levy in England: an ex ante assessment’, *Journal of Vocational Education & Training*, 73(3), pp. 476–501. Available at: https://doi.org/10.1080/13636820.2020.1744689.

Glaser, B.G. and Strauss, A.L. (2017) *The discovery of grounded theory : strategies for qualitative research*. Oxford, New York: Routledge.

Gleeson, J. (2013) 'The European Credit Transfer System and curriculum design: product before process?', *Studies in Higher Education*, 38(6), pp. 921–938. Available at: https://doi.org/10.1080/03075079.2011.610101.

Goldthorpe, J.H. (2016) 'Social class mobility in modern Britain: changing structure, constant process', *Journal of the British Academy*, 4, pp. 89–111. Available at: https://doi.org/10.5871/jba/004.089.

GOV.UK (2021) *Schools, pupils and their characteristics, Academic Year 2020/21 – Explore education statistics – GOV.UK*. Available at: https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics (Accessed: 9 February 2022).

Gov.Uk (2022) *Register of apprenticeship training providers - GOV.UK*. Available at: https://www.gov.uk/guidance/register-of-apprenticeship-training-providers (Accessed: 13 April 2022).

Gov.UK (2022) *Training providers for Solicitor (level 7)*. Available at: https://findapprenticeshiptraining.apprenticeships.education.gov.uk/courses/43/providers?location= (Accessed: 13 April 2022).

Gov.UK (2023) *Become an apprentice: How apprenticeships work - GOV.UK*. Available at: https://www.gov.uk/become-apprentice (Accessed: 31 January 2023).

Gray, D. and Morgan, M. (1998) 'Modern apprenticeships: filling the skills gap?', 50(1), pp. 123–134. Available at: https://doi.org/10.1080/13636829800200038.

Greenwald, S. (2004) *Interests, arguments and ideologies: employers' involvement in education-business partnerships in the US and UK. In Balancing the skills equation*. Edited

by G. Hayward and S. James. Bristol University Press. Available at: https://doi.org/10.2307/j.ctt1t897v1.

Grey, M. (2019) *The placement panacea - HEPI*, *Higher Education Policy Institute*. Available at: https://www.hepi.ac.uk/2019/04/11/the-placement-panacea/ (Accessed: 27 July 2022).

Guth, J. and Dutton, K. (2018) 'SQE-ezed out: SRA, status and stasis', *The Law Teacher*, 52(4), pp. 425–438. Available at: https://doi.org/10.1080/03069400.2018.1534341.

Halfon, R. (2022a) *Skills Bill Amendments - the 'Baker Clause' is now legally enforceable – FE News*, *FE News*. Available at: https://www.fenews.co.uk/skills/skills-bill-amendment-the-baker-clause-is-now-legally-enforceable/ (Accessed: 13 September 2022).

Halfon, R. (2022b) *The key to social mobility is education: but Graduate outcomes are likely to be worse for disadvantaged students – FE News*, *FE News*. Available at: https://www.fenews.co.uk/exclusive/the-key-to-social-mobility-is-education-but-graduate-outcomes-are-likely-to-be-worse-for-disadvantaged-students/ (Accessed: 25 March 2022).

Harris, R. and Simons, M. (2005) 'Exploring the notion of retention in apprenticeship', *Education + Training*, 47(4/5), pp. 350–365. Available at: https://doi.org/10.1108/00400910510601922.

Harvey, W.S. (2011) 'Strategies for conducting elite interviews', *Qualitative research : QR*, 11(4), pp. 431–441. Available at: https://doi.org/10.1177/1468794111404329.

Hayek, F.A. and Caldwell, Bruce (2014) *The Road to Serfdom : Text and Documents: The Definitive Edition*. Edited by Brian Caldwell. New York and London: Routledge (The Collected Works of F.A. Hayek).

Haynes, G., McCrone, T. and Wade, P. (2013) 'Young people's decision-making: the importance of high quality school-based careers education, information, advice and

guidance', *Research Papers in Education*, 28(4), pp. 459–482. Available at: https://doi.org/10.1080/02671522.2012.727099.

HESA (2018) *Higher Education Leavers Statistics: UK, 2016/17 - Summary*, *Statistical First Release (SFR250)*. Available at: https://www.hesa.ac.uk/news/28-06-2018/sfr250-higher-education-leaver-statistics-subjects (Accessed: 23 November 2020).

Hextell, A. (2022) *'Unhelpful' technicalities putting employers off apprenticeship levy funds*, *Pinsent Masons*. Available at: https://www.pinsentmasons.com/out-law/news/technicalities-putting-employers-off-apprenticeship-levy-funds (Accessed: 20 April 2023).

Hilborne, N. (2021) *SQE will "move the bottleneck" from law schools to employers - Legal Futures*, *Legal Futures*. Available at: https://www.legalfutures.co.uk/latest-news/sqe-will-move-the-bottleneck-from-law-schools-to-employers (Accessed: 23 May 2022).

HMRC (2019) *Apprenticeship funding rules - GOV.UK*. Available at: https://www.gov.uk/guidance/apprenticeship-funding-rules (Accessed: 1 November 2020).

Hodgson, A., Spours, K. and Smith, D. (2017) 'Future apprenticeships in England: the role of mediation in the new model', *Journal of Education and Work*, 30(6), pp. 653–668. Available at: https://doi.org/10.1080/13639080.2017.1349299.

Holman, S.J. (2014) *Good Career Guidance*. London. Available at: https://www.gatsby.org.uk/uploads/education/reports/pdf/gatsby-sir-john-holman-good-career-guidance-2014.pdf (Accessed: 7 June 2024).

Hooley, T. (2020) *Graduate employers are cutting back on internships and placements | Wonkhe*, *WONKHE*. Available at: https://wonkhe.com/blogs/graduate-employers-are-cutting-back-on-internships-and-placements/ (Accessed: 27 July 2022).

Howlett, M. (2021) 'Looking at the "field" through a Zoom lens: Methodological reflections on conducting online research during a global pandemic:',

https://doi.org/10.1177/1468794120985691 [Preprint]. Available at: https://doi.org/10.1177/1468794120985691.

Hughes, C.J. and Saieva, G. (2019) 'Degree apprenticeships – an opportunity for all?', *Higher Education, Skills and Work-Based Learning*, 9(2), pp. 225–236. Available at: https://doi.org/10.1108/HESWBL-10-2018-0113.

Hyde, J. (2019) *'Professional snobbery': Legal executives demand parity with solicitors | News | Law Gazette*, *Law Gazette*. Available at: https://www.lawgazette.co.uk/news/professional-snobbery-legal-executives-demand-parity-with-solicitors/5068822.article (Accessed: 13 April 2022).

Iannelli C. (2013) The role of the school curriculum in social mobility British Journal of Sociology of Education (2013) 34(5-6) 907-928

IATE (2020) *Trailblazer groups / Institute for Apprenticeships and Technical Education*. Available at: https://www.instituteforapprenticeships.org/developing-new-apprenticeships/trailblazer-group/ (Accessed: 28 March 2022).

Independent Schools Council (2022) *Research - ISC*. Available at: https://www.isc.co.uk/research/ (Accessed: 23 May 2022).

Ingram, N. and Allen, K. (2019) '"Talent-spotting" or "social magic"? Inequality, cultural sorting and constructions of the ideal graduate in elite professions', *The Sociological Review*, 67(3), pp. 723–740. Available at: https://doi.org/10.1177/0038026118790949.

Institute for Apprenticeships (2015) *Institute for Apprenticeships and Technical Education / Solicitor*. Available at: https://www.instituteforapprenticeships.org/apprenticeship-standards/solicitor-v1-0 (Accessed: 15 September 2020).

Institute for Apprenticeships (2020a) *Institute for Apprenticeships and Technical Education / Search /*. Available at: https://www.instituteforapprenticeships.org/search/?query=paralegal (Accessed: 1 November 2020).

Institute for Apprenticeships (2020b) *Institute for Apprenticeships and Technical Education / Senior leader (degree) /*. Available at: https://www.instituteforapprenticeships.org/apprenticeship-standards/senior-leader-(degree)-v1-0 (Accessed: 1 November 2020).

Institute for Apprenticeships (2022a) *Degree apprenticeships 2022 / Institute for Apprenticeships and Technical Education*. Available at: https://www.instituteforapprenticeships.org/developing-new-apprenticeships/degree-apprenticeships-2022/ (Accessed: 5 September 2022).

Institute for Apprenticeships (2022b) *Solicitor / Institute for Apprenticeships and Technical Education*. Available at: https://www.instituteforapprenticeships.org/apprenticeship-standards/solicitor-v1-0 (Accessed: 28 January 2022).

Institute of Student Employers (2021) *Record applications as graduate jobs recovery lags - Institute of Student Employers | ISE*. Available at: https://ise.org.uk/page/record-applications-as-graduate-jobs-recovery-lags (Accessed: 28 July 2022).

Irons, A. (2017) 'Reflection on higher degree apprenticeship development', *Higher Education, Skills and Work-Based Learning*, 7(1), pp. 112–122. Available at: https://doi.org/10.1108/HESWBL-05-2016-0033.

Jackson, M. and Goldthorpe, J.H. (2007) 'Intergenerational class mobility in contemporary Britain: political concerns and empirical findings', *British Journal of Sociology*, Vol. 58, 4, pp. 525 & #8211;546.

Kashefpakdel, E., Newton, O. and Clark, J. (2018) *Joint Dialogue: How are schools developing real employability skills?* Available at:

https://www.educationandemployers.org/wp-content/uploads/2018/11/Joint-Dialogue-FINAL-REPORT-2019.pdf (Accessed: 5 April 2022).

Keep, E. (2020) 'Employers, the ghost at the feast', *Journal of Education and Work*, 33(7–8), pp. 500–506. Available at: https://doi.org/10.1080/13639080.2020.1852501.

Keep, E. and James, S. (2010) 'Recruitment and selection - the great neglected topic', *SKOPE* [Preprint]. Available at: https://ora.ox.ac.uk/objects/uuid:56dfc740-e5c0-4f23-bfad-8a2628212864/download_file?file_format=application%2Fpdf&safe_filename=Recruitment%2Band%2Bselection%2B-%2Bthe%2Bgreat%2Bneglected%2Btopic&type_of_work=Working+paper (Accessed: 7 April 2023).

Kenny, K., Whittle, A. and Willmott, H. (2011) *Understanding identity & organizations*. Los Angeles: Sage.

Khan, A.K. and Faisal, S.M. (2021) 'The impact on the employees through the use of AI tools in accountancy', *Materials Today: Proceedings* [Preprint]. Available at: https://doi.org/10.1016/j.matpr.2021.07.044.

Klein, M. and Weiss, F. (2011) 'Is forcing them worth the effort? Benefits of mandatory internships for graduates from diverse family backgrounds at labour market entry', *Studies in Higher Education*, 36(8), pp. 969–987. Available at: https://doi.org/10.1080/03075079.2010.487936.

Konstantinou, I. and Miller, E. (2020) 'Investigating work-integrated learning and its relevance to skills development in degree apprenticeships', *Higher Education, Skills and Work-based Learning*, 10(5), pp. 767–781. Available at: https://doi.org/10.1108/HESWBL-05-2020-0112.

Kvale, S. (2007) *Doing interviews*. Los Angeles [Calif.] ; London: SAGE Publications (Sage qualitative research kit).

Lampl, P. and Milburn, M. (2019) *Elitism in Britain, 2019 - GOV.UK*, *Sutton Trust, Social Mobility Commission*. Available at: https://www.gov.uk/government/news/elitism-in-britain-2019 (Accessed: 26 January 2022).

Langdon-Down, G. (2014) *Legal training: making the grade | Feature | Law Gazette*, *Law Society Gazette*. Available at: https://www.lawgazette.co.uk/law/legal-training-making-the-grade/5044905.article (Accessed: 28 January 2022).

Lauder, H. (2020) 'The roles of higher education, further education and lifelong learning in the future economy', *Journal of Education and Work*, 33(7–8), pp. 460–467. Available at: https://doi.org/10.1080/13639080.2020.1852499.

Lave, J. and Wenger, E. (1991) *Situated learning: Legitimate peripheral participation*. Cambridge: Cambridge University Press.

Law Society (2020a) *Annual Statistics Report 2019 | The Law Society*. Available at: https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2019 (Accessed: 7 December 2020).

Law Society (2020b) *Annual Statistics Report 2019 | The Law Society*. Available at: https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2019 (Accessed: 1 November 2020).

Law Society (2020c) *Diversity Access Scheme | The Law Society*. Available at: https://www.lawsociety.org.uk/campaigns/diversity-access-scheme (Accessed: 24 November 2020).

Law Society (2020d) *Entry trends | The Law Society*. Available at: https://www.lawsociety.org.uk/en/career-advice/becoming-a-solicitor/entry-trends (Accessed: 1 November 2020).

Law Society (2020e) *Legal sector apprenticeships | The Law Society*. Available at: https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/qualifying-without-a-degree/apprenticeships (Accessed: 27 July 2020).

Law Society (2021a) *Apprenticeships: Information for employers | The Law Society*. Available at: https://www.lawsociety.org.uk/en/topics/hr-and-people-management/apprenticeships-information-for-employers (Accessed: 28 March 2022).

Law Society (2021b) *Law Society Annual Statistics* . London. Available at: https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2021 (Accessed: 5 April 2023).

Law Society (2021c) *Period of recognised training | The Law Society*, *Law Society* . Available at: https://www.lawsociety.org.uk/en/career-advice/becoming-a-solicitor/qualifying-with-a-degree/period-of-recognised-training (Accessed: 5 April 2022).

Law Society (2021d) *Solicitors Qualifying Examination (SQE) | The Law Society*. Available at: https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/solicitors-qualifying-examination-sqe (Accessed: 18 March 2022).

Law Society (2022) *Transitional arrangements | The Law Society*. Available at: https://www.lawsociety.org.uk/en/career-advice/becoming-a-solicitor/solicitors-qualifying-examination-sqe/transitional-arrangements (Accessed: 1 February 2022).

Legal Services Act (2007).

Lemin, M. and Wright, J. (2019) *Future Proofing Apprenticeship Funding in England for the 2020s*. Edited by M. Lemin and J. Wright. London: NCFE .

Lester, S. (2020) 'Creating conditions for sustainable degree apprenticeships in England', *Higher Education, Skills and Work-based Learning*, 10(5), pp. 701–714. Available at: https://doi.org/10.1108/HESWBL-04-2020-0062.

Lester, S. and Bravenboer, D. (2020) *Sustainable Degree Apprenticeships*. London. Available at: https://doi.org/10.13140/RG.2.2.18877.69604.

LETR (2013) *Setting Standards: the future of legal services education and training regulation in England and Wales*. Available at: http://letr.org.uk/wp-content/uploads/LETR-Report.pdf (Accessed: 17 July 2020).

Levett-Jones, T. *et al.* (2009) 'Staff-student relationships and their impact on nursing students' belongingness and learning', *Journal of Advanced Nursing*, 65(2), pp. 316–324. Available at: https://doi.org/10.1111/j.1365-2648.2008.04865.x.

Lewis, G. (2016) *'We're fed up with candidates who look and sound the same'.: EBSCOhost*, *People Management*. Available at: https://ezproxy-prd.bodleian.ox.ac.uk:11190/ehost/pdfviewer/pdfviewer?vid=11&sid=2bd1a2c8-7ce9-4afc-addd-cfb313c8d83b%40redis (Accessed: 15 June 2022).

Littler, J. (2017) *Against meritocracy : culture, power and myths of mobility*. Abingdon, Oxon ; NewYork, NY: Routledge.

Lobe, B., Morgan, D. and Hoffman, K.A. (2020) 'Qualitative Data Collection in an Era of Social Distancing', *International Journal of Qualitative Methods*, 19. Available at: https://doi.org/10.1177/1609406920937875.

Macmillan, L., Tyler, C. and Vignoles, A. (2014) 'Who gets the top jobs? the role of family background and networks in recent graduates' access to high-status professions', *Journal of Social Policy*, 44(3), pp. 487–515. Available at: https://doi.org/10.1017/S0047279414000634.

Major, L.E. and Machin, S. (2020) *What do we know and what should we do about social mobility*. London ; Thousand Oaks, Calif.: SAGE Publications Ltd.

Martin, L., Lord, G. and Warren-Smith, I. (2020) ‘Juggling hats: academic roles, identity work and new degree apprenticeships’, *Studies in Higher Education*, 45(3), pp. 524–537. Available at: https://doi.org/10.1080/03075079.2018.1550478.

Mayhew-Smith, P. and Sheerman, B. (2017) *Spotlight on Apprenticeships and Social Mobility*. London. Available at: https://www.policyconnect.org.uk/research/spotlight-onapprenticeships-and-social-mobility (Accessed: 5 April 2023).

Mayson, S. (2011) ‘The education and training of solicitors: time for change’, *Law teacher*, 45(3), pp. 278–293. Available at: https://doi.org/10.1080/03069400.2011.622462.

McCaig, C. (2015) ‘The impact of the changing English higher education marketplace on widening participation and fair access: evidence from a discourse analysis of access agreements’, *Widening Participation and Lifelong Learning*, 17(1), pp. 5–22. Available at: https://doi.org/10.5456/WPLL.17.1.5.

McFadden, P. (2010) *Unleashing Aspiration: The Government Response to the Final Report of the Panel on Fair Access to the Professions*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/238476/7755.pdf (Accessed: 21 July 2020).

McKnight, S. *et al.* (2019) ‘Case study: establishing a social mobility pipeline to degree apprenticeships’, *Higher Education, Skills And Work-based Learning*, 9(2), pp. pp149-163. Available at: https://doi.org/10.1108/HESWBL-01-2019-0012.

Milburn, A. (2009a) *Unleashing Aspiration: The Final Report of the Panel on Fair Access to the Professions*. Cabinet Office. Available at: http://www.voced.edu.au/content/ngv37875%5Cnhttp://webarchive.nationalarchives.gov.uk/+/http:/www.cabinetoffice.gov.uk/media/227102/fair-access.pdf (Accessed: 14 July 2020).

Milburn, A. (2009b) ‘Unleashing Aspiration: The Final Report of the Panel on Fair Access to the Professions’, p. 167. Available at:

http://www.educationengland.org.uk/documents/pdfs/2009-milburn-report-fair-access.pdf (Accessed: 14 July 2020).

Milburn, A. (2012a) *Fair Access to Professional Careers A progress report by the Independent Reviewer on Social Mobility and Child Poverty*. Available at: www.official-documents.gov.uk (Accessed: 4 August 2022).

Milburn, A. (2012b) 'University Challenge: How Higher Education Can Advance Social Mobility'. Available at: www.official-documents.gov.uk (Accessed: 14 September 2022).

Milburn, M. and Lampl, P. (2019) *Elitist Britain 2019: The educational backgrounds of Britain's leading people*. Available at: https://www.gov.uk/government/publications/elitist-britain-2019/elitist-britain-2019-the-educational-backgrounds-of-britains-leading-people (Accessed: 14 September 2022).

Miller, T. *et al.* (1997) 'The use of vignettes in the analysis of interview data: Relatives of people with drug problems', in N. Hayes (ed.) *Doing Qualitative Analysis in Psychology*. Hove: Psychology Press.

Minton, A. and Lowe, J. (2019) 'How are universities supporting employers to facilitate effective "on the job" learning for apprentices?', *Higher Education, Skills and Work-Based Learning*, 9(2), pp. 200–210. Available at: https://doi.org/10.1108/HESWBL-10-2018-0099.

Mirza-Davies, J. (2015) 'A short history of apprenticeships in England: from medieval craft guilds to the twenty-first century', *House of Commons Library* [Preprint]. Available at: https://commonslibrary.parliament.uk/a-short-history-of-apprenticeships-in-england-from-medieval-craft-guilds-to-the-twenty-first-century/ (Accessed: 21 January 2022).

Mitchell, K.M. and Clark, A.M. (2021) 'Enhance Your Qualitative Analysis with Writing: Four Principles of Writing as Inquiry', *International journal of qualitative methods*, 20, p. 160940692110579. Available at: https://doi.org/10.1177/16094069211057997.

Mobility Commission, S. (2019a) *State of the Nation 2018-19: Social Mobility in Great Britain*.

Mobility Commission, S. (2019b) *State of the Nation 2018-19: Social Mobility in Great Britain*. Available at: www.gov.uk/government/publications (Accessed: 23 July 2020).

Montacute, R. and Cullinane, C. (2018) *Access to Advantage The influence of schools and place on admissions to top universities*. London. Available at: https://www.policyconnect.org.uk/research/spotlight-onapprenticeships-and-social-mobility (Accessed: 5 April 2023).

Moore, H. (2022) 'Solicitor apprenticeships: Building the future of the legal profession', *Law Society Gazette* [Preprint]. Available at: https://www.lawgazette.co.uk/commentary-and-opinion/solicitor-apprenticeships-building-the-future-of-the-legal-profession/5111365.article (Accessed: 7 April 2023).

Moules, J. (2022) *Apprenticeships in England rebound to pre-pandemic levels | Financial Times*, *Financial Times*. Available at: https://www.ft.com/content/5b591514-0b3a-44c4-8f86-e70f660b38f9 (Accessed: 5 September 2022).

Mulkeen, J. *et al.* (2019) 'Degree and Higher Level Apprenticeships: an empirical investigation of stakeholder perceptions of challenges and opportunities', *Studies in Higher Education*, 44(2), pp. 333–346. Available at: https://doi.org/10.1080/03075079.2017.1365357.

Musset, P. and Kurekova, L.M. (2018) 'Working it out: Career Guidance and Employer Engagement'. Available at: https://doi.org/10.1787/51c9d18d-en.

My Legal Career (2021) *An Overview of Legal Apprenticeships | My Legal Career - YouTube*, *YouTube*. Available at: https://www.youtube.com/watch?v=MCFVS0LXBLY (Accessed: 11 October 2022).

Newton, B. *et al.* (2015) *Process evaluation of the Apprenticeship Trailblazers: Final report*. Available at: www.gov.uk/bis (Accessed: 3 September 2020).

Nicolson, D. (2005) 'Demography, discrimination and diversity: a new dawn for the British legal profession?', *International journal of the legal profession*, 12(2), pp. 201–228. Available at: https://doi.org/10.1080/09695950500246522.

Niedwiecki, A. (2012) 'Teaching for lifelong learning: Improving the metacognitive skills of law studens thouth more effective formative assessment techniques', *Capital University Law Review*, 40(1), pp. 149–193.

Nowell, L.S. *et al.* (2017) 'Thematic Analysis', *International Journal of Qualitative Methods*, 16(1), p. 160940691773384. Available at: https://doi.org/10.1177/1609406917733847.

OECD (2018) *OECD iLibrary | A Broken Social Elevator? How to Promote Social Mobility*. Available at: https://www.oecd-ilibrary.org/social-issues-migration-health/broken-elevator-how-to-promote-social-mobility_9789264301085-en (Accessed: 24 July 2020).

Office for National Statistics (2019) *One in three graduates overeducated for their current role - Office for National Statistics*, *Office for National Statistics*. Available at: https://www.ons.gov.uk/news/news/oneinthreegraduatesovereducatedfortheircurrentrole (Accessed: 27 July 2022).

Office for Students (2021) *Contextual admissions - Office for Students*. Available at: https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/effective-practice/contextual-admissions/ (Accessed: 6 April 2022).

OfS (2022) *Young participation by area - Office for Students*, *Office for Students*. Available at: https://www.officeforstudents.org.uk/data-and-analysis/young-participation-by-area/ (Accessed: 15 March 2022).

O Shaped Lawyer (2022) *O Shaped Lawyer*. Available at: https://www.oshapedlawyer.com/ (Accessed: 13 April 2022).

Oxford Reference (no date) *Black-letter law - Oxford Reference*. Available at: https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095510675 (Accessed: 12 January 2023).

Oxford University Careers Service (no date) *Employer Events | Oxford University Careers Service*. Available at: https://www.careers.ox.ac.uk/employer-events (Accessed: 27 July 2022).

Patel, B. (2020) *What is contextual admissions? | Undergraduate | UCAS*. Available at: https://www.ucas.com/connect/blogs/what-contextual-admissions (Accessed: 24 November 2020).

Poortman, C.L., Illeris, K. and Nieuwenhuis, L. (2011) 'Apprenticeship: from learning theory to practice', *Journal of Vocational Education & Training Web.*, 63(3), pp. 267–287. Available at: https://doi.org/10.1080/13636820.2011.560392.

Popay, J. *et al.* (2008) *Sekn Final Report 042008 | PDF | Social Exclusion | Social Protection*. Available at: https://www.scribd.com/document/266629925/Sekn-Final-Report-042008 (Accessed: 26 July 2022).

Powell, P. and Walsh, A. (2018) 'Whose curriculum is it anyway? Stakeholder salience in the context of Degree Apprenticeships', *Higher Education Quarterly*, 72(2), pp. 90–106. Available at: https://doi.org/10.1111/hequ.12149.

Pugh, J.-A. (2017) *The SQE may not be what law firms wanted but there are ways they can make it work - Legal Futures*, *Legal Futures*. Available at: https://www.legalfutures.co.uk/blog/sqe-may-not-law-firms-wanted-ways-can-make-work (Accessed: 30 August 2022).

Punch, K. and Oancea, A. (2014) *Introduction to research methods in education*. 2nd edn. Los Angeles, CA: SAGE. Available at: http://solo.bodleian.ox.ac.uk/primo-explore/fulldisplay?docid=oxfaleph019990639&context=L&vid=SOLO&search_scope=LSCOP_ALL&isFrbr=true&tab=local&lang=en_US.

PWC (2012) 'A new Higher Apprenticeship for the professional services Taking Apprentices to chartered status in Accountancy, Audit and Tax', *PriceWaterhouseCoopers*. Available at: https://www.pwc.co.uk/assets/pdf/higher-apprenticeships-level-7-flyer.pdf (Accessed: 7 April 2023).

Quality and Performance Improvement Division (1997) *A stocktake of education business link mechanisms*.

Raffe, D. (2006) 'The Context of the Youth Training Scheme: an analysis of its strategy and development', *British Journal of Education and Work*, 1(1), pp. 1–31.

Rare (2022) *Rare | Clients | Diversity Graduate Recruitment*. Available at: https://www.rarerecruitment.co.uk/clients/ (Accessed: 31 August 2022).

RARE (2022) *Rare Foundations | Law*. Available at: https://www.rarerecruitment.co.uk/foundations/law/index.html (Accessed: 11 February 2022).

Reay, D. (1998) '"Always knowing" and "never being sure": familial and institutional habituses and higher education choice', *Journal of Education Policy*, 13(4), pp. 519–529. Available at: https://doi.org/10.1080/0268093980130405.

Reay, D. (2006) 'THE ZOMBIE STALKING ENGLISH SCHOOLS: SOCIAL CLASS AND EDUCATIONAL INEQUALITY', *British Journal of Educational Studies*, 54(3), pp. 288–307. Available at: https://doi.org/10.1111/j.1467-8527.2006.00351.x.

Reay, D. (2016) 'Social class in UK higher education: Still an elephant in the room', *Routledge Handbook of the Sociology of Higher Education*, pp. 131–141. Available at:

https://doi.org/10.4324/9781315772233-12/SOCIAL-CLASS-UK-HIGHER-EDUCATION-DIANE-REAY.

Reay, D. (2018) 'Working class educational transitions to university: The limits of success', *European Journal of Education*, 53(4), pp. 528–540. Available at: https://doi.org/10.1111/ejed.12298.

Reay, D. (2020) 'Sociology of education: a personal reflection on politics, power and pragmatism', *British Journal of Sociology of Education*, 41(6), pp. 817–829. Available at: https://doi.org/10.1080/01425692.2020.1755228.

Reay, D. (2021) 'The working classes and higher education: Meritocratic fallacies of upward mobility in the United Kingdom', *European Journal of Education*, 56(1), pp. 53–64. Available at: https://doi.org/10.1111/ejed.12438.

Reay, D., Crozier, G. and Clayton, J. (2010) '"Fitting in" or "standing out": Working-class students in UK higher education', *British Educational Research Journal*, 36(1), pp. 107–124. Available at: https://doi.org/10.1080/01411920902878925.

Reidy, T. (2017) 'What does the new solicitor super-exam mean for trainees?', *The Guardian*, 2 May. Available at: https://www.theguardian.com/law/2017/may/02/what-does-the-new-solicitor-super-exam-mean-for-trainees (Accessed: 7 April 2023).

Relly, S.J. (2021) 'To cite this article: Susan James Relly (2021) The political rhetoric of parity of esteem', *Oxford Review of Education*, 47(4), pp. 513–528. Available at: https://doi.org/10.1080/03054985.2020.1866522.

Rhodes, R., Alley, T. and Bungay, M. (2021) 'OFSTED CRITERIA British Values and Safeguarding'.

Richard, D. (2012) *The Richard Review of Apprenticeships*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/34708/richard-review-full.pdf (Accessed: 24 July 2020).

Richmond, T. (2020) *Runaway training: Why the apprenticeship levy is broken and how to fix it*. Available at: www.edsk.org (Accessed: 1 November 2020).

Richmond Tom (2018) *The introduction of the levy has diminished the quality of apprenticeships. Part 5*, *FE News*.

Rivera, L.A. (2012) 'Diversity within Reach', *The Annals of the American Academy of Political and Social Science*, 639(1), pp. 71–90. Available at: https://doi.org/10.1177/0002716211421112.

Roberts, A., Storm, M. and Flynn, S. (2019) 'Workplace mentoring of degree apprentices: developing principles for practice', *Higher Education, Skills and Work-Based Learning*, 9(2), pp. 211–224. Available at: https://doi.org/10.1108/HESWBL-10-2018-0108.

Rolfe, H. and Anderson, T. (2002) *A firm decision: the recruitment of trainee solicitors*. London: Law Society (Research study (Law Society (Great Britain)) ; 42).

Rowe, L., Perrin, D. and Wall, T. (2016) 'The Chartered Manager Degree Apprenticeship: trials and tribulations', *Higher Education, Skills and Work-Based Learning*, 6(4), pp. 357–369. Available at: https://doi.org/10.1108/HESWBL-05-2016-0034.

Sabahipour, I. (2021) *How to pass a law firm's video interview. - YouTube*, *YouTube*. Available at: https://www.youtube.com/watch?v=LvuabPxfn8s (Accessed: 11 October 2022).

Sandel, M.J. (2020) *The tyranny of merit : what's become of the common good?* London: Penguin.

Sandhu, B. (2009) *British Medical Association Equality and diversity in UK medical schools Equality and diversity in UK medical schools*. London: BMA Marketing and Publications.

Saunders, P. (1996) *Unequal but fair? : a study of class barriers in Britain*. London: IEA Health and Welfare Unit (Choice in welfare ; 28). (Choice in welfare ; 28).

Savage, M. (1988) 'The Missing Link? The relationship between Spatial Mobility and Social Mobility', *The British Journal of Sociology*, 39(4), pp. 554–577.

Saville, K.-M.; *et al.* (2019) 'Using Strengths-Based Approaches to Fulfil Academic Potential in Degree Apprenticeships', *Higher Education, Skills and Work Based Learning*, 10(4), pp. 659. – 671.

Seagraves, L. *et al.* (1996) *Learning in Smaller companies*. Stirling University. Available at: https://files.eric.ed.gov/fulltext/ED415350.pdf (Accessed: 18 October 2023).

Secretary of State for levelling up (2022) *Levelling Up the United Kingdom*. Available at: www.gov.uk/official-documents (Accessed: 9 December 2022).

Simmons, R. (2019) *Number of solicitor apprentices at UK200 firms doubles in a year*, *The Lawyer*. Available at: https://www.thelawyer.com/legal-apprentices-2019/ (Accessed: 25 March 2022).

Skills Commission (2019) *Spotlight on...Apprenticeships and Social Mobility | Policy Connect*, *Skills Commission*. Available at: https://www.policyconnect.org.uk/research/spotlight-onapprenticeships-and-social-mobility (Accessed: 10 June 2022).

Slater, S. (2022) *SMEs are key to unlocking apprenticeships for disadvantaged young people – FE News*, *FE News*. Available at: https://www.fenews.co.uk/exclusive/smes-are-key-to-unlocking-apprenticeships-for-disadvantaged-young-people/ (Accessed: 7 September 2022).

Slingo, J. (2020a) *City firms too impressed by Russell Group degrees, says mobility group | News | Law Gazette*, *Law Society Gazette*. Available at:

https://www.lawgazette.co.uk/news/city-firms-too-impressed-by-russell-group-degrees-says-mobility-group/5106385.article (Accessed: 7 April 2022).

Slingo, J. (2020b) *DWF to replace training contracts with SQE apprenticeship scheme | News | Law Gazette*, *Law Gazette*. Available at: https://www.lawgazette.co.uk/news/dwf-to-replace-training-contracts-with-sqe-apprenticeship-scheme-/5105842.article (Accessed: 2 November 2020).

Slingo, J. (2020c) *Firms drop A-level requirements | News | Law Gazette*, *Law Society Gazette*. Available at: https://www.lawgazette.co.uk/news/firms-drop-a-level-requirements-/5105368.article (Accessed: 3 August 2022).

Slingo, J. (2021a) *A&O creates solicitor route for school leavers | News | Law Gazette*, *Law Society Gazette*. Available at: https://www.lawgazette.co.uk/news/aando-creates-solicitor-route-for-school-leavers-/5108949.article (Accessed: 22 August 2022).

Slingo, J. (2021b) *CILEX lawyers 'bullied and belittled by solicitors' | News | Law Gazette*. Available at: https://www.lawgazette.co.uk/news/cilex-lawyers-bullied-and-belittled-by-solicitors-/5110064.article (Accessed: 22 February 2022).

Slingo, J. (2021c) *Law firms 'abusing training levy' | News | Law Gazette*, *Law Gazette*. Available at: https://www.lawgazette.co.uk/news/law-firms-abusing-training-levy/5107322.article (Accessed: 11 August 2022).

Smith, C. (2015) *City lawyers warn against SRA apprenticeship plans | News | Law Gazette*, *Law Society Gazette*. Available at: https://www.lawgazette.co.uk/law/city-lawyers-warn-against-sra-apprenticeship-plans/5049417.article (Accessed: 16 August 2022).

Smith, C. (2016) *Two magic circle firms rule out legal apprenticeships | News | Law Gazette*, *Law Gazette*. Available at: https://www.lawgazette.co.uk/practice/two-magic-circle-firms-rule-out-legal-apprenticeships/5054891.article (Accessed: 18 January 2023).

Smith, S. *et al.* (2021) ‘A multi-institutional exploration of the social mobility potential of degree apprenticeships’, *Journal of Education and Work*, 34(4), pp. 488–503. Available at: https://doi.org/10.1080/13639080.2021.1946494.

Social Mobility Commission (2021) *Apprenticeships that work for all*. Available at: www.gov.uk/government/organisations/social-mobility-commission (Accessed: 1 April 2022).

Social Mobility Foundation (2022) *Home Page - Social Mobility Foundation*. Available at: https://www.socialmobility.org.uk/ (Accessed: 17 August 2022).

Soedirgo, J. and Glas, A. (2020) ‘Toward Active Reflexivity: Positionality and Practice in the Production of Knowledge’, *PS, Political Science & Politics*, 53(3), pp. pp527-531. Available at: https://doi.org/10.1017/S1049096519002233.

Sommerlad, H. *et al.* (2010) *Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices*. London: University of Westminster.

Spours, K., Grainger, P. and Vigurs, C. (2022) ‘“We are all in the same storm but not in the same boat”: the COVID pandemic and the Further Education Sector’, *Journal of Education and Work*, 35(8), pp. 782–797. Available at: https://doi.org/10.1080/13639080.2022.2149715.

SRA (2010) *SRA | SRA response - Final report of the Panel on Fair Access to the Professions | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/sra/consultations/consultation-responses/final-report-panel-on-fair-access-to-the-professions/ (Accessed: 23 July 2020).

SRA (2014a) *SRA | Authorised training providers requirements | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part5/ (Accessed: 7 September 2022).

SRA (2014b) *Trailblazer apprenticeships*. Available at: www.gov.uk/bis (Accessed: 17 July 2020).

SRA (2015) *SRA | Statement of solicitor competence | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/ (Accessed: 28 January 2022).

SRA (2017a) *A new route to qualification: the Solicitors Qualifying Examination Consultation on a proposal to introduce the Solicitors Qualifying Examination: Consultation responses*.

SRA (2017b) *A new route to qualification: The Solicitors Qualifying Examination (SQE) Summary of responses and our decision on next steps*.

SRA (2017c) *Consultation A new route to qualification: Consultation responses*. Available at: https://www.sra.org.uk/globalassets/documents/sra/consultations/sqe2-consultation-responses-list.pdf?version=4a1acd (Accessed: 24 July 2020).

SRA (2017d) *SRA | Mapping advantages and disadvantages: Diversity in the legal profession in England and Wales | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/sra/research-publications/diversity-legal-profession/ (Accessed: 16 August 2022).

SRA (2018) *The business case for diversity*, *SRA*. Available at: https://www.sra.org.uk/globalassets/documents/sra/research/risk-business-case-diversity.pdf?version=4a1ac3 (Accessed: 8 April 2022).

SRA (2019a) *SRA | Legal Practice Course Information Pack | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/students/resources/legal-practice-course-information-pack/ (Accessed: 1 November 2020).

SRA (2019b) *SRA | Your period of recognised training | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/trainees/period-recognised-training/your-period-recognised-training/ (Accessed: 24 July 2020).

SRA (2020a) *SRA | Diversity and inclusion | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/sra/jobs/diversity-inclusion/ (Accessed: 14 July 2020).

SRA (2020b) *SRA | Trailblazer solicitor apprenticeship | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/students/resources/solicitor-apprenticeship-qa/ (Accessed: 21 July 2020).

SRA (2021a) *Dates and Locations | SQE | Solicitors Regulation Authority*. Available at: https://sqe.sra.org.uk/exam-arrangements/dates-and-locations (Accessed: 8 April 2022).

SRA (2021b) *SRA | Education and Training | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/sra/research-publications/education-and-training/ (Accessed: 16 August 2022).

SRA (2021c) *SRA | How diverse is the solicitors' profession? | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/ (Accessed: 16 August 2022).

SRA (2021d) *SRA | Statement of legal knowledge | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/statement-legal-knowledge/ (Accessed: 3 May 2023).

SRA (2022a) *SRA | Becoming a solicitor | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/become-solicitor/ (Accessed: 28 January 2022).

SRA (2022b) *SRA | Degree or equivalent | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/become-solicitor/sqe/degree-equivalent/ (Accessed: 28 January 2022).

SRA (2022c) *SRA | Equivalent Means | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/become-solicitor/legal-practice-course-route/equivalent-means-information-pack/ (Accessed: 28 January 2022).

SRA (2022d) *SRA | How diverse are law firms? | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/sra/equality-diversity/archive/law-firms-2017/ (Accessed: 17 March 2022).

SRA (2022e) *SRA | Legal Practice Course (LPC) providers | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/become-solicitor/legal-practice-course-route/lpc/lpc-course-providers/ (Accessed: 14 April 2022).

SRA (2022f) *SRA | Solicitors Qualifying Examination (SQE) route | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/become-solicitor/sqe/ (Accessed: 5 September 2022).

SRA (2022g) *SRA | Statement of solicitor competence | Solicitors Regulation Authority*. Available at: https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/ (Accessed: 3 May 2023).

Staton, B. (2022) *Apprenticeships in England deliver lowest quality of further education, analysis finds | Financial Times*, *Financial Times*. Available at: https://www.ft.com/content/d7b5c53b-afee-4e03-a161-037c8829bdc8 (Accessed: 31 January 2023).

Stewart, K. and Waldfogel, J. (2017) *Closing Gaps Early - Sutton Trust*. Available at: https://www.suttontrust.com/our-research/closing-gaps-early-parenting-policy-childcare/ (Accessed: 4 August 2022).

St Martins (2022) 'Apprenticeship Outcomes and Destinations'. Available at: https://stmartinsgroup.org/apprenticeship-outcomes-and-destinations/ (Accessed: 29 November 2022).

Strauss, D. (2021) *UK employers lose £2bn in unspent apprenticeship levy funds | Financial Times*, *Financial Times*. Available at: https://www.ft.com/content/e1b41e13-1001-4114-a941-4aac45249897 (Accessed: 26 January 2022).

Straw, S. and Sims, D. (2019) *T Levels Research: How Are Providers Preparing for Delivery? National Foundation for Educational Research (NFER) T Levels Research: How Are Providers Preparing For Delivery? Follow-Up Report*.

Stuart, M. (2012) *Social Mobility and Higher Education*. First. London: Trentham, Institute of Education.

Suddaby, R. (2006) 'From the editors: What grounded theory is not', *Academy of Management Journal*. Academy of Management, pp. 633–642. Available at: https://doi.org/10.5465/AMJ.2006.22083020.

Sullivan, W.M. *et al.* (2007) *Educating Lawyers: Preparation for the Profession of Law*. Available at: http://archive.carnegiefoundation.org/publications/pdfs/elibrary/elibrary_pdf_632.pdf (Accessed: 12 May 2022).

Susskind, R.E. (2017) *Tomorrow's lawyers : an introduction to your future*. Second edition. Oxford: Oxford University Press.

Sutton Trust (2020) *Sutton Trust - Explore the legal profession with Pathways to Law*. Available at: https://www.suttontrust.com/our-programmes/pathways-to-law/ (Accessed: 24 July 2020).

The Law Society (2021) *We must do more to encourage social mobility in the legal profession*. Available at: https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/we-must-do-more-to-encourage-social-mobility-in-the-legal-profession (Accessed: 23 December 2022).

The Lawyer Portal (2020) *Legal Apprenticeships Q&A: How to Become a Legal Apprentice - YouTube*, *YouTube*. Available at: https://www.youtube.com/watch?v=C4mAeilGZIQ (Accessed: 11 October 2022).

The Office for Students (2018) *Supporting social mobility through higher education access, success and progression*. Available at: https://www.ippr.org/research/publications/managing-automation (Accessed: 14 November 2023).

The O Shaped Lawyer (2020) *Transforming the Training & Development of Lawyers*. Available at: https://www.oshapedlawyer.com/ (Accessed: 19 October 2022).

Thompson, D.W. (2019) 'Widening participation research and practice in the United Kingdom on the twentieth anniversary of the Dearing report, reflections on a changing landscape', *Educational Review*, 71(2), pp. 182–197. Available at: https://doi.org/10.1080/00131911.2017.1380606.

Thomson, P. and Walker, M. (2010) *The Routledge doctoral student's companion : getting to grips with research in education and the social sciences*. London: Routledge.

Tracy, S.J. (2013) *Qualitative research methods: collecting evidence, crafting analysis, communicating impact*. e-book. Oxford: Wiley Blackwell.

Turner, J. (2022) *Augar report: We need many, many more high-quality alternatives to university – FE News*, *FE News*. Available at: https://www.fenews.co.uk/exclusive/augar-report-we-need-many-many-more-high-quality-alternatives-to-university/ (Accessed: 12 May 2022).

Uberoi, L. (2020) *Who cares wins: environmental, social and governance 15 years on | The Law Society*. Available at: https://www.lawsociety.org.uk/en/topics/junior-lawyers/blogs/who-cares-wins-environmental-social-and-governance-15-years-on (Accessed: 1 April 2022).

UCAS (2019) *Apprenticeship entry requirements in England*, *UCAS*. Available at: https://www.ucas.com/alternatives/apprenticeships/apprenticeships-england/entry-requirements-apprenticeships-england (Accessed: 12 August 2020).

UCAS (2022a) *Degree Apprenticeships*, *https://www.ucas.com/apprenticeships/what-you-need-know-about-apprenticeships/degree-apprenticeships-0*.

UCAS (2022b) *Law*. Available at: https://www.ucas.com/explore/subjects/law (Accessed: 26 October 2022).

UCAS (2022c) *UCAS Tariff Points - Calculate Your Entry Requirements*. Available at: https://www.ucas.com/ucas/tariff-calculator (Accessed: 4 August 2022).

UCAS (2023) *Law*. Available at: https://www.ucas.com/explore/subjects/law (Accessed: 12 January 2023).

University of Oxford (2021) *University of Oxford Levy Transfer to Aspire Oxford | Oxford University Jobs*. Available at: https://www.jobs.ox.ac.uk/university-of-oxford-levy-transfer-to-aspire-oxford (Accessed: 15 December 2023).

upReach (2022) *upReach: Transforming Social Mobility*, *https://upreach.org.uk/*.

Vogl, S. *et al.* (2018) 'Developing an analytical framework for multiple perspective, qualitative longitudinal interviews (MPQLI)', *International Journal of Social Research Methodology*, 21(2), pp. 177–190. Available at: https://doi.org/10.1080/13645579.2017.1345149.

Vogl, S., Schmidt, E.-M. and Zartler, U. (2019) 'Triangulating perspectives: ontology and epistemology in the analysis of qualitative multiple perspective interviews', *International Journal of Social Research Methodology*, 22(6), pp. 611–624. Available at: https://doi.org/10.1080/13645579.2019.1630901.

Wakeling, P. and Savage, M. (2015) ‘Entry to Elite Positions and the Stratification of Higher Education in Britain’, *The Sociological Review*, 63(2), pp. 290–320. Available at: https://doi.org/10.1111/1467-954X.12284.

Waller, R., Ingram, N. and Ward, M.R.M. (2017) *Higher Education and Social Inequalities : University Admissions, Experiences, and Outcomes*. 1st edn. (Sociological Futures).

Wallis, P. (2019) ‘Apprenticeship in England’, in *Apprenticeship in Early Modern Europe*. Cambridge University Press, pp. 247–281. Available at: https://doi.org/10.1017/9781108690188.010.

Wang, Z. and Crawford, I. (2019) ‘Who are gaining the highly paid elite placements in UK higher education?’, *Studies in Higher Education*, 44(11), pp. 1960–1974. Available at: https://doi.org/10.1080/03075079.2018.1476482.

Way, R. *et al.* (2022) *Returning to the workplace – the motivations and barriers for people aged 50 years and over, Great Britain - Office for National Statistics*, *Office for National Statistics*. Available at: https://www.ons.gov.uk/employmentandlabourmarket/peoplenotinwork/economicinactivity/articles/returningtotheworkplacethemotivationsandbarriersforpeopleaged50yearsandovergreatbritain/august2022 (Accessed: 31 January 2023).

WBCSD (1999) ‘World Business Council for Sustainable Development-Corporate Social Responsibility Catalyst towards for change sustainable development World Business Council for Sustainable Development-Corporate Social Responsibility’.

Wenger, E. (1998) ‘Communities of Practice’. Available at: https://doi.org/10.1017/CBO9780511803932.

Wenger, E. (1999) *Communities of practice: learning, meaning, and identity*. Cambridge (Learning in doing).

Westwood, F. and Barton, K. (2015) ‘The calling of law : the pivotal role of vocational legal education’, *The Law Teacher*, 49(2), pp. 270–271.

Whieldon, F. (2019) *Stop levy funding for level 6 and 7 apprenticeships: AELP*, *FE Week*. Available at: https://feweek.co.uk/stop-levy-funding-for-all-level-6-and-7-apprenticeships-demands-training-providers/ (Accessed: 23 March 2022).

Whittaker, F. (2016) *Skills minister Halfon apprenticeship levy gaming fears*, *FE News*. Available at: https://feweek.co.uk/halfon-plays-down-apprenticeship-levy-gaming-fears/ (Accessed: 13 September 2022).

Wolf, A. (2015) *Issues and ideas Heading for the precipice: Can further and higher education funding policies be sustained?* London.

Wright, E. and Mulvey, B. (2021) ‘Internships and the graduate labour market: how upper-middle-class students “get ahead”’, *https://ezproxy-prd.bodleian.ox.ac.uk:2102/10.1080/01425692.2021.1886051*, 42(3), pp. 339–356. Available at: https://doi.org/10.1080/01425692.2021.1886051.

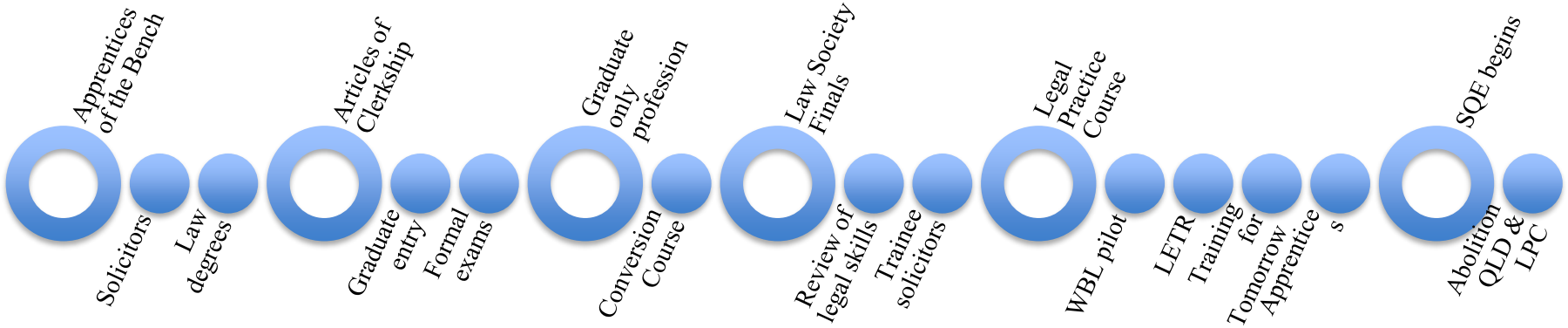
Wright, O. and Zeffman, H. (2022) *Rishi Sunak encourages over-50s to end early retirement | News | The Times*. Available at: https://www.thetimes.co.uk/article/rishi-sunak-encourages-over-50s-to-end-early-retirement-q2v6psm6j (Accessed: 31 January 2023).

Young, M. (2001) ‘Down with meritocracy’, *The Guardian*, 29 June. Available at: https://www.theguardian.com/politics/2001/jun/29/comment (Accessed: 7 April 2023).

Young, M. (2017) *The Rise of the Meritocracy*. Oxford: Routledge.

Appendices

Appendix One: Qualification as a Solicitor: Timeline from 1280 to 2021



Dates and details of key events

1. 1280 first recorded law schools to educate the Apprentices of the Bench. Apprenticeships were typically seven years long and included time spent in court. Final assessment was by way of performance before a group of other lawyers.

2. 'Solicitors for causes' emerged in the fifteenth century and became established in London. By the eighteenth century, solicitors were established as recognised professionals outside London, away from the Inns of Court.

3. Law was first recorded as a subject of study at Oxford in 1753, taught by William Blackstone. Cambridge and Trinity College Dublin then introduced their own law teaching. The areas taught focused on jurisprudence, canon law and Roman law. In 1828, Andrew Amos began teaching common law, combining theory with practice. The first common law degree was awarded in 1839.

4. Articles of clerkship of at least five years were served by all solicitors in order for them to qualify and be placed on the Roll of Solicitors, a record of qualification as a solicitor brought in by the Attorneys and Solicitors Act 1728, which is still maintained today.

5. From 1843, articles could be reduced to three years for graduates from selected universities only. Graduates of Oxford, Cambridge, Dublin, London and Durham were considered of sufficient standing to merit the reduction in the period of training. The standard period of articles remained five years, although the 'ten year man', who had been carrying on the work of a clerk for that period of time, but not officially in the role of an articled clerk, could be admitted to the profession if they served three years as an 'official' articled clerk.

6. From 1836, the Law Society of England and Wales began setting examinations for those seeking to qualify. In 1877, the Solicitors Act formalised the requirement for intending solicitors to pass assessments set by the Law Society.

7. From 1976, subject to transitional provisions, a degree or a level 6 professional qualification was required to enter the profession.

8. From 1977, the Common Professional Course was available to provide a conversion course for graduates of disciplines other than law who wished to qualify as solicitors.

9. From 1979 until 1993, professional examinations in the form of Law Society Finals were compulsory for all solicitors.
10. Consultation with the legal profession began; this ultimately led to the introduction of a new course, which included skills assessment, in 1993/4.
11. 1990 articled clerks replaced by trainee solicitors, fixing the period of training at two years.
12. 1993 Legal Practice Course introduced, including skills teaching and assessments
13. 2008-2010 SRA work based learning pilot
14. 2013 Legal Education and Training Review published, recommending changes to the LPC and the introduction of apprenticeships
15. 2013 SRA launched their Training for Tomorrow consultation exercise
16. 2015 Introduction of solicitor apprenticeships as part of the Trailblazer initiative
17. 2021 Solicitors Qualification Examination begins. Anyone starting a law degree or a conversion course after September 2021 will be required to take the SQE Parts I and II and undertake a two year period of qualifying work experience.
18. 2021 – 2032 Abolition of QLD and LPC. The former qualifications will be phased out, with 2032 being the last date to qualify under the old regime.

Appendix Two: Standards for Solicitors and Solicitor Apprentices

Statement of legal knowledge: Updated February 2021

About the statement of legal knowledge

The Statement of Legal Knowledge sets out the knowledge that solicitors are required demonstrate at the point of qualification. This matches the Solicitors Qualifying Examination (SQE) Assessment Specification for SQE1 [/sra/policy/solicitors-qualifying-examination/archive/sqe1- functioning-legal-knowledge-assessment-specification/] , and covers the following areas, as well as Ethics and professional conduct.

1. Business Law and Practice; Dispute Resolution; Contract; Tort; Legal System of England and Wales; Constitutional and Administrative Law and EU Law and Legal Services.
2. Property Practice; Wills and the Administration of Estates; Solicitors Accounts; Land Law; Trusts; Criminal Law and Practice.

Ethics and professional conduct

The ability to act honestly and with integrity, and in accordance with the SRA Standards and Regulations as follows:

The purpose, scope and content of the SRA Principles

- The purpose, scope and content of the:
- SRA Code of Conduct for Solicitors, RELs and RFLs
- SRA Code of Conduct for Firms in relation to:
    - Managers in authorised firms
    - Compliance Officers.

1. Business Law and Practice; Dispute Resolution; Contract; Tort; Legal System of England and Wales; Constitutional and Administrative Law and EU Law and Legal Services

Business Law and Practice

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. Starting a new business through the vehicle of a company, partnership, LLP or as a sole trader.
2. The management of a business and company decision making to ensure compliance with statutory and other legal requirements.
3. The interests, rights, obligations and powers of stakeholders in a business.
4. Financing a business.
5. Taxation of a business and its stakeholders.
6. The termination of a solvent business, corporate insolvency and personal bankruptcy.

Dispute Resolution

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. Analysis of merits of claim or defence.
2. Arbitration, mediation and litigation as an appropriate mechanism to resolve a dispute.
3. Pre-action considerations and steps.
4. Commencing, responding to or progressing a claim.
5. Case management and any interim applications relevant to a claim.
6. The evidence needed and disclosure steps required in commencing, responding to, progressing or defending a claim.
7. Preparation of a case for a trial, the trial and any post trial steps.
8. Procedures and processes relevant to costs involved in dispute resolution.

Contract

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. Existence/formation of a contract.
2. Contents of a contract.
3. Causation and remoteness.
4. Vitiating elements.
5. Discharge of contract and remedies.
6. Unjust enrichment.

Tort

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. Negligence.
2. Remedies and defences.
3. Occupiers' liability.
4. Product liability.
5. Nuisance and the rule in Rylands v Fletcher.

The Legal System

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. The Legal System of England and Wales and Sources of law.
2. Constitutional and Administrative law and EU law.
3. Legal services.

Legal Knowledge: Business Law and Practice; Dispute Resolution; Contract; Tort; Legal System of England and Wales; Constitutional and Administrative Law and EU Law and Legal Services

Business organisations, rules and procedures

(Excluding the Listing, Prospectus, Disclosure Guidance and Transparency Rules and any other FCA, London Stock Exchange, market rules or codes)

Business and organisational characteristics (sole trader/partnership/LLP/private and unlisted public companies).
Legal personality and limited liability.

Procedures and documentation required to incorporate a company/form a partnership/LLP and other steps required under companies and partnerships legislation to enable the entity to commence operating:

- constitutional documents
- Companies House filing requirements.

Finance:

- funding options: debt and equity
- types of security
- distribution of profits and gains
- financial records, information and accounting requirements.

Corporate governance and compliance:

- rights, duties and powers of directors and shareholders of companies
- company decision-making and meetings: procedural, disclosure and approval requirements documentary, record-keeping, statutory filing and disclosure requirements
- appointment and removal of directors
- minority shareholder protection.

Partnership decision-making and authority of partners:

- procedures and authority under the Partnership Act 1890
- common provisions in partnership agreements.

Insolvency (corporate and personal):

- options and procedures - CVA/IVA, bankruptcy, administration, fixed asset receivership, voluntary and compulsory liquidation
- claw-back of assets for creditors – preferences, transactions at an undervalue, fraudulent and wrongful trading, setting aside a floating charge
- order of priority for distribution to creditors.

Taxation - business

Income Tax:

- chargeable persons/entities (employees, sole traders, partners, shareholders, lenders and debenture holders)
- basis of charge (types of income/main reliefs and exemptions) the charge to tax: calculation and collection
- the scope of anti-avoidance provisions.

Capital Gains Tax:

- chargeable persons/entities (sole traders, partners, and shareholders)
- basis of charge (calculation of gains/allowable deductions/main reliefs and exemptions) the charge to tax: calculation and collection
- the scope of anti-avoidance provisions.
-

Corporation Tax:

- basis of charge
- calculation, payment and collection of tax
- tax treatment of company distributions or deemed distributions to shareholders outline of anti-avoidance legislation.

Value Added Tax:

- key principles relating to scope, supply, input and output tax
- registration requirements and issue of VAT invoices
- returns/payment of VAT and record keeping.

Inheritance Tax:

- business property relief.

The principles, procedures and processes involved in dispute resolution

Different options for dispute resolution:

- The characteristics of arbitration, mediation and litigation which make them an appropriate
- mechanism to resolve a dispute.
- Resolving a dispute through a civil claim:
- preliminary considerations: limitation, pre-action protocols:
- parties and causes of action

- calculating limitation periods for claims in contract and tort
- Practice Direction – pre-action conduct
- principles and purpose of pre-action protocols governing particular claims and consequences for failure to follow their terms
- applicable law: mechanisms to determine which country's laws apply to a contractual or tortious claim issued in the courts of England and Wales
- jurisdiction: mechanisms to determine jurisdiction over an international contractual or tortious claim.

Where to start proceedings:

- allocation of business between the High Court and the county court jurisdiction of the specialist courts.
- Issuing and serving proceedings:
- issuing a claim form
- adding, removing or substituting parties
- service of a claim form within the jurisdiction
- procedure for service of a claim form outside the jurisdiction (with or without the court's permission) and mechanisms for effecting valid service in another jurisdiction
- deemed dates of service and time limits for serving proceedings service by an alternative method.

Responding to a claim:

- admitting the claim
- acknowledging service and filing a defence and/or counterclaim disputing the court's jurisdiction
- entering and setting aside judgment in default
- discontinuance and settlement
- time limits for responding to a claim.

Statements of case:

- purpose, structure and content of a claim form, particulars of claim, or defence relating to a claim in contract or tort
- purpose, structure and content of a reply, Part 20 claim, or defence to Part 20 claim requests for further information about statements of case
- amendments.

Interim applications:

- procedure for making an application
- purpose, procedure and evidence required for particular applications:
- summary judgment
- interim payments
- interim injunctions.

Case management:

- the overriding objective
- track allocation
- case management directions for cases proceeding on the fast or multi-tracks non-compliance with orders, sanctions and relief
- costs and case management conferences.

Evidence:

- relevance, hearsay and admissibility
- the burden and standard of proof
- expert evidence –
    - opinion evidence
    - duties of experts
    - single joint experts
    - discussion between experts
- witness evidence –
    - witness statements
    - affidavits.

Disclosure and inspection:

- standard disclosure
- orders for disclosure
- specific disclosure
- pre-action and non-party disclosure electronic disclosure
- privilege and without prejudice communications
- waiver of privilege.

Trial:

- summoning witnesses
- preparations for trial -
    - purpose of pre-trial checklists and hearings
    - purpose of trial bundles.
- trial procedure
- the nature and effect of judgment.

Costs:

- costs management and budgeting inter-partes costs orders (interim and final)
- non-party costs
- qualified one-way costs shifting
- Part 36 and other offers
- security for costs
- fixed and assessed costs.

Appeals:

- permission
- destination of appeals
- grounds for appeals.

Enforcement of money judgments:

- oral examination
- methods of enforcement
- procedure and mechanisms for effecting valid enforcement in another jurisdiction.

Core principles of contract law

Formation:

- offer and acceptance
- consideration
- intention to create legal relations
- certainty
- capacity.

Parties:

- privity of contract
- rights of third parties.

Contract terms:

- express terms
- incorporation of terms
- terms implied by common law and statute
- exemption clauses
- the interpretation of contract terms (conditions, warranties and innominate terms)
- variation.

Vitiating factors:

- misrepresentation
- mistake
- unfair contract terms duress and undue influence
- illegality.

Termination:

- expiry or other specified event
- breach
- frustration
- basic principles of restitution and unjust enrichment in the context of termination of contract.

Remedies:

- damages
- liquidated sums and penalties specific performance injunctions
- duty to mitigate
- indemnities
- guarantees.

Causation and remoteness

Core principles of tort

Negligence:

- duty of care (standard (general and professional)) and breach
- causation (single and multiple)
- remoteness and loss
- principles of remedies for personal injury and death claims
- claims for pure economic loss arising from either a negligent act or misstatement claims for psychiatric harm
- employers' primary liability (operation and effect of the common law principles).

Defences:

- consent
- contributory negligence
- illegality
- necessity.

Principles of vicarious liability

Occupiers' Liability:

- legal requirements for a claim under the Occupiers' Liability Act 1957 (in relation to visitors) and the Occupiers' Liability Act 1984 (in relation to non-visitors)
- defences
- exclusion of liability.

Product liability:

- principles in negligence
- principles of the Consumer Protection Act 1987.

Nuisance:

- public and private nuisance
- the rule in Rylands v Fletcher
- remedies (damages and injunctions) and defences.

The legal system of England and Wales and sources of law

The courts:

- the judiciary
- court hierarchy, the appeal system and jurisdiction
- rights of audience.

Development of case law: the doctrine of precedent

Primary legislation: the structure of an act of Parliament

Statutory interpretation:

- the literal rule
- the golden rule
- the mischief rule
- the purposive approach
- presumptions
- aids to statutory interpretation and construction.

Constitutional and administrative law and EU law

Core institutions of the state and how they interrelate:

- parliament and parliamentary sovereignty
- central government and accountability
- status of the devolved institutions and their relationship with Westminster
- the monarch and the Crown
- the role of constitutional conventions
- prerogative power: relationship with legislation and constitutional conventions
- parliamentary privilege.

Legitimacy, separation of powers and the rule of law:

- powers and procedures for the enactment, implementation and repeal of primary and secondary legislation

Public Order law

- Processions
- Assemblies

- Breach of the peace

judicial review

- the nature, process and limits of judicial review
- supervisory nature
- remedies
- decisions which may be challenged standing
- time limits
- grounds:
- illegality
- irrationality
- procedural impropriety
- legitimate expectation.

Human Rights Act 1998 and the European Convention on Human Rights:

- ss.2, 3, 4, 6, 7, 8, 10 Human Rights Act 1998
- Schedule 1 HRA 1998 the "Convention Rights".

The place of EU law in the UK constitution:

- Sources of retained EU law
- Categories/status/interpretation of retained EU law
- Modification/withdrawal of retained EU law
- Parliamentary sovereignty and retained EU law.

Legal Services

The regulatory role of the SRA:

- principles and risk-based regulation
    - reserved legal activities
    - professional indemnity insurance
    - other regulated providers of legal services
- overriding legal obligations
    - The Equality Act 2010
    - money laundering

    - purpose and scope of anti-money laundering legislation including the international context
    - circumstances encountered in the course of practice where suspicion of money laundering should be reported in accordance with the legislation
    - the appropriate person or body to whom suspicions should be reported, the appropriate time for such reports to be made and the appropriate procedure to be followed
    - direct involvement and non-direct involvement offences, and defences to those offences under Proceeds of Crime Act 2002
    - due diligence requirements
- Financial services
- the financial services regulatory framework including authorisation, and how it applies to solicitors' firms
- recognition of relevant financial services issues, including the identification of specified investments, specified activities and relevant exemptions
- application of the Financial Services and Markets Act 2000 and related secondary legislation to the work of a solicitor
- appropriate sources of information on financial services.

Funding options for legal services:

- private retainer
- conditional fee arrangements damages based agreements
- fixed fees
- eligibility for criminal and civil legal aid
- third party funding
- legal expenses insurance.

2. Property Practice; Wills and the Administration of Estates; Solicitors Accounts; Land Law; Trusts; Criminal Law and Practice

Property Practice

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. The key elements of a freehold and/or leasehold residential or commercial property transaction.
2. Investigation of a registered or an unregistered freehold and/or leasehold title.
3. Pre-contract searches and enquiries undertaken when acquiring a freehold and/or leasehold property.
4. Steps in progressing a freehold and/or leasehold property transaction to exchange of contracts.
5. Pre-completion steps relevant to a freehold and/or leasehold property transaction.
6. Completion and post-completion steps relevant to a freehold and/or leasehold property transaction including remedies for delayed completion.
7. The grant and the assignment of a commercial lease and/or underlease.
8. The key lease covenants in a commercial lease and the law relating to their breach.
9. SecurityoftenureundertheLandlordandTenantAct1954PartII.
10. Taxation of property transactions through Stamp Duty Land Tax, Land Transaction Tax, Value Added Tax and Capital Gains Tax.

Wills and the Administration of Estates

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:
1. The validity of a will and interpretation of the contents of a will. The distribution of testate, intestate and partially intestate estates.
2. The law and practice in connection with an application for a grant of representation.
3. The law and practice of Inheritance Tax in the context of lifetime gifts and transfers on death.
4. The planning, management and progression of the administration of an estate including claims under the Inheritance (Provision for Family and Dependants) Act 1975.
5. The law and practice relating to personal representatives and trustees in the administration of estates and consequent trusts. The rights, powers and remedies of beneficiaries of wills and consequent trusts.

Solicitors Accounts

Application of relevant core principles of double entry bookkeeping and the SRA Accounts Rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:

1. Transactionsinvolvingclientmoneyandmoneybelongingtotheauthorised body.
2. Operation of ledgers and bank accounts; the payment of interest.
3. Breaches of the SRA Accounts Rules.
4. Accounting entries required; bills; obtaining and delivery of accountants' reports; obligations regarding record-keeping.

Land Law

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:
1. Registered and unregistered land.
2. Freehold and leasehold estates, and legal and equitable interests in land.
3. Landlord and tenant.
4. Co-ownership.

Trusts

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:
1. Express and implied trusts.
2. The fiduciary relationship.
3. Trustees' duties, powers and liability.
4. Equitable remedies.

Criminal Law and Practice

Application of relevant core legal principles and rules appropriately and effectively, at the level of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situations in the following areas:
1. The core principles of criminal liability including actus reus and mens rea, specific and general defences, and participation.
2. The law, procedure and processes involved in advising a client at the police station.
3. The law, procedure and processes involved in pre-trial considerations.
4. The law, procedure and processes involved to meet the client's objectives.

5. The law, procedure and processes involved in magistrates' court and Crown Court trials, including sentencing and appeals.

Legal Knowledge: Property Practice, Wills and the Administration of Estates, Solicitors Accounts, Land Law, Trusts, Criminal Law and Practice

Core knowledge areas of freehold real estate law and practice

Investigation of a registered and unregistered freehold title:

- key elements and structure of freehold property transactions
- process of analysing Land Registry official copy entries
- process of analysing an epitome of title and deducing ownership
- issues that could arise from an investigation of title and further action required
- purpose and process of reporting to the client.

Pre-contract searches and enquiries:

- range and purpose of making searches and raising enquiries
- who would make the searches and raise enquiries
- results of searches and enquiries.

Law Society Conveyancing Protocol

Finance:

- sources of finance for a property transaction
- types of mortgage.

Acting for a lender:

- lender's requirements
- purpose of a certificate of title.

Preparation for and exchange of contracts:

- key conditions contained in the:
    - Standard Conditions of Sale
    - Standard Commercial Property Conditions.
- purpose of, and matters covered by, special conditions
- methods of holding a deposit:
    - stakeholder

    - agent
- insurance and risk
- basics of VAT in a contract
- timing for issuing certificate of title to a lender the practice, method and authority to exchange
- consequences of exchange.

Pre-completion:

- form of transfer deed and formalities for execution
- pre-completion searches
- pre-completion steps.

Completion and post-completion:

- methods and effect of completion
- post-completion steps.

Remedies for delayed completion:

- common law damages
- contractual compensation
- notice to complete
- rescission.

Core knowledge areas of leasehold real estate law and practice

- Structure and content of a lease:
- repair
- insurance alterations
- user and planning
- rent and rent review
- alienation
- options for the term of a lease
- Code for Leasing Business Premises.

Procedural steps for the grant of a lease or underlease:

- drafting the lease
- purpose of an agreement for lease

- deduction of title
- pre-contract enquiries and searches
- pre-completion formalities
- completion and post-completion steps.

Procedural steps for the assignment of a lease:

- deduction of title
- pre-contract enquiries and searches
- landlord's consent
- deed of assignment and covenants for title
- pre-completion formalities
- authorised guarantee agreement
- completion and post-completion steps.

Licence to assign and licence to underlet:

- purpose of and who prepares the draft
- privity of contract and how the licence deals with this
- key provisions in the licence.

Leasehold covenants:

- liability on covenants in leases -
    - leases granted before 1 January 1996
    - leases granted on or after 1 January 1996

Remedies for breach of a leasehold covenant:

- action in debt
- forfeiture
- Commercial Rent Arrears Recovery
- pursue guarantors and/or rent deposit specific performance
- damages
- self-help/Jervis v Harris clause.

Termination of a lease:

- effluxion of time

- notice to quit
- surrender
- merger.

Security of tenure under a business lease:

- Landlord and Tenant Act 1954 (Part II) – application of 1954 Act
- renewal lease by the tenant
- termination by the landlord
- landlord's grounds of opposition
- terms of new lease
- availability of compensation.

Core principles of planning law

Statutory definition of "Development"

Matters that do not constitute "Development"

Matters that do not require express planning permission

Building regulation control

Enforcement: time limits and the range of local planning authority's enforcement powers

Taxation – property

Stamp Duty Land Tax and Land Transaction Tax:

- basis of charge in both England and Wales for:
  - residential property
  - non-residential freehold property.

Value Added Tax:

- basis of charge:
- what constitutes a taxable supply
- differences between standard, exempt and zero-rated supplies
- reasons why a client would make an option to tax and the effect that has.

Capital Gains Tax:

- basis of charge
- principal private dwelling-house exemption.

Wills and Intestacy

Validity of wills and codicils:

- testamentary capacity
- duress and undue influence
- formal requirements.

Personal Representatives:

- the appointment of executors
- renunciation and reservation of power.
- Alterations and amendments to wills:
- effect of alterations made to wills both before and after execution
- use of codicils.

Revocation of wills:

- methods of revocation
- effect of marriage and divorce of a testator.

The interpretation of wills:

- effect of different types of gift
- failure of gifts.

The intestacy rules:

- Section 46 of The Administration of Estates Act 1925
- the statutory trusts.

Property passing outside the estate:

- joint property
- life policies
- pension scheme benefits
- trust property.

Probate and Administration Practice

- Grants of representation:
- need for grant
- the relevant provisions of the Non-Contentious Probate Rules

- application procedure
- valuation of assets and liabilities
- excepted estates
- methods of funding the initial payment of Inheritance Tax
- burden and incidence of Inheritance Tax.

Administration of estates:

- duties of personal representatives
- liabilities of personal representatives and their protection
- the sale of assets to raise funds to pay funeral expenses, tax, debts and legacies
- distribution of the estate.

Claims against estates under the Inheritance (Provision for Family and Dependants) Act 1975:

- time limit
- applicants
- ground.

Taxation – wills and the administration of estates

Inheritance Tax:

- lifetime transfers that are immediately chargeable and those that are potentially exempt transfers on death
- exemptions and reliefs
- the scope of anti-avoidance provisions.

Income and Capital Gains Tax in respect of the period of the administration of an estate:

- The personal representatives’ liability to Income Tax and Capital Gains Tax
- the beneficiaries' liability to Capital Gains Tax on inherited assets.

Solicitors Accounts

Client money:

- definition
- requirement to pay client money into a client account
- circumstances in which client money may be withheld from a client account

- repayment
- accounting entries required.

Client account:

- meaning and name of account
- obligation not to use client account to provide banking facilities
- withdrawals and accounting entries required.

Requirement to keep client money separate from money belonging to the authorised body
Interest:

- requirement to pay interest on client money
- accounting entries required.

Breach of the SRA Accounts Rules:

- duty to correct breaches of SRA Accounts Rules promptly on discovery
- accounting entries required.

Requirement to keep and maintain accurate records in client ledgers, including requirement to carry out reconciliation of client accounts and to keep a record of bills to include:

- disbursements using the agency and principal methods
- transfers
- submission, reduction and payment of bills including the VAT element
- accounting entries required.

Operation of joint account; operation of a client's own account
Third-party managed accounts
Obtaining and delivery of accountants' reports; storage and retention of accounting records

Core principles of land law

Nature of Land:

- distinction between real property and personal property
- how to acquire and transfer legal and equitable estates
- how to acquire and dispose of legal and equitable interests in land
- methods to protect and enforce third party interests
- different ways in which land can be held

- legal formalities required to create and transfer interests and estates in land.

Title to Land:

- registration of title to land:
- estates that can be substantively registered
- how to protect interests
- interests that override registration and interests that need to be protected on the register
- core principles of unregistered title to land: role of title deeds
- Land Charges
- continuing role of doctrine of notice.

Co-ownership and Trusts

- differences between joint tenants and tenants in common in law and in equity
- rule of survivorship
- severance of joint tenancies
- solving disagreements between co-owners by reference to sections 14 and 15 of Trusts of Land & Appointment of Trustees Act 1996.

Proprietary Rights:

- essential characteristics of easements
- methods for creation of easements
- rules for the passing of the benefit and burden of freehold covenants
- mortgages, including enforceability of terms, priority of mortgages, lender's powers and duties, and protection of mortgagors and other third parties with an interest in the land.

Leases:

- relationship between landlord and tenant in a lease
- essential characteristics of a lease including the difference between a lease and a licence
- privity of contract and privity of estate
- rules for the passing of the benefit and burden of leasehold covenants and enforceability purpose and effect of an alienation covenant
- remedies for breach of leasehold covenants (including forfeiture)

- different ways a lease can be terminated.

Core principles of trust law

Creation and requirements of express trusts:

- the three certainties of intention, subject matter and objects:
    - fixed interest trusts
    - discretionary trusts
- formalities to create express inter vivos trusts
- constitution of express inter vivos trusts and exceptions to the rule that equity will not assist a volunteer.

Beneficial entitlement:

- fixed, discretionary, vested, contingent interests
- the rule in *Saunders v Vautier*.

The distinction between charitable trusts and non-charitable purpose trusts

Resulting trusts:

- how they arise and when they are (or are not) presumed.

Trusts of the family home:

- establishment of a common intention constructive trust:
    - legal title in the name of both parties/sole party
    - express declaration or agreement as to equitable ownership direct and indirect contributions
- requirements to establish proprietary estoppel.

Liability of strangers to the trust:

- establishing recipient liability
- establishing accessory liability.

The fiduciary relationship and its obligations:

- duty not to profit from fiduciary position
- trustees not to purchase trust property
- fiduciary not to put himself in a position where his interest and duty conflict.

Trustees:

- who can be a trustee; appointment, removal and retirement of trustees, trustees' duty of care
- trustees' duty to invest (and powers in relation to investment)
- trustees' statutory powers of maintenance and advancement.

Trustees' liability:

- breach of trust
- measure of liability
- protection of trustees
- limitation period.

The nature of equitable remedies and the availability of tracing in equity.

Core principles of criminal liability

The core principles of criminal liability relating to the specified criminal offences listed below:
Specified criminal offences:

- offences against the person: assault and battery
    - s. 47 Offences Against the Person Act 1861
    - s. 20 Offences Against the Person Act 1861
    - s. 18 Offences Against the Person Act 1861
- theft offences:
    - s. 1 Theft Act 1968
    - s. 8 Theft Act 1968
    - s. 9 Theft Act 1968
    - s. 10 Theft Act 1968
- criminal damage:
- simple criminal damage
- aggravated criminal damage
- arson
- homicide:
    - murder
    - voluntary manslaughter
    - involuntary manslaughter (unlawful act manslaughter, manslaughter by gross negligence)

- fraud:
    - by false representation
    - by abuse of position
    - by failing to disclose.

Definition of the offence:

- actus reus
- mens rea.

General defences:

- Intoxication
- self-defence/defence of another.

Partial defences:

- loss of control
- diminished responsibility.

Parties:

- principal offender
- accomplices
- joint enterprise.

Inchoate offences:

- Attempt to commit an offence.

Advising clients, including vulnerable clients, about the procedure and processes at the police station

Rights of a suspect being detained by the police for questioning:

- right to legal advice
- right to have someone informed of arrest
- reviews and detention time limits under PACE 1984, Code C.

Identification procedures:

- when an identification procedure must be held
- different types of identification procedure

- procedure for carrying out an identification procedure PACE 1984, Code D.

Advising a client, including vulnerable clients, whether to answer police questions:

- right to silence
- adverse inferences.

Procedure for interviewing a suspect under PACE 1984:

- role and appropriate conduct by defence legal representative/ solicitor including representation of vulnerable client
- role of appropriate adult and who can be an appropriate adult.

The procedures and processes involved in criminal litigation

Bail applications:

- the right to bail and exceptions
- conditional bail
- procedure for applying for bail
- further applications for bail
- appeals against decisions on bail
- absconding and breaches of bail.

First hearings before the magistrates' court:

- classification of offences
- applying for a representation order
- procedural overview – what will happen at the hearing
- the role of the defence solicitor at the hearing.

Plea before Venue:

- procedure on defendant entering plea
- advising the client on trial venue.

Allocation of business between magistrates' court and Crown Court:

- procedure ss. 19–20 and s. 22A Magistrates' Courts Act 1980
- sending without allocation s. 50A Crime and Disorder Act 1998.

Case management and pre-trial hearings:

- Magistrates' court case management directions

- Plea and Trial Preparation Hearing
- disclosure – prosecution, defence and unused material.

Principles and procedures to admit and exclude evidence:

- burden and standard of proof
- visual identification evidence and Turnbull guidance
- inferences from silence ss. 34, 35, 36, 37, 38 Criminal Justice and Public Order Act 1994
- hearsay evidence:
    - definition
    - grounds for admitting hearsay evidence

confession evidence:

- definition
- admissibility
- challenging admissibility ss. 76 and 78 PACE 1984

- character evidence:
    - definition of bad character
    - the 7 gateways s. 101(1) Criminal Justice Act 2003
    - procedure for admitting bad character evidence
    - court's powers to exclude bad character evidence
    - exclusion of evidence:
        - scope and application of s. 78 PACE and the right to a fair trial.

Trial procedure in magistrates' court and Crown Court:

- burden and standard of proof
- stages of a criminal trial, including submission of no case to answer
- modes of address and Court room etiquette
- difference between leading and non-leading questions
- competence and compellability
- special measures
- solicitor's duty to the court.

Sentencing:

- role of sentencing guidelines
- determining seriousness (aggravating and mitigating facts)
- concurrent and consecutive sentences
- mitigation
- types of sentence:
- custodial sentences
    - suspended sentences
    - community orders
- Newton hearings.

Appeals procedure:

- appeals from the magistrates' court:
- procedure for appeal against conviction and/or sentence
- powers of the Crown Court
- appeal to the High Court by way of case stated
- appeals from the Crown Court:
    - grounds of appeal
        - procedure for making the appeal
        - powers of the Court of Appeal.

Youth court procedure:

- jurisdiction and grave crimes
- allocation
- youths jointly charged with adult
- sentencing:
    - role of the Sentencing Children and Young People – definitive guidelines
    - referral orders
    - detention and training orders
    - youth rehabilitation orders.

(SRA, 2021d)

Statement of solicitor competence: Updated 9 August 2022

About the competence statement
Made up of three parts (a Statement of Solicitor competence, the Threshold Standard and a Statement of Legal Knowledge), the competence statement defines the continuing competences that we require from all solicitors.

The Statement of Solicitor Competence sets out what solicitors need to be able to do to perform their role effectively. It provides everyone with a clear indication of what they can expect from their solicitor. Aspiring solicitors are tested against this by the SQE.

The Statement of Solicitor Competence is supported by our Statement of Legal Knowledge and a Threshold Standard, both of which show the standards for practising and using the title of solicitor.

For a solicitor, meeting the competences set out in the competence statement forms an integral part of the requirements of service and competence set out in paragraph 3.1 of the Code of Conduct for Solicitors, RELs and RFLs.

Our continuing competence resources includes guidance on using the competence statement as a tool for continuing competence.

Solicitors with disabilities are entitled to reasonable adjustments in the manner in which the competences in the competence statement can be demonstrated, in line with our Reasonable Adjustment Policy.

Statement of solicitor competence
This document takes a broad definition of competence as being "the ability to perform the roles and tasks required by one's job to the expected standard" (Eraut & du Boulay, 2001).

The advantage of this definition is that it recognises that requirements and expectations change depending on job role and context. It also recognises that competence develops, and that an individual may work 'competently' at many different levels, either at different stages of their career, or indeed from one day to the next depending on the nature of their work.

The competence statement should be read holistically. By way of example, the requirement in A1e to respect diversity and act fairly and inclusively pervades all areas of work and underpins all of the competences in the statement.

Solicitors should be able to:

A Ethics, professionalism and judgment

A1 Act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Standards and Regulations, including

a. Recognising ethical issues and exercising effective judgment in addressing them
b. Understanding and applying the ethical concepts which govern their role and behaviour as a lawyer
c. Identifying the relevant SRA principles and rules of professional conduct and following them
d. Resisting pressure to condone, ignore or commit unethical behaviour
e. Respecting diversity and acting fairly and inclusively

A2 Maintain the level of competence and legal knowledge needed to practise effectively, taking into account changes in their role and/or practice context and developments in the law, including

a. Taking responsibility for personal learning and development
b. Reflecting on and learning from practice and learning from other people
c. Accurately evaluating their strengths and limitations in relation to the demands of their work
d. Maintaining an adequate and up-to-date understanding of relevant law, policy and practice
e. Adapting practice to address developments in the delivery of legal services

A3 Work within the limits of their competence and the supervision which they need, including

a. Disclosing when work is beyond their personal capability
b. Recognising when they have made mistakes or are experiencing difficulties and taking appropriate action
c. Seeking and making effective use of feedback, guidance and support where needed

d. Knowing when to seek expert advice

A4 Draw on a sufficient detailed knowledge and understanding of their field(s) of work and role in order to practise effectively, including

a. Identifying relevant legal principles
b. Applying legal principles to factual issues, so as to produce a solution which best addresses a client's needs and reflects the client's commercial or personal circumstances
c. Spotting issues that are outside their expertise and taking appropriate action, using both an awareness of a broad base of legal knowledge1 (insofar as relevant to their practice area) and detailed knowledge of their practice area

A5 Apply understanding, critical thinking and analysis to solve problems, including

a. Assessing information to identify key issues and risks
b. Recognising inconsistencies and gaps in information
c. Evaluating the quality and reliability of information
d. Using multiple sources of information to make effective judgments
e. Reaching reasoned decisions supported by relevant evidence

B Technical legal practice

B1 Obtain relevant facts, including:

a. Obtaining relevant information through effective use of questioning and active listening
b. Finding, analysing and assessing documents to extract relevant information
c. Recognising when additional information is needed
d. Interpreting and evaluating information obtained
e. Recording and presenting information accurately and clearly.

B2 Undertake legal research, including:

a. Recognising when legal research is required
b. Using appropriate methods and resources to undertake the research
c. Identifying, finding and assessing the relevance of sources of law
d. Interpreting, evaluating and applying the results of the research
e. Recording and presenting the findings accurately and clearly.

B3 Develop and advise on relevant options, strategies and solutions, including

a. Understanding and assessing a client's commercial and personal circumstances, their needs, objectives, priorities and constraints
b. Ensuring that advice is informed by appropriate legal and factual analysis and identifies the consequences of different options

B4 Draft documents which are legally effective and accurately reflect the client's instructions including

a. Being able to draft documents from scratch as well as making appropriate use of precedents
b. Addressing all relevant legal and factual issues
c. Complying with appropriate formalities
d. Using clear, accurate and succinct language

B5 Undertake effective spoken and written advocacy, including

a. Preparing effectively by identifying and mastering relevant facts and legal principles
b. Organising facts to support the argument or position
c. Presenting a reasoned argument in a clear, logical, succinct and persuasive way
d. Making appropriate reference to legal authority
e. Complying with formalities
f. Dealing with witnesses appropriately
g. Responding effectively to questions or opposing arguments
h. Identifying strengths and weaknesses from different parties' perspectives

B6 Negotiate solutions to clients' issues, including

a. Identifying all parties’ interests, objectives and limits
b. Developing and formulating best options for meeting parties' objectives
c. Presenting options for compromise persuasively
d. Responding to options presented by the other side
e. Developing compromises between options or parties

B7 Plan, manage and progress legal cases and transactions, including

a. Applying relevant processes and procedures to progress the matter effectively
b. Assessing, communicating and managing risk
c. Bringing the transaction or case to a conclusion

C Working with other people

C1 Communicate clearly and effectively, orally and in writing, including

a. Ensuring that communication achieves its intended objective
b. Responding to and addressing individual characteristics effectively and sensitively
c. Using the most appropriate method and style of communication for the situation and the recipient(s)
d. Using clear, succinct and accurate language avoiding unnecessary technical terms
e. Using formalities appropriate to the context and purpose of the communication
f. Maintaining the confidentiality and security of communications
g. Imparting any difficult or unwelcome news clearly and sensitively

C2 Establish and maintain effective and professional relations with clients, including

a. Treating clients with courtesy and respect
b. Providing information in a way that clients can understand, taking into account their personal circumstances and any particular vulnerability
c. Understanding and responding effectively to clients' particular needs, objectives, priorities and constraints
d. Identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances
e. Identifying possible courses of action and their consequences and assisting clients in reaching a decision
f. Managing clients' expectations regarding options, the range of possible outcomes, risk and timescales
g. Agreeing the services that are being provided and a clear basis for charging
h. Explaining the ethical framework within which the solicitor works
i. Informing clients in a timely way of key facts and issues including risks, progress towards objectives, and costs
j. Responding appropriately to clients' concerns and complaints

C3 Establish and maintain effective and professional relations with other people, including

a. Treating others with courtesy and respect
b. Delegating tasks when appropriate to do so
c. Supervising the work of others effectively
d. Keeping colleagues informed of progress of work, including any risks or problems
e. Acknowledging and engaging with others' expertise when appropriate

f. Being supportive of colleagues and offering advice and assistance when required
g. Being clear about expectations
h. Identifying, selecting and, where appropriate, managing external experts or consultants

D Managing themselves and their own work

D1 Initiate, plan, prioritise and manage work activities and projects to ensure that they are completed efficiently, on time and to an appropriate standard, both in relation to their own work and work that they lead or supervise, including

a. Clarifying instructions so as to agree the scope and objectives of the work
b. Taking into account the availability of resources in initiating work activities
c. Meeting timescales, resource requirements and budgets
d. Monitoring, and keeping other people informed of, progress
e. Dealing effectively with unforeseen circumstances
f. Paying appropriate attention to detail

D2 Keep, use and maintain accurate, complete and clear records, including

a. Making effective use of information management systems (whether electronic or hard copy), including storing and retrieving information
b. Complying with confidentiality, security, data protection and file retention and destruction requirements

D3 Apply good business practice, including

a. Demonstrating an adequate understanding of the commercial, organisational and financial context in which they work and their role in it
b. Understanding the contractual basis on which legal services are provided, including where appropriate how to calculate and manage costs and bill clients
c. Applying the rules of professional conduct to accounting and financial matters
d. Managing available resources and using them efficiently

(SRA, 2022g)

Threshold standard

About the threshold standard

Because the competence statement [/solicitors/resources/continuing-competence/cpd/competence-statement/] is generic and applies to all solicitors, a threshold standard was developed to set out the level at which the competences in the competence statement should be performed upon qualification as a solicitor.

Level three is the threshold standard required at the point of qualification; the other levels are provided for the purpose of context.

Threshold standard

Level	Functioning knowledge	Standard of work	Autonomy	Complexity	Perception of context	Innovation and originality	
1	Recognises some of the standard legal issues relevant to the particular case or transaction area of practice	Unlikely to be satisfactory unless closely supervised on a task by task basis	Needs close supervision or instruction	Unable to do more than simple routine tasks	Tends to see actions in isolation	Works within given procedures or instructions	
2	Recognises some of the standard legal issues relevant to the area of practice, and begins to see how they apply to a particular case or transaction	Straightforward tasks likely to be completed to an acceptable standard	Achieves some steps using own judgment, but supervision needed for overall case or transaction	Able to deal effectively with straightforward cases and transactions	Sees actions as a series of steps	Uses experience to check information provided	
3	**Identifies the legal principles relevant to the area of practice, and applies them appropriately and effectively to individual cases'.**	**Acceptable standard achieved routinely for straightforward tasks. Complex tasks may lack refinement.**	**Achieves most tasks and able to progress legal matters using own judgment, recognising when support is needed.**	**Able to deal with straightforward transactions, including occasional, unfamiliar tasks which present a range of problems and choices.**	**Understands the significance of individual actions in the context of the objectives of the transaction/strategy for the case.**	**Uses experience to check information provided and to form judgments about possible courses of action and ways forward.**	**Threshold Standard required at qualification**
4	Applies a depth of understanding of the area of practice and a broad background awareness of legal principles to solve problems and progress the case.	Full acceptable standard achieved routinely	Takes full responsibility for progressing the case or transaction	Deals with complex transactions through deliberate analysis and planning	Develops a strategy for the case/transaction to deliver the overall objective and uses it to analyse individual steps.	Produces innovative solutions and ways forward	
5	Uses mastery of the area of practice and a broad background awareness of legal principles to develop and critically evaluate a	Excellence achieved with ease	Takes full responsibility for outcomes of case or transaction	Deals with complex transactions intuitively and with ease; confident decision-maker	Understands clearly the strategy for the case/transaction and alternative approaches to deliver it within a vision of what may be possible.	Develops innovative solutions and ways forward in complex and unpredictable situations	

Solicitor Apprenticeship Standard

1. Occupation

Solicitor

2. Occupational profile:

This role has responsibility for providing legal advice to clients through:

- acting ethically, with professionalism and judgement;
- progressing legal matters and transactions;
- applying legal knowledge and commercial judgement to produce solutions which meet clients' needs and address their commercial or personal circumstances;
- deploying the full range of legal skills - research, interviewing and advising, advocacy,
- negotiation, drafting, communicating orally and in writing;
- establishing and maintaining effective and professional relationships with clients and other people; and
- managing themselves and their own work effectively.

3. Requirements

In order to successfully meet the Apprenticeship standard leading to qualification as a solicitor, apprentices must demonstrate that they can:

Ethics, professionalism and judgement

1. Act honestly and with integrity, in accordance with the law and with regulatory requirements and the Solicitors Regulation Authority (SRA)Handbook and Code of Conduct
2. Maintain the level of competence and legal knowledge needed to practise effectively, taking into account changes in their role and/or practice context and developments in the law
3. Work within the limits of their competence and the supervision which they need

4. Draw on a sufficient detailed knowledge and understanding of their field(s)of work in order to practise effectively
5. Apply understanding, critical thinking and analysis to solve problems

Technical legal practice

1. Obtain relevant facts
2. Undertake legal research
3. Develop and advise on relevant options, strategies and solutions
4. Draft documents which are legally effective and accurately reflect the client's instructions
5. Undertake effective spoken and written advocacy
6. Negotiate solutions to clients' issues
7. Plan, manage and progress legal matters and transactions

Working with other people

1. Communicate clearly and effectively, orally and in writing
2. Establish and maintain effective and professional relations with clients
3. Establish and maintain effective and professional relations with other people

Managing themselves and their own work

1. Initiate, plan, prioritise and manage work activities to ensure that they are completed efficiently, on time and to an appropriate standard, both in relation to their own work and work that they lead or supervise
2. Keep, use and maintain accurate, complete and clear records
3. Apply good business practice

Duration

5-6 years

This may be reduced if exemptions from training are applicable.

Entry requirements

Individual employers will identify any relevant entry requirements in terms of previous qualifications or other criteria.

Our recommended minimum entry requirements are:

- 5 GCSEs, including mathematics & English - grade C or above (or equivalent);
- 3 A Levels (or equivalent) - minimum grade C. And / or:
- Relevant employer- led work experience;
- Level 3 Advanced Apprenticeship in a relevant occupation - Business Administration, Legal Services, Providing Financial Services;
- Level 4 Higher Apprenticeship in a relevant occupation - Legal Services, Professional
- Services, and Providing Financial Services (may be entitled to exemptions from training);
- Paralegal Apprenticeship (may be entitled to exemptions from training);
- Legal Executive Apprenticeship (may be entitled to exemptions from training);
- Law Degree/ Graduate Diploma in Law / Legal Practice Course (entitled to exemptions from training).

Link to professional registration and progression

The standard is based on the SRA's Statement of Solicitor Competence. Achievement of the standard and the associated apprenticeship assessment plan will satisfy the SRA's regulatory framework for qualification as a solicitor, subject to the SRA's usual tests of character and suitability.

Review date

This standard will be reviewed in three years.

Regulated standard

This is a regulated occupation.

Regulator body:

Solicitors Regulation Authority (SRA)

Training provider does not require approval by regulator body

(Institute for Apprenticeships, 2022b)

Appendix Three: Legal professional education: comparing the routes to qualification

In Appendix One, a timeline of legal professional education showed that while the routes to practice as a solicitor have changed, the apprenticeship route is by no means a new one. The relationship with degrees and the role of workplace learning have also changed and the introduction of the SQE as a centralised assessment for all routes means that candidates without degrees will be eligible for admission to the solicitors' profession for the first time since the 1970s. This appendix gives some detail of each of the routes and includes a summary at the end of the appendix for ease of reference.

1993 – 2021 (transition until 2032)

Qualifying Law Degree (QLD) or Graduate Diploma in Law (GDL) or Common Professional Exam (CPE), Legal Practice Course (LPC) and training contract, together with a character and suitability requirement.

The QLD consists of a number of compulsory core subjects, which must be passed before the candidate may proceed onto the LPC. The subjects are:

Contract	Tort
Criminal Law	Constitutional and Administrative Law
Equity and Trusts	Land Law
EU Law	

If the candidate does not take these as part of their law degree, they must take a conversion course, the GDL or CPE, which will assess all seven modules and, depending on the provider, may include other elements. If candidates have already taken some modules, they need only be assessed in those which remain outstanding. This is usually a one year full time course or two years' part time study, but may be combined with other Masters elements to lead to an LLM, for which funding may be available.

The Legal Practice Course

On completion of the QLD or GDL, the candidate is then eligible to take the LPC. This is typically a one-year course, although there are accelerated versions if full time, or a two-year part-time study course. The SRA requires minimum contact elements in the course, so it is not possible to study it entirely by distance learning. The assessment level on the LPC is 'day one trainee solicitor' and the assessment format varies, with traditional three hour examinations for many subjects. Skills assessments are usually performative in nature; for example, an observed interview with a client played by an actor, a courtroom advocacy performance and a practical research question with a letter of advice to a client. The course itself is at level 7, postgraduate level.

The LPC is in two parts; part one consists of core elements which all students must undertake and includes the skills assessments and pervasive areas such as professional conduct which are assessed separately and may also be assessed within the other subjects in some cases. Part two is also compulsory, but consists of three modules which can be selected from the range available at that particular provider in a number of different areas of

legal practice. These are known as the electives. There is some flexibility regarding the electives and it is possible to study electives alongside workplace learning in the form of the training contract. All LPCs must be validated and regulated by the SRA. No new LPC courses will be approved after 2025/26.

Core Elements of the LPC

Core subjects	**Skills**	**Pervasive areas**
Business Law and Practice	Advocacy	Business Accounts
Property Law and Practice	Advising	Professional Conduct and Regulation
Litigation (Criminal and Civil)	Drafting	Solicitors' Accounts
	Interviewing	
	Legal Writing	
	Practical Legal Research	

For full time students, the LPC would normally be completed before starting the work-based phase of legal professional education; the training contract. A training contract is a two year period of work-based learning within a law firm or other approved organisation. The SRA determines whether an organisation may offer training contracts and the contracts themselves must be registered with the SRA in order to permit qualification. For part-time students, it is possible to undertake a training contract alongside study for the LPC, but both must be completed before qualification.

On completion of the training contract, the approved organisation 'signs off' to confirm the individual as a fit and proper person to join the profession and to be added to the Roll of Solicitors, a centralised record of anyone who has been admitted as a solicitor.

With regard to costs to candidates, fees for the LPC vary, but are usually in excess of £11,000, depending on provider and region of the country. GDL fees are usually slightly lower, but again, will vary depending on the provider. Where candidates already have a training contract, firms may pay their fees and, in some cases, provide a maintenance grant. Trainee solicitors must be paid a minimum salary, set by the SRA.

From September 2021

Solicitors Qualification Examination ('SQE'), degree or equivalent, qualifying work experience for two years, together with a character and suitability requirement.

From September 2021, the QLD, GDL/CPE, LPC and training contract will no longer be required in order to qualify as a solicitor. Anyone who has already begun any of the above will be permitted to continue, but they must be admitted before 2032. If those individuals choose to qualify under the new system, they may not claim any exemption based on their prior study or qualifications.

While the QLD is no longer required for qualification as a solicitor, it remains a requirement for those who wish to qualify as barristers, as do the GDL or CPE. The SRA will still require

all candidates to be either graduates or have an equivalent qualification; the solicitor apprenticeship satisfies this requirement as it is regarded as equivalent to a degree.

The SQE will assess all modules from the QLD and the LPC, with the exception of the elective subjects. The assessment will be in two parts, with part one assessing 'functioning legal knowledge' using two multiple choice assessments of 180 questions each. Part two will assess a range of legal skills in two different contexts. There are no prescribed courses and candidates may prepare in any way they wish. The assessment level for the SQE is day one qualified solicitor, a higher standard than the LPC's day one trainee level.

SQE Part 1 Assessments

Paper 1	**Paper 2**
Business law and practice	Property law and practice
Dispute Resolution in the context of contract or tort	Wills and the administration of estates
Legal Systems of England and Wales	Criminal liability and practical criminal law
Constitutional and Administrative Law	Solicitors' Accounts
Legal Services	

Professional conduct is pervasive throughout both papers

SQE Part II Assessments

Written Skills	**Oral Skills**

Legal Research	Advocacy and persuasive oral communication
Legal Drafting	Client interviewing and attendance note
Case and Matter analysis	
Legal Writing	

Written skills are assessed three times each, the oral skills are each assessed twice, in each case in different legal contexts. In total, there are 16 skills assessments over a series of half days.

While firms may, if they wish, continue to offer training contracts, those wishing to qualify may build up qualifying work experience without a training contract in up to four different organisations provided the time spent totals at least two years. Firms will no longer need to be approved by the SRA and will no longer 'sign off' individuals as fit and proper persons to become solicitors. Instead, a solicitor will need to confirm that the individual who has undertaken the relevant experience with their organisation has 'has the opportunity' to build up the necessary experience. On completion of both parts of the SQE and qualifying work experience, an individual may apply for admission to the Roll of Solicitors as before.

With regard to costs to the individual candidate, costs of preparation will vary depending on the route taken by the individual as there are no prescribed courses. If full preparation courses are undertaken, fees are likely to be comparable with the LPC. The fees for the assessment itself have recently been confirmed at £1,558 for SQE part 1 and £2,422 for SQE part 2. No minimum salary will be set by the SRA for qualifying work experience and it is possible that the experience could be unpaid; for example work in a university pro bono clinic would be qualifying work experience.

From 2015 onwards: Solicitor Apprentices

Solicitor apprenticeships were approved in 2015, with the first intake in 2016. The solicitor apprenticeship is at level seven (Masters level) and apprentices can qualify after six years on passing the SQE parts one and two. They must be employed for at least 30 hours per week and must be given 20% time for study. For training providers with degree awarding powers, an LLB may be awarded as part of the apprenticeship provided the apprentices also pass the relevant assessments during the six-year period, although the award of a degree is not a requirement. Entry requirements are similar to the A levels or equivalents required for entry into a university.

The modules which comprise the apprenticeship are equivalent to the QLD compulsory elements, plus the skills and core elements of the LPC. It does not include the elective element of the LPC.

The training element of a solicitor apprenticeship can be funded using money from the Apprenticeship levy, which is payable at a rate 0.5% on payrolls over £3,000,000. Available funding is capped and any training costs in excess of the available funding must be borne by the employer, who is also required to pay the apprentice a salary. There is a contractual relationship between the employer, the apprentice and the training provider. Training for apprentices is funded from a levy managed by the Skills Funding Agency and apprenticeships are closely monitored to ensure that the outcomes are being met; this is one of the conditions of funding. There is a minimum salary (although many employers pay more) and individuals cannot be charged tuition fees.

Comparison:

	QLD/GDL/LPC	**SQE**	**Apprenticeship**
Degree required?	Yes Qualifying law degree or conversion course for degrees other than law.	Yes, degree in any subject. No requirement for a conversion course.	No degree required, but if the training provider has degree awarding powers, an LLB may be awarded over and above the apprenticeship
Regulated Courses	Yes; must be validated by the SRA.	No	Yes; must be an approved training provider
Forms of assessment	Approved as part of the course validation. Individual providers set assessments subject to external examiner approval.	Central assessments administered on behalf of the SRA by Kaplan.	Training provider assessments approved by external examiners together with central assessments administered by

			Kaplan on behalf of the SRA.
Work based learning element	Two year full time training contract (or longer period if part time to equivalent period) with an authorised training firm who must register the training contract and sign off the individual to say that they are a fit and proper person to become a solicitor. Alternatively, a portfolio of work to show equivalence may be compiled by the individual and verified by the SRA (rarely used in practice).	Two years of full time qualifying work experience (or longer equivalent if part time) at up to four providers of legal services. Confirmation from each provider that the individual has had the opportunity to undertake relevant work.	Up to six years' apprenticeship. Employment for more than 30 hours per week with 20% of the apprentices' time ring fenced for study.
Character and suitability	Yes	Yes	Yes

requirement (e.g. no criminal convictions)			
Minimum Salary	Yes	No	Yes
Cost of preparation to the individual	Tuition fees for QLD or GDL plus degree. Tuition fees for LPC. Likely to exceed £60,000 if self-funding.	Cost will depend on which courses the individual undertakes. Cost of undergraduate degree plus £3,980 test fees for SQE.	No cost to the individual.
Requirements to begin the professional stage of training	Degree	Degree	A levels or equivalent

Appendix Four: Surveys and interview themes

Survey of solicitor apprentices

Before answering the questions below, please read the participant information and email your consent form to Elizabeth.polding@regents.ox.ac.uk . The questions are divided into two parts. The first part asks questions about you, your background and your education experience. This part of the survey uses a series of questions developed by the Bridge Group and the Social Mobility Commission. The second part relates to your experience as an apprentice and what you see as your likely career path. It also asks for your views. You are under no obligation to provide these, but if you prefer not to answer, please indicate this next to the question so that it is clear that you are declining to answer.

Thank you for your participation.

1.	Your year of birth		
2.	Gender or how you identify	Male	
		Female	
		Non-binary	
		Trans	
		Other	
		Prefer not to say	
3	Ethnic origin (Groups as per the Office for National Statistics)	**White** 1. English / Welsh / Scottish / Northern Irish/ British	

	Please use the number that corresponds to the origin that most closely corresponds with your own.	2. Irish 3. Gypsy or Irish Traveller 4. Any other White background, please describe	
		Mixed / Multiple ethnic groups 5. White and Black Caribbean 6. White and Black African 7. White and Asian 8. Any other Mixed / Multiple ethnic background, please describe	
		Asian / Asian British 9. Indian 10. Pakistani 11. Bangladeshi 12. Chinese 13. Any other Asian background, please describe	
		Black / African / Caribbean / Black British 14. African 15. Caribbean	

		16. Any other Black / African / Caribbean background, please describe	
		Other ethnic group 17. Arab 18. Any other ethnic group, please describe	
		19. Prefer not to say	
4	Do you consider yourself to have a disability?	Yes	
		No	
		I don't know	
		Prefer not to say	
5	What kind of school did you attend aged 11-16?	A state-run or state-funded school	
		Independent or fee-paying school	
		Attended school outside the UK	
		I don't know	
		Prefer not to say	
6	When you were at school, were you ever eligible for free school meals?	Yes	
		No	
		I don't know	
		Prefer not to say	

7	What is the highest qualification achieved by either of your parents or guardians by the time you were 18?	Above degree level (e.g. MA, MSc, MPhil, PhD	
		Degree or equivalent (e.g. first or higher degrees, postgraduate diplomas, NVQ/SVQ Level 4 or 5	
		Below degree level (e.g. A level, SCE Higher, GCSE, O level, SCE Standard/Ordinary, NVQ/SVQ, BTEC)	
		No qualifications	
		I don't know	
		Prefer not to say	
		Not applicable	

8a	What was the of the main household earner when you were aged 14? (Questions from the National Statistics Socio-economic classification)	**Modern professional occupations** such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer.	
		Clerical and intermediate occupations such as: secretary, personal assistant,	

			clerical worker, call centre agent, nursery nurse.	
			Senior managers or administrators (usually responsible for planning, organising and co-ordinating work, and for finance) such as finance manager, chief executive.	
			Technical or craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.	
			Semi-routine manual and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant.	
			Routine manual and service occupations such as: HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.	

		Middle or junior managers such as: office manager, retail manager, bank manager, restaurant manager, warehouse manager	
		Traditional professional occupations such as accountant, solicitor, medical practitioner, scientist, civil/mechanical engineer	
		Long-term unemployed (claimed Jobseeker's allowance or earlier unemployment benefit for more than a year)	
		Retired	
		This question does not apply to me	
		I don't know	
		Prefer not to say	
8b	When you were aged 14, did the main household earner in your house work as an employee or were they self-employed?	Employee	
		Self-employed with employees	

		Self-employed/freelance without employees (go to question 8d)	
		Not working	
		I don't know	
		Prefer not to answer questions about parental occupation (skip remaining questions in this section)	
8c	**Where your answer to 8b is employee**: How many people worked for your main household earner's employer at this time?	1 to 24	
		25+	
		I don't know	
	Where your answer to 8b is self-employed with employees: How many people did your main household earner employ at this time? Please move to question 8d when you have completed this question.	1 to 24	
		25+	
		I don't know	
8d	Did they supervise employees?	Yes	
		No	
		I don't know	

9	When you were aged 14, what was the annual income of your household?	Less than £20,000	
		£21,000 - £40,000	
		£41,000 - £60,000	
		£61,000 - £80,000	
		£81,000 - £100,000	
		£100,000 - £150,000	
		Over £150,000	
		I don't know	
		This question does not apply to me	
		Prefer not to say	

Your views and experience

	Apprenticeship versus university		
10	In what year did you begin your solicitor apprenticeship?		
11	In what year will you complete your apprenticeship?		
12	Have you ever undertaken an apprenticeship before?	Yes	
		No	
		Prefer not to say	

13	If you have undertaken an apprenticeship, what was the level of that apprenticeship? What was the area of that apprenticeship (e.g. business, a skills based apprenticeship, other professional apprenticeship)?	Level 2	
		Level 3	
		Level 4	
		Level 6	
		Level 7	
		Area of apprenticeship (please specify)	
14	Would you have gone to university if the solicitor apprenticeship had not been available?	Yes	
		No	
		Don't know	
		Prefer not to say	
		Still considering university	
15a	If you answered yes to question 14, why did you choose the apprenticeship?		
15b	If no, what would you have done instead?		
	Your employment		
16	How are you managed in your workplace (indicate as many as apply)?	Line manager as part of a wider team	
		Line manager with responsibility for apprentices	
		Dedicated apprenticeship manager	
		Mentor	

		Peer mentor or 'buddy'	
		Other (please specify	
17	Which of the following were part of the recruitment process for your apprenticeship (tick as many as apply)?	Application form	
		CV and covering letter	
		Group work	
		Interview	
		Written exercises	
		Presentations	
		Other (please specify	
18	What do you think about that recruitment process; did you know what to expect and how did you prepare?		
	Your training		
19	How is your 20% time for study managed? For example, one full day off per week, two half days etc.	Free answer	
20	Who provides your training?	Free answer	
21	What form does your training take (indicate the most commonly-used format for your training)?	Live teaching at my training provider	
		Live training at my workplace	

		Online synchronous learning (takes place at a scheduled time and involves interaction)	
		Online asynchronous learning (can be done at any time and does not involve interaction with others)	
		Independent learning	
		Other (please specify)	
22	Are you given any additional time, for example, study leave when you have assessments for which you need to prepare?	No	
		Yes (please give details below)	
23	Are you awarded a higher education qualification as part of your apprenticeship?	No	
		Yes (please give details below)	
	How your see yourself and how you are seen		
24	Do you see yourself as equal to a trainee solicitor at the same level of experience?	No	
		Yes (please give details below)	
25	Do you think that your firm sees you as equal to a trainee solicitor at the same level of experience?	No	
		Yes (please give details below)	

26	Where do you see yourself five years after completing the apprenticeship?	
27	Where do you think your employer sees you five years after completing the apprenticeship?	
	Your views	
28	What is your opinion of the solicitor apprenticeship? For example, do you think that it will make it easier for people who do not wish to go to university to have a professional career in law?	
29	Do you have any other observations?	
Thank you for your participation.		

Survey of solicitor apprentices online

Before answering the questions below, please read the participant information and email your consent form to Elizabeth.polding@regents.ox.ac.uk . The questions are divided into two parts. The first part asks questions about you, your background and your education experience. This part of the survey uses a series of questions developed by the Bridge Group and the Social Mobility Commission. The second part relates to your experience as an apprentice and what you see as your likely career path. It also asks for your views. You are under no obligation to provide these, but if you prefer not to answer, please indicate this next to the question so that it is clear that you are declining to answer.

Thank you for your participation.

1.	Your year of birth		
2.	Gender or how you identify	Male	
		Female	
		Non-binary	
		Trans	
		Other	
		Prefer not to say	
3	Ethnic origin (Groups as per the Office for National Statistics)	**White** 1. English / Welsh / Scottish / Northern Irish/ British 2. Irish	

	Please use the number that corresponds to the origin that most closely corresponds with your own.	3. Gypsy or Irish Traveller 4. Any other White background, please describe	
		Mixed / Multiple ethnic groups 5. White and Black Caribbean 6. White and Black African 7. White and Asian 8. Any other Mixed / Multiple ethnic background, please describe	
		Asian / Asian British 9. Indian 10. Pakistani 11. Bangladeshi 12. Chinese 13. Any other Asian background, please describe	
		Black / African / Caribbean / Black British 14. African 15. Caribbean 16. Any other Black / African / Caribbean background, please describe	

		Other ethnic group 17. Arab 18. Any other ethnic group, please describe	
		19. Prefer not to say	
4	Do you consider yourself to have a disability?	Yes	
		No	
		I don't know	
		Prefer not to say	
5	What kind of school did you attend aged 11-16?	A state-run or state-funded school	
		Independent or fee-paying school	
		Attended school outside the UK	
		I don't know	
		Prefer not to say	
6	When you were at school, were you ever eligible for free school meals?	Yes	
		No	
		I don't know	
		Prefer not to say	
7	What is the highest qualification achieved by either of your parents or guardians by the time you were 18?	Above degree level (e.g. MA, MSc, MPhil, PhD	
		Degree or equivalent (e.g. first or higher degrees,	

		postgraduate diplomas, NVQ/SVQ Level 4 or 5	
		Below degree level (e.g. A level, SCE Higher, GCSE, O level, SCE Standard/Ordinary, NVQ/SVQ, BTEC)	
		No qualifications	
		I don't know	
		Prefer not to say	
		Not applicable	
8a	What was the of the main household earner when you were aged 14? (Questions from the National Statistics Socio-economic classification)	**Modern professional occupations** such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer.	
		Clerical and intermediate occupations such as: secretary, personal assistant, clerical worker, call centre agent, nursery nurse.	
		Senior managers or administrators (usually responsible for planning,	

			organising and co-ordinating work, and for finance) such as finance manager, chief executive.	
			Technical or craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.	
			Semi-routine manual and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant.	
			Routine manual and service occupations such as: HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.	
			Middle or junior managers such as: office manager, retail manager, bank manager, restaurant	

		manager, warehouse manager	
		Traditional professional occupations such as accountant, solicitor, medical practitioner, scientist, civil/mechanical engineer	
		Long-term unemployed (claimed Jobseeker's allowance or earlier unemployment benefit for more than a year)	
		Retired	
		This question does not apply to me	
		I don't know	
		Prefer not to say	
8b	When you were aged 14, did the main household earner in your house work as an employee or were they self-employed?	Employee	
		Self-employed with employees	
		Self-employed/freelance without employees (go to question 8d)	
		Not working	
		I don't know	

		Prefer not to answer questions about parental occupation (skip remaining questions in this section)	
8c	**Where your answer to 8b is employee**: How many people worked for your main household earner's employer at this time?	1 to 24	
		25+	
		I don't know	
	Where your answer to 8b is self-employed with employees: How many people did your main household earner employ at this time? Please move to question 8d when you have completed this question.	1 to 24	
		25+	
		I don't know	
8d	Did they supervise employees?	Yes	
		No	
		I don't know	
9	When you were aged 14, what was the annual income of your household?	Less than £20,000	
		£21,000 - £40,000	
		£41,000 - £60,000	
		£61,000 - £80,000	
		£81,000 - £100,000	
		£100,000 - £150,000	
		Over £150,000	

		I don't know	
		This question does not apply to me	
		Prefer not to say	

Your views and experience

	Apprenticeship versus university		
10	In what year did you begin your solicitor apprenticeship?		
11	In what year will you complete your apprenticeship?		
12	Have you ever undertaken an apprenticeship before?	Yes	
		No	
		Prefer not to say	
13	If you have undertaken an apprenticeship, what was the level of that apprenticeship? What was the area of that apprenticeship (e.g. business, a skills based apprenticeship, other professional apprenticeship)?	Level 2	
		Level 3	
		Level 4	
		Level 6	
		Level 7	
		Area of apprenticeship (please specify below)	

14	Would you have gone to university if the solicitor apprenticeship had not been available?	Yes	
		No	
		Don't know	
		Prefer not to say	
		Still considering university	
15a	If you answered yes to question 14, why did you choose the apprenticeship?		
15b	If no, what would you have done instead?		
	Your employment		
16	How are you managed in your workplace (indicate as many as apply)?	Line manager as part of a wider team	
		Line manager with responsibility for apprentices	
		Dedicated apprenticeship manager	
		Mentor	
		Peer mentor or 'buddy'	
		Other (please specify	
17	Which of the following were part of the recruitment process for your apprenticeship (tick as many as apply)?	Application form	
		CV and covering letter	
		Group work	
		Interview	
		Written exercises	

		Presentations	
		Other (please specify	
18	What do you think about that recruitment process: did you know what to expect and how did you prepare?		
	Your training		
19	How is your 20% time for study managed? For example, one full day off per week, two half days etc.	Free answer	
20	Who provides your training?	Free answer	
21	What form does your training take (indicate the most commonly-used format for your training)?	Live teaching at my training provider	
		Live training at my workplace	
		Online synchronous learning (takes place at a scheduled time and involves interaction)	
		Online asynchronous learning (can be done at any time and does not involve interaction with others)	
		Independent learning	
		Other (please specify)	

22	Are you given any additional time, for example, study leave when you have assessments for which you need to prepare?	No	
		Yes (please give details below)	
23	Are you awarded a higher education qualification as part of your apprenticeship?	No	
		Yes (please give details below)	
	How your see yourself and how you are seen		
24	Do you see yourself as equal to a trainee solicitor at the same level of experience?	No	
		Yes (please give details below)	
25	Do you think that your firm sees you as equal to a trainee solicitor at the same level of experience?	No	
		Yes (please give details below)	
26	Where do you see yourself five years after completing the apprenticeship?		
27	Where do you think your employer sees you five years after completing the apprenticeship?		
	Your views		
28	What is your opinion of the solicitor apprenticeship? For example, do		

	you think that it will make it easier for people who do not wish to go to university to have a professional career in law?	
29	Do you have any other observations?	
Thank you for your participation.		

Survey of trainee solicitors

Before answering the questions below, please read the participant information and email your consent form to Elizabeth.polding@regents.ox.ac.uk . The questions are divided into two parts. The first part asks questions about you, your background and your education experience. This part of the survey uses a series of questions developed by the Bridge Group and the Social Mobility Commission. The second part relates to your experience as a trainee and what you see as your likely career path. It also asks for your views. You are under no obligation to provide these, but if you prefer not to answer, please indicate this next to the question so that it is clear that you are declining to answer.

Thank you for your participation.

1.	Your year of birth		
2.	Gender or how you identify	Male	
		Female	
		Non-binary	
		Trans	
		Other	
		Prefer not to say	
3	Ethnic origin (Groups as per the Office for National Statistics)	**White** 1. English / Welsh / Scottish / Northern Irish/ British 2. Irish	

	Please use the number that corresponds to the origin that most closely corresponds with your own.	3. Gypsy or Irish Traveller 4. Any other White background, please describe	
		Mixed / Multiple ethnic groups 5. White and Black Caribbean 6. White and Black African 7. White and Asian 8. Any other Mixed / Multiple ethnic background, please describe	
		Asian / Asian British 9. Indian 10. Pakistani 11. Bangladeshi 12. Chinese 13. Any other Asian background, please describe	
		Black / African / Caribbean / Black British 14. African 15. Caribbean 16. Any other Black / African / Caribbean background, please describe	

		Other ethnic group 17. Arab 18. Any other ethnic group, please describe	
		19. Prefer not to say	
4	Do you consider yourself to have a disability?	Yes	
		No	
		I don't know	
		Prefer not to say	
5	What kind of school did you attend aged 11-16?	A state-run or state-funded school	
		Independent or fee-paying school	
		Attended school outside the UK	
		I don't know	
		Prefer not to say	
6	When you were at school, were you ever eligible for free school meals?	Yes	
		No	
		I don't know	
		Prefer not to say	
7	What is the highest qualification achieved by either of your parents or guardians by the time you were 18?	Above degree level (e.g. MA, MSc, MPhil, PhD	
		Degree or equivalent (e.g. first or higher degrees,	

		postgraduate diplomas, NVQ/SVQ Level 4 or 5	
		Below degree level (e.g. A level, SCE Higher, GCSE, O level, SCE Standard/Ordinary, NVQ/SVQ, BTEC)	
		No qualifications	
		I don't know	
		Prefer not to say	
		Not applicable	
8a	What was the of the main household earner when you were aged 14? (Questions from the National Statistics Socio-economic classification)	**Modern professional occupations** such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer.	
		Clerical and intermediate occupations such as: secretary, personal assistant, clerical worker, call centre agent, nursery nurse.	
		Senior managers or administrators (usually responsible for planning,	

			organising and co-ordinating work, and for finance) such as finance manager, chief executive.	
			Technical or craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.	
			Semi-routine manual and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant.	
			Routine manual and service occupations such as: HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.	
			Middle or junior managers such as: office manager, retail manager, bank manager, restaurant	

		manager, warehouse manager	
		Traditional professional occupations such as accountant, solicitor, medical practitioner, scientist, civil/mechanical engineer	
		Long-term unemployed (claimed Jobseeker's allowance or earlier unemployment benefit for more than a year)	
		Retired	
		This question does not apply to me	
		I don't know	
		Prefer not to say	
8b	When you were aged 14, did the main household earner in your house work as an employee or were they self-employed?	Employee	
		Self-employed with employees	
		Self-employed/freelance without employees (go to question 8d)	
		Not working	
		I don't know	

		Prefer not to answer questions about parental occupation (skip remaining questions in this section)	
8c	**Where your answer to 8b is employee**: How many people worked for your main household earner's employer at this time?	1 to 24	
		25+	
		I don't know	
	Where your answer to 8b is self-employed with employees: How many people did your main household earner employ at this time? Please move to question 8d when you have completed this question.	1 to 24	
		25+	
		I don't know	
8d	Did they supervise employees?	Yes	
		No	
		I don't know	
9	When you were aged 14, what was the annual income of your household?	Less than £20,000	
		£21,000 - £40,000	
		£41,000 - £60,000	
		£61,000 - £80,000	
		£81,000 - £100,000	
		£100,000 - £150,000	
		Over £150,000	

		I don't know	
		This question does not apply to me	
		Prefer not to say	

Your views and experience

	Your training		
10	In what year did you begin your training contract?		
11	In what year will you complete your training contract?		
11	Did you work as a paralegal before you started your training contract?	Yes	
		No	
		Prefer not to say	
12	If you answered yes to Q11, did you undertake that experience with the same firm or a different firm and what was the duration of that experience?	Same firm	
		Different firm	
		Duration	
		Prefer not to say	
		To what extent, if any, do you feel that this experience helped you secure a training contract? (Please answer in the box below)	

13	Would you have undertaken a solicitor apprenticeship instead of university if the solicitor apprenticeship had been available?	Yes	
		No	
		Don't know	
		Prefer not to say	
13a	If you would have chosen the solicitor apprenticeship, please explain why?		
13b	If you would not have chosen the solicitor apprenticeship, please explain why?		
	Your employment		
14	How are you managed in your workplace (indicate as many as apply)?	Line manager as part of a wider team	
		Line manager with responsibility for you as a trainee	
		Dedicated manager for trainees	
		Mentor	
		Peer mentor or 'buddy'	
		Other (please specify	
15	Do you have time recording/billing targets (select as many as apply)?	Time recording	
		Billing	

		Don't know	
		Prefer not to say	
16	Which of the following were part of the recruitment process for your training contract (tick as many as apply)?	Application form	
		CV and covering letter	
		Group work	
		Interview	
		Written exercises	
		Presentations	
		Other (please specify	
17	What do you think about that recruitment process: did you know what to expect and how did you prepare?		
	Your training		
18	How is your training managed?	Free answer	
19	Who provides your training?	Free answer	
20	What form does your training (e.g. PSC) take (indicate the most commonly-used format for your training)?	Live teaching at my training provider	
		Live training at my workplace	
		Online synchronous learning (takes place at a scheduled time and involves interaction)	
		Online asynchronous learning (can be done at any time and	

		does not involve interaction with others)	
		Independent learning	
		Other (please specify)	
21	Are you given any additional time, for example, study leave when you have assessments for which you need to prepare?	No	
		Yes (please give details below)	
	How your see yourself and how you are seen		
22	Do you see yourself as equal to a solicitor apprentice at the same point in their training (i.e. the two year period before admission)?	No	
		Yes (please give details below)	
23	Do you think that your firm sees you as equal to a solicitor apprentice at the same point in their training (i.e. the two year period before admission)?	No	
		Yes (please give details below)	
24	Where do you see yourself five years after admission as a solicitor?		
25	Where do you think your employer sees you five years after admission as a solicitor?		
	Your views		

27	What is your opinion of the solicitor apprenticeship? For example, do you think that it will make it easier for people who do not wish to go to university to have a professional career in law?	
28	Do you have any other observations?	
Thank you for your participation.		

Interview themes for apprentices

Information relating to the size of organisation and type of work, location and structure will be ascertained from the firm's website and published information. This will be confirmed briefly with the interviewee to ensure that the type of organisation etc is accurately recorded.

Apprentices will also be asked to complete a questionnaire about their background.

1. Confirm consent to interview and to recording. Answer any questions regarding the data, storage, confidentiality etc. Sign consent form if happy to proceed.

2. Name, details of team or area of work. Year and duration of apprenticeship, including details of previous apprenticeships if applicable. Ascertained at the outset and stated at the beginning of the recording.

3. Tell me a little bit about your role and where you fit within the organisation.

4. Tell me about your typical tasks.

5. How much contact do you have with the other professionals within your organisation?

6. How much contact do you have with clients, if any?

7. Can you tell me about how you were recruited; school outreach, how you found out about the apprenticeship, what was the process? What did you think about that?

8. Can you tell me about how you are managed and supervised; for example, do you have a mentor, a line manager with training in relation to managing apprentices etc?

9. How is your time managed; for example, time recording and billing?

10. How do you think that this compares with how trainee solicitors are supervised and managed, if applicable?

11. Why did you want to become a solicitor apprentice?

12. How do you think that apprentices fit into the business or organisation?

13. How do you see your future career? How do you think that your career will compare with a trainee solicitor?

14. Any thoughts on the comparison between solicitor apprentices in their last two years and trainee solicitors; practice knowledge, for example?

15. Do you think that more law firms should take on apprentices and if so, why?

16. What do you think about firms taking graduates and apprentices together; do you think that one route is seen as ‘better’ than the other? Why?

17. Any other observations or thoughts?

Anticipated time 1-2 hours, depending on how expansive the subject wishes to be.

Interview themes for stakeholders

Information relating to the type of organisation and their role will be ascertained from the website and published information. This will be confirmed briefly with the interviewee to ensure that the type of organisation etc is accurately recorded.

Depending on the size of the organisation, one – three people will be interviewed, but this will be at the discretion of the organisation.

1. Confirm consent to interview and to recording. Answer any questions regarding the data, storage, confidentiality etc. Sign consent form if happy to proceed.

2. Name, job title and involvement with apprenticeship and apprentices (if applicable). Ascertained at the outset and stated at the beginning of the recording.

3. Tell me a little bit about your role and where you fit within the organisation and the legal professional context more widely.

4. What is your involvement with apprenticeships?

5. What are your thoughts on equality of access to the professions; what do you think are the barriers to entry?

6. Tell me about your view of apprenticeship; for example, do you consider that it will widen access to the professions?

7. What are your thoughts on progression through apprenticeship; for example, what are your thoughts on how apprenticeship funding is managed?

8. What effect do you think the levy has had on apprenticeships in terms of access for disadvantaged students?

9. What are your thoughts on professional apprenticeships as an alternative to higher education?

10. How well informed do you think parents and students are in relation to apprenticeships?

11. What information do you think parents, teachers and students should have in relation to apprenticeships in order to allow them to make an informed choice?

12. What effect do you think the SQE will have on the legal employment market and employers' strategies for recruitment?

13. What effect do you think the SQE will have on higher education?

14. Several universities now have some involvement with apprenticeships; what are your thoughts on this development?

15. What do you think about employers who are recruiting graduates onto the solicitor apprenticeship?

16. There have been a number of reports on the effect that apprenticeships have had on social mobility and removing barriers to entry into the professions. How do you think the solicitors' profession aligns with the wider picture?

17. How do you believe that apprentices are perceived in comparison to trainee solicitors?

18. Any thoughts on the comparison between solicitor apprentices in their last two years and trainee solicitors; practice knowledge, for example?

19. How do you believe that apprentices will be perceived in comparison with candidates who have taken the SQE, particularly SQE candidates who have taken the qualification and accrued work experience independently, without working with a firm?

20. What opportunities are there for apprentices to progress within the profession? What do you envisage happening at the end of their apprenticeships, for example?

21. How do you see the apprentices fitting into the profession in the future? Might they be at a disadvantage in the long term in comparison with graduates, for example?

22. How do you see apprenticeships and graduate recruitment working in the future?

23. What do you think about apprenticeship as a viable route to qualification?

24. Any other observations or thoughts?

Anticipated time 1-2 hours, depending on how expansive the subject wishes to be.

Interview themes for employers

Information relating to the size of organisation and type of work, location and structure will be ascertained from the firm's website and published information. This will be confirmed briefly with the interviewee to ensure that the type of organisation etc is accurately recorded.

Depending on the size of the organisation, one – three people will be interviewed, but this will be at the discretion of the organisation.

1. Confirm consent to interview and to recording. Answer any questions regarding the data, storage, confidentiality etc. Sign consent form if happy to proceed.

2. Name, job title and relationship to the apprentice(s). Ascertained at the outset and stated at the beginning of the recording.

3. Tell me a little bit about your role and where you fit within the organisation.

4. How much contact do you have with the apprentices?

5. How do you recruit solicitor apprentices? Why that approach?

6. How does this compare with your recruitment practices for trainee solicitors, if applicable?

7. How do you supervise and manage solicitor apprentices; do they, for example, have mentors, a line manager with training in relation to managing apprentices etc?

8. What approach do you take to time recording for apprentices and how well do you think that works?

9. What type of work do the apprentices do and how is that allocated?

10. What sort of contact would apprentices have with fee earners and clients and what is your view on how that works for the business?

11. How does this compare with how you supervise and manage trainee solicitors, if applicable?

12. Please tell me what prompted you to employ solicitor apprentices.

13. What is the profile of your apprentices e.g. school leavers, career changers, left university with or without a degree etc

14. How do the apprentices fit into the business or organisation? Can you comment on their attitudes and behaviours as compared with trainee solicitors?

15. Any thoughts on the comparison between solicitor apprentices in their last two years and trainee solicitors; practice knowledge, for example

16. What opportunities are there for apprentices to progress within the organisation? What do you envisage happening at the end of their apprenticeships, for example?

17. How do you see the apprentices fitting into the business or organisation in the future? How does that compare with trainee solicitors, if relevant?

18. How, if at all, do you think that your strategy for the future has changed/is likely to change as a result of employing the apprentices?

19. How do you see apprenticeships and graduate recruitment working in the future, both for your organisation and for the profession?

20. What do you think about apprenticeship; is it an appropriate route for professional qualification? How do you think that the introduction of the SQE affects the perception of apprenticeships?

21. Any other observations or thoughts?

Anticipated time 1-2 hours, depending on how expansive the subject wishes to be.

Surveys and interview themes

Appendix Five: Participants

Role	**Organisation type**	**Involvement with apprenticeships**	**Pseudonym**	**Comments**
Outreach team member	Education provider with an apprenticeship programme	Previously involved in the promotion of apprenticeships	Sarah	Experience in outreach led to useful insights with regard to attitudes towards apprenticeship and university as routes
Employability Leader	Education provider with an apprenticeship programme	No direct involvement currently	Judith	Professional education experience of teaching and supervising trainee solicitors
Senior leader	Education provider with an apprenticeship programme	Senior leadership role in apprenticeship programme	Claire	Solicitor. Experience in teaching legal professional programmes. Considered that uncertainty

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
				regarding the apprenticeship was a potential deterrent
Senior leader	Education provider with an apprenticeship programme	Senior leadership role, liaison with apprentices' employers and senior university management	Patricia	Education provider with high levels of first in family students. Regional provider with a high proportion of smaller legal services providers, many of which were not apprenticeship levy payers
Senior associate solicitor	Commercial law firm	Apprentice supervisor	Rowan	Started as a paralegal in the organisation and qualified with them

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
HR Professional and early talent manager	Commercial law firm	Responsible for training and managing apprenticeships, including additional training if needed	Laura	Previous experience at another commercial firm who were early adopters of the solicitor apprenticeship
Partner	Commercial law firm	Apprentice supervisor	Kieran	Member of the organisation's diversity and inclusion panel
Senior leader	Education provider with apprenticeship programme	Senior leader with responsibility for the	Cathryn	Solicitor and experienced legal professional education leader

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
		apprenticeship programme		
Partner	Commercial law firm	Apprentice supervisor for paralegal and solicitor apprentices	Gordon	Early adopter organisation. Participant had paralegalled as a graduate (with another organisation) before completing a training contract
Partner	Commercial law firm	Apprentice supervisor for paralegal and solicitor apprentices	David	Very clear that the organisation did not care about routes to qualification, but was primarily focused on competence. Early

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
				specialism is desirable for the organisation
HR professional	Commercial law firm	Strategic decision maker regarding apprenticeships	Graham	Early adopter of apprenticeships, member of the Trailblazer group
Solicitor apprentice	City Council	Second year apprentice	Faaiza	First and only apprentice for the organisation
Solicitor apprentice	Commercial law firm	Fifth year apprentice	Fabiha	First cohort of apprentices for the organisation
Paralegal apprentice	Commercial law firm	Second year apprentice	Maajid	Initially applied to join one team, re-interviewed for another team

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
				as it was a better fit for both the team and the apprentice
Solicitor apprentice	Commercial law firm	Fifth year apprentice	Juliet	Involved in a case from the start of the apprenticeship. The case eventually went to the Supreme Court
HR professional and early talent manager	Commercial law firm	Responsible for the apprenticeship programme and outreach	Susannah	Team-based recruitment for apprentices, but some teams are more interested than others

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
Senior leader, professional body	Professional body	No direct involvement	Wendy	Considers that there is a perceived hierarchy in the legal profession
Solicitor apprentice	Commercial law firm	First year apprentice	Annette	First cohort of apprentices for the firm
Solicitor apprentice	Commercial law firm	Fifth year apprentice	Ingrid	First cohort of apprentices for the firm; early adopters
Solicitor apprentice	Commercial law firm	Fourth year apprentice	Erin	Low participation area for higher education
Solicitor apprentice	Commercial law firm	Second year apprentice	Rhea	Had previously completed a level 2 legal apprenticeship

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
Associate solicitor and apprentice supervisor	Commercial law firm	Apprentice supervisor	Ellen	Considers that more outreach and support to schools with lower participation rates would be valuable
Solicitor apprentice	Commercial law firm	First year apprentice	Anita	First cohort of apprenticeships
Solicitor apprentice	Commercial law firm	Fourth year apprentice	Nina	Attended private school. Feels that the route should be more widely promoted at all schools
Solicitor apprentice	Commercial law firm	Fourth year apprentice	Corey	School was not aware of apprenticeships at the time they applied, but attitudes changing

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
Solicitor apprentice	In-house with third sector organisation	Third year apprentice	Guilia	University was not an option. Member of the first and only cohort of legal apprentices, although the organisation has many other apprentices
Solicitor	In-house with third sector organisation	Supervises two apprentices within the team	James	Feels that the university experience is not necessary for legal practitioners; the apprenticeship is a better route
HR professional	Third Sector organisation	Responsible for several apprenticeships	Louise	Employability and skills generally better with apprenticeships.

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
		within the organisation		Uncertainty with funding bands is potentially an issue
Solicitor apprentice	In-house with third sector organisation	Third year apprentice	Marcus	Comes from a farming background; the apprenticeship seemed like a much more suitable, practical, route. Liked the idea of learning in a practical context
Senior leader	Education provider with apprenticeship programmes	Leads legal apprenticeship programmes	Brian	Steep learning curve for providers

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
Senior leader	Education provider with an apprenticeship programme run in partnership with another organisation	Senior leader in the law school with responsibility for apprenticeships	Edward	Issues for HE providers which also have a research agenda; research funding is more 'prestigious'. Profit margins are an issue
Manager, apprenticeship programmes	Education provider with apprenticeship programmes	Leader with direct responsibility for apprenticeship programmes	Lauren	Liaison role as there is a tripartite relationship between apprentices, employers and providers. Considered that while apprentices were concerned about degree classification initially, their focus shifted to the

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
				end point assessment towards the end of their apprenticeship
Senior leader, strategic role	Higher education provider which does not yet offer legal apprenticeships	Participated in Trailblazer group discussions	Carl	Potential for the apprenticeship to grow
Partner	Regional commercial law firm	None, although conveyancing apprentice now working in the organisation	Tom	Non-levy-payer. No solicitor apprentices and no regular intake of trainees. Felt that the apprenticeship was a high risk for a smaller organisation

Role	Organisation type	Involvement with apprenticeships	Pseudonym	Comments
Policy advisor	Professional body	Policy advice	Chanvir	Great potential for the route to make the profession more accessible

Appendix Six: Coding

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Qualification Degree Graduate 'Papers' Evidence Validation CILEx Status	LLB importance	Status Validation Parity	LLB and membership of the community of practice

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Employment market Standing out			
Finance Student loans Debt Social Competition Training contract SQE Equivalent means	Barriers to entry into the profession	Finance Origins War for talent	Barriers to entry into the profession and mechanisms affecting inclusion

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Background School leaver War for talent Russell Group Perception of legal profession Contacts Network University experience – cultural			

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Information Stigma Perception of apprenticeships Apprenticeships 'lesser' Couldn't have gone to university Manual Trade Schools	Barriers to entry into the apprenticeship (separate issues with entry into the apprenticeships and entry into the profession as a whole)	Stigma Perceptions Champions CSR Commitment	Barriers to entry – apprenticeships and mechanisms affecting inclusion

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Parents Social background Support Recruitment Outreach Intimidating People like me Outreach CSR Cold spots			

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Prestige Non-academic Champions Risk Commitment Status 'Easier' Admission criteria			
Culture and values Immersion	Identity	Culture Fit	Identity and integration into the community of practice

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Moulding Six years Experience Mentoring Business integration Time recording Commitment Professional identity Personal identity Confidence		Moulding	

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Legal knowledge Integrating academic learning Fit Background Origins Assimilate Diversity			
Criteria Support	Recruitment	Strategy Potential	Recruitment and mechanisms affecting inclusion

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Methods CSR Cold spots Processes Compare trainee solicitors Strategy Strength interviews Potential			

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Trade Skilled Less able Non-academic Manual Bricklayer Plumber Electrician Hairdresser Non-academic	'Apprentice'	Status	Apprenticeship perceptions and integration into the community of practice

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Schools Parents Perceptions School status Champion	Support and information on apprenticeships		See Recruitment
University background Investment Prestige Profit margins Business	Education	Resourcing Academic profile Demographic	Education and training: mechanisms affecting inclusion and integration into the community of practice

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Investment Infrastructure Research culture			
Levy Infrastructure Investment Long term Prestige Business model Resources	Organisations	Levy Infrastructure Talent Business	Legal profession – the community of practice

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Commitment Culture and values Strategy Talent management Retention Trainees Investment Moulding Presence in the office Marketing			

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Pipelines Traditional Admissions criteria Rotation Feedback Evolution Commercial			
Commitment Duration Employment	Risk	Commitment SQE	Risk as a mechanism affecting inclusion, but also as a

Initial codes (mainly descriptive, serve as a summary and the basis for later coding (Elliott, 2018)	**Initial themes**(Byrne, 2022)	**Secondary codes (refining what is coming out of the data and developing 'meta' codes** (Punch and Oancea, 2014)	**Themes**
Training contract Degree Financial Competition			demonstration of commitment by employer and apprentice

Appendix Seven: Ethics

The University of Oxford places a high value on the knowledge, expertise, and integrity of its members and their ability to conduct research to high standards of scholarship and ethics. The research ethics clearance procedures have been established to ensure the University is meeting its obligations as a responsible institution. They start from the presumption that all members of the University take their responsibilities and obligations seriously and will ensure that their research involving human participants is conducted according to the established principles and good practice in their fields and in accordance, where appropriate, with legal requirements. Since the requirements of research ethics review will vary from field to field and from project to project, the University accepts that different guidelines and procedures will be appropriate.

- Please check **"Where and how to apply for ethical review"** and the **CUREC flowchart** first to see if you need ethics approval.
- Please complete this form using a word processor and email it, together with your supporting documents, to your **Departmental Research Ethics Committee (DREC)** (**if applicable**). If you don't have a DREC please email this form to **ethics@socsci.ox.ac.uk** using your official **ox.ac.uk email** address. **Only type-written, emailed applications will be accepted.**

SECTION A: Filter for CUREC 2 application

This section determines whether your study raises more complex issues requiring the completion of a full application for ethical review, known as the CUREC 2 application. **(Please mark 'X' in the Yes/No column.)**

1.	Are research participants classed as **people whose ability to give free and informed consent is in question**? (This may include under 18s (although see "competent youths"), prisoners, or adults "at risk".) Your attention is drawn to the University's **Safeguarding Code of Practice** and its implications for researchers involving children or adults at risk. This includes the need for the work to be risk assessed and for researchers to undertake related training. (**Note**: If any of your participants are aged 16 or under, answer 'Yes' here **and** also answer question 5 below.)	Yes ☐	No ☒
2.	By taking part in the research, will participants be at risk of criminal prosecution (e.g. by providing information on drug abuse or child abuse)?	Yes ☐	No ☒
3.	Does the research involve the **deception** of participants?	Yes ☐	No ☒
4.	Does your research raise issues relevant to the **Counter-Terrorism and Security Act (the Prevent duty)**, which seeks to prevent people from being drawn into terrorism? Please see advice on this on our **Best Practice Guidance web page**.	Yes ☐	No ☒

If you answered 'No' to all the questions above, go to **Section B**. If you answered 'Yes' to any question above, continue to question 5 below.

5.	Is your project covered by a CUREC **Approved Procedure** (formerly known as "CUREC Protocols")?	Yes ☐	No ☒
	If yes, give the specific Approved Procedure number(s):		

If you answered '**Yes'** to **ANY** of questions **1-4**, **and** answered '**No'** to question **5**, **stop completing this checklist and do not submit it for ethical review**. Instead, complete the CUREC 2 application form from the CUREC website, then submit that for ethical review.
If you answered '**Yes'** to ANY of questions 1-3, **and** answered '**Yes'** to question 5, go on to **Section B**.

SECTION B: Contact details and project description	
Contact details:	
1. **Principal investigator** OR supervisor (if student research) (give title and full name)	Susan James Relly, Nigel Fancourt
2. Name of student (if student research)	Elizabeth Polding
3. Degree programme (if student research), e.g. BA, BSc, MSc, MPhil, DPhil	DPhil
4. Department or Institute name	Department of Education
5. Address for correspondence (if different from above)	36, Yewstock Crescent West, Chippenham, Wiltshire SN15 1QU
6. University (**not** private) e-mail address and telephone number	Elizabeth.polding@regents.ox.ac.uk
7. Name and status of others taking part in the project (e.g. third year undergraduate; postdoctoral research assistant)	Not applicable

Project description:	
8. Title of research project	Solicitor apprenticeships: removing barriers to entry into the legal profession and driving social mobility?
9. List of location(s) where project will be conducted	Bristol, London
10. If your research involves overseas fieldwork or travel and your department requires a travel risk assessment, will you have completed and returned a risk assessment form beforehand? (This must be approved by your department before you travel. If you are travelling overseas, you are strongly advised to take out University travel insurance.) Please also address any physical or psychological risks for Oxford researchers and local fieldworkers in Section 16 below and discuss with your safety officer.	Yes ☐ No ☐ Not required in this instance ☒
11. Anticipated duration of overall research project	36 months or 3 years (maximum 5)
12.a) Anticipated start and end dates of the part of the research project involving human participants and/or personal data	From: (01/08/2020) To: (01/10/2023) **Note**: You will need ethics approval **before** you start your research. CUREC 1As may take up to 30 days to process. **Retrospective ethics approval cannot be granted.**

12. b) In the case of international or collaborative research, will you submit or have you submitted this project for ethical review or consideration elsewhere (e.g. collaborator's/local ethics committee, or other local approval)?	Yes ☐ No ☒ If 'Yes', please attach ethics or other approvals and give more details below. If 'No', please explain your reasons below. Please also refer to the Best Practice Guidance on Ethical Review of social-sciences based research conducted outside the UK (BPG 16), which includes an Ethics Issues Checklist for International Research (Appendix A)
Please supply further details in response to question 12b here *Collaboration with the Edge Foundation*	
13. **External** organisation funding the research (if applicable)	The Edge Foundation, ESRC
14. a) Title and brief description of **research** (about 150 words) in lay language. When describing the research, include your methodology, how you are applying professional guidelines, and the use to which results/data will be put. **Please also declare any conflicts of interest here.**	
Solicitor apprenticeships: removing barriers to entry into the legal profession and driving social mobility? Solicitor apprenticeships are part of a reform of legal professional education. The reforms are the result of extensive consultations and take into account policies within and outside the solicitors' profession. In particular, the consultations noted that solicitors' social origins do not reflect society. Access to the professions appears to be important to promoting social mobility, and the introduction of apprenticeships into a profession which has been graduate-only since the 1970s reflects the intention to remove barriers to access. The study will survey apprentices through participating firms and using social media to determine their backgrounds and, in particular, to determine whether they are 'first generation' professionals who would not necessarily have accessed higher education. The study will also interview stakeholders in participating law firms to determine how they recruit and whether they believe that the apprentices have parity of esteem with graduate recruits. Apprentices from participating firms will also be interviewed in order to obtain their perspective on their roles and how they are perceived by the firms.	
14.b) Description of participants and how you will **obtain informed consent** to take part in the research (about 200 words in total) 1. Description of participants **and** your criteria for inclusion/exclusion Solicitor apprentices and organisations such as law firms and local authorities which provide legal services and which employ solicitor apprentices in England, primarily focusing on Bristol and London. Participants other than solicitor apprentices will be the individuals within the organisation who have responsibility for the apprentices ('key stakeholders'). In a law firm, this may be a training partner, a manager within the firm	

2. Your method(s) of recruitment

For organisations and their apprentices, I will write to request permission to survey and interview. I will also send out a survey via social media to apprentices employed by

3. Your processes for obtaining consent from participants

Written consent will be requested from participants recruited through their firms and information regarding the project and their rights will be provided. For interviewees, there will be an opportunity to ask questions before the interview begins. Click through

Please **attach separate supporting documents (in Word)** if appropriate for your research (English language versions only). Tick those you are submitting below. If appropriate supporting documents are not submitted, you will be asked to provide these separately, which may delay the ethical review process.

- ☒ Recruitment and advertisement material (e.g. a poster, social media recruitment text, or brief invitation letter/ email)
- ☒ Information for participants to read (or hear) before they agree to take part (e.g. written information or, if applicable, an outline oral information script).
- ☒ A document to record informed consent. Templates for written consent forms and/or oral information scripts (in case of an oral consent process) are available from the CUREC website
- ☒ Questions to be asked of participants (e.g. interview questions, or a preliminary scope of questions, or a sample questionnaire)
- ☐ (If relevant) debriefing document after participants have taken part
- ☐ If you feel the above approaches are not appropriate for your study, provide details on how you will obtain consent from participants
- ☐ Please complete section 15 if you cannot obtain informed consent

Please add any further details here. The most important point in relation to consent for apprentices employed by participating firms is to make it clear to them that the fact that their firms are participating does not mean that they are obliged to do so. For participants recruited through social media, assurances regarding anonymity as part of the consent process will be critical.

A separate information sheet has been drafted for participants completing through social media.

15. If you cannot obtain informed consent from participants according to CUREC guidelines and good practice in your discipline, please give a brief explanation and justification of this decision below.

Not applicable

16. What are the ethical issues connected with your research and what steps have you taken to address them? **Please do not answer 'none'.** We need to see evidence that you have identified potential ethical issues with respect to your research and have taken steps to address them. If applicable, please address:

- Participant burdens and/or risks

  Participants may feel obliged to participate, particularly the apprentices if their employers are participating. I have included clear statements that they are under no obligation and

- Your own physical and psychological safety as a researcher or of fieldworkers you may employ (see the University's and Social Science Division's Safety in Fieldwork guidance)

  I do not anticipate any physical risks. However, it may be difficult working with people I have previously worked with in a very different capacity. I will make it very clear that I am representing the University and not my former employer. I do not anticipate any conflict of interest provided it is made clear who I am representing and that I provide assurances regarding confidentiality. The organisations may require me to give written confirmation

- Data protection/ confidentiality (also see Section 18).

  All information will be stored securely in password protected files on my University OneDrive. I will be recording interviews on a separate device in order to avoid the

For more guidance on ethical issues, please see
http://researchsupport.admin.ox.ac.uk/governance/ethics/resources

Discuss other ethical issues here

Law firms and other legal services providers will be very concerned with confidentiality and data protection. I will ensure that data is anonymised and securely stored and provide assurances to that effect to the firms. The other possible risk involves safeguarding. Although all the apprentices with whom I will have contact will be over 18 (A levels or equivalent qualifications are required to apply for the apprenticeship), it is possible that they may disclose sensitive or personal information. Should this happen, I will follow the University safeguarding guidelines.

17. Will your research involve discussing sensitive issues? This could be information relating to race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life or criminal activities.	Yes ☒	No ☐
If you answered 'Yes', make sure you include some supporting information (as directed in Section 14 b.) above, showing the range of questions covering these issues. Questionnaires include questions relating to ethnic and social origins.		

18. Management and handling of personal and other research data	
For the purpose of completing this section, all information provided by participants is considered **research data**. Any research data from which participants can be identified is known as *personal data*; any personal data which is sensitive is considered *special category data*. Management of **personal data** and **special category data** of human participants, either directly or via a third party, must comply with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, as set out in the University's Guidance on Data Protection and Research. In answering the questions below, please also consider the points raised in the Data Protection Checklist. For advice on research data management and security, please consult with the University's Research Data Team (researchdata@ox.ac.uk) and/or your local IT department, and the University's web pages on research data management. a.) **Please mark 'X' against the data you will collect for your research**	
Consent records (written consent forms, audio-recorded consent, assent forms (for research involving minors) including participant name	☒
Online consent (may be anonymous)	☒
Opt-out forms	☐
Contact details for research purposes only (destroyed when no longer needed for this research)	☒
Contact details kept for future studies	☐
Audio recordings (preferably using PIN-protected audio recorder and stored on device's hard drive)	☒
Video recordings	☐
Transcript of audio/video recordings	☒

Photographs	☐
Task results (e.g. paper/online tasks, diary completion)	☐
Questionnaire answers	☒
Field notes	☒
Other (please specify below)	☐

b.) For **each** of the types of data selected above, state how this will be physically transferred from where it is collected to a local secure storage site (and backed up as necessary). This includes paper records and data captured electronically.

Paper records will be stored in a locked briefcase which will be used to transport them to my home address and ultimately to my College, where they will be scanned and then confidentially shredded after the project has been completed.

Recordings will be stored on the hard drive of a digital recording device which does not have automatic Cloud back up. The recording device will also be stored in a locked briefcase until it can be uploaded onto secure University storage.

Word documents will be stored on a password protected laptop stored in the locked briefcase.

A password protected external hard drive will also be used to back up all files. The external hard drive will be kept separately from the laptop and recorder.

c.) How and where will **each type of data** be stored during the research (until the end of all participant involvement)? Describe the arrangements for ensuring confidentiality, i.e. location of storage (e.g. Nexus 365 OneDrive for Business, SharePoint), security arrangements and de-identification of such data. Do not store unencrypted data in freely available cloud services or unprotected USB drives.

All paper files will be scanned for storage on NexusOneDrive 365 and the originals shredded once quality checks have been undertaken. Physical papers will be retained in a locked briefcase until they are scanned.

Audio recordings will be made on a digital recording device without automatic Cloud back up and files will be stored on the hard drive of the device until they can be uploaded to secure University storage.

Questionnaire answers in hard copy will be stored and scanned as above.

Field notes will be stored in a locked briefcase until transcription and then shredded after scanning.

d.) Will you use a unique participant number on research data instead of a participant name?

If **yes,** state whether or not you will retain a list of participant names against numbers (i.e. pseudonymisation via a linkage list). Where will the list be stored, and when will it be destroyed?

Yes. The list of participant names against numbers will be stored as a password protected Word file on the University NexusOneDrive. When reporting the data, pseudonyms will be used in order to ensure that the participants cannot be identified. The list will be destroyed using software from fileshredder.org or as advised by the University's IT department three years after publication.

e.) Who will have access to the research data?		
Only I will have access to full data, although my supervisors would be given access to the anonymised data if necessary.		
f.) If research data is to be shared with another organisation, how will it be transferred / disclosed securely?		
Not applicable.		
g.) When and how will identifiable data (including audio/video recordings & photos) be destroyed or deleted? **Note:** Records of consent should be retained for a **minimum of three years after publication or public release**. Some funders may require longer periods (see http://www.dcc.ac.uk/resources/policy-and-legal/overview-funders-data-policies). If you wish to retain contact details in order to re-approach participants about future studies, you must detail this in information provided to them and obtain specific consent for this.		
Data will be destroyed three years after publication using software from fileshredder.org or as advised by the University's IT department. Files on NexusOneDrive will be deleted using fileshredder.org software or as recommended by the University's IT department and audio recordings wiped in accordance with IT department advice to ensure that they cannot be recovered. Scanned PDFs will also be destroyed using software from fileshredder.org as above.		
h.) Please confirm that you will store **other research data** safely for at least 3 years after final publication or public release and adhere to any additional research funder policies. For more information about the University policies, please see the University's web pages on research data management.	Yes ☒	No ☐
If '**Yes'**, please give details of who will store the data and on storage format, location and security. Note that open science is encouraged. If **'No',** please provide further details below.		
NexusOneDrive will be used to securely store data using University storage, paying a fee if required.		
i.) Does your research involve the use of secondary (i.e. previously collected) data? Common sources of secondary data include censuses, information collected by government departments, organisational records and data that was originally collected for other research purposes (If "**No**", please go to section **19**.)	Yes ☒	No ☐
j.) Do you have data access agreements for the use of this secondary data? (If so, please attach these.)	Yes ☐	No ☒
k.) Is your use of this secondary data compatible with what data subjects/participants agreed that their data should be used for?	Yes ☒	No ☐
l.) Could this data be linked back to an individual or individuals? If yes, address how securely any personally identifiable data will be transferred to you, and where and for how long it will be stored during or after the research. Who will have access to it?	Yes ☐	No ☒
Secondary data will be publicly available from the Solicitors Regulation Authority website and will be appropriately acknowledged.		

19. Publication and dissemination of research data	
How will you disseminate and feedback project outcomes at the end of the research?	I will provide the subjects interviewed and surveyed with a link to a copy of my thesis. I will also find suitable conferences at which the findings may be presented and will submit articles on my findings to peer reviewed journals for publication.

SECTION C: Methods and procedures to be used	
Method used: Please ensure you have addressed any potential ethical issues related to these methods in Section 14 and in your Participant Information Sheet	**Please mark 'X'**
1. Analysis of existing records	☒
2. Snowball sampling (recruiting through contacts of existing participants)	☒
3. Use of casual or local workers e.g. interpreters	☐
4. Participant observation	☐
5. Covert observation	☐
6. Observation of specific organisational practices	☐
7. Participant completes questionnaire in hard copy	☒
8. Participant completes online questionnaire or other online task	☒
9. Using social media	☒
10. Participant performs paper and pencil task	☐
11. Participant performs verbal or aural task (e.g. for linguistic study)	☐
12. Focus group	☐
13. Interview	☒
14. Audio recording of participant (you will generally need specific consent from participants for this)	☒
15. Video recording of participant (you will generally need specific consent from participants for this)	☐
16. Photography of participant (you will generally need specific consent from participants for this)	☐
17. Others (please specify below)	☐

SECTION D: Professional guidelines and training		
1. In this section, please mark 'X' against at least one of the following professional guidelines you aim to adhere to. You should use the principles listed in your chosen guideline(s) in conducting your own research. **Note**: this is not an exhaustive list.		**Please mark 'X'**
Research specialism/ methodology	**Association and guidance document**	
Anthropology	Association of Social Anthropologists of the UK and Commonwealth	☐
Computer Sciences	ACM Code of Ethics and Professional Conduct	☐
Criminology	http://www.britsoccrim.org/ethics/	☐
Education	British Educational Research Association Ethical Guidelines for Educational Research	☒
Geography	Association of American Geographers Statement on Professional Ethics	☐
History	Oral History Society of the UK Ethical Guidelines	☐
Internet-based Research	British Psychological Society: Conducting Research on the Internet Association of Internet Researchers Ethics Guide ACM Code of Ethics and Professional Conduct Association of Internet Researchers (AoIR) Also see our Best Practice Guidance on internet-based research	☐
Law (Socio-Legal)	Socio-Legal Studies Association: Statement of Principles of Ethical Research	☐
Management	Academy of Management's Professional Code of Ethics	☐
Political Science	American Political Science Association (APSA) Guide to Professional Ethics in Political Science	☐
Politics	Political Studies Association. Guidelines for Good Professional Conduct	☐
Psychology	British Psychological Society Code of Ethics and Conduct	☐
Social Research	Social Research Association: Ethical Guidelines	☐
Sociology	The British Sociological Association: Statement of Ethical Practice	☐
Visual Research	ESRC National Centre for Research Methods Review Paper: Visual Ethics: Ethical Issues in Visual Research	☐
Other professional guidelines. Please specify the other guidelines used here*:*		☐

2. Please indicate what training in research ethics (or research methodology) the researchers involved with this study have received, e.g. the title of the course and date completed (online training available at http://researchsupport.admin.ox.ac.uk/support/training/ethics), or discussions between researchers and supervisors, if applicable.
I am the sole researcher. I have completed the Education department's DPhil training. I have discussed issues of research ethics with my supervisors and attended Social Sciences and ESRC groups which included discussions of ethics.

SECTION E: Signatures or email endorsements (The SSH IDREC Secretariat accepts either option below. If you have a DREC, check which signature option it prefers.)

- **Option 1:** Email confirmations from a University of Oxford email address can be accepted. Separate emails should come from each of the relevant signatories as outlined below, indicating acceptance of the relevant responsibilities. **Pasted images of signatures cannot be accepted.**
- **Option 2:** Handwritten (wet-ink) signatures. Please scan them and the rest of the checklist pages to create a single PDF document and email to us.

Please ensure this checklist is signed by:

For staff research:	**For student research**:
1. **Principal investigator**	1. **Principal investigator (project supervisor)**
2. **Head of Department (or nominee)**	2. **Head of Department (or nominee)**
	3. **Student researcher**

1. Principal Investigator signature/supervisor signature (if student research)

I understand my responsibilities as **principal investigator** as outlined in the CUREC glossary and guidance on the CUREC website.

I declare that the answers above accurately describe the research as presently designed, and that a new checklist will be submitted should the research design change in a way which would alter any of the above responses so as to require completion of CUREC 2 (involving full scrutiny by an IDREC). I will inform the relevant IDREC if I cease to be the principal investigator on this project and supply the name and contact details of my successor if appropriate.

Signature (or email endorsement using the above declaration): ……..

Print name (block capitals): ……. **Date**: ……..

2. Departmental endorsement signature

I have read the research project application named above. On the basis of the information available to me, I:

(i) consider the principal investigator to be aware of her/his ethical responsibilities in regard to this research;
(ii) consider that any ethical issues raised have been satisfactorily resolved or are covered by relevant professional guidelines and/or CUREC approved procedures, and that it is appropriate for the research to proceed (noting the principal investigator's obligation to report should the design of the research change in a way which would alter any of the above responses so as to require completion of a CUREC 2 full application);
(iii) am satisfied that: the proposed project design and scientific methodology is sound; the project has been/will be subject to appropriate **peer review**; and is likely to contribute to existing knowledge and/or to the education and training of the researcher(s) and that it is in the **public interest**.

Signed by Head of Department or nominee *(example nominees for student research include the Director of Graduate Studies/ Director of Undergraduate Studies)*:

Signature (or email endorsement using the above declaration): ……

Print name (block capitals): ……. **Date**: ……..

3. Student signature (if student research)

I understand the questions and answers that have been entered above describing the research, and I will ensure that my practice in this research complies with these answers, subject to any modifications made by the principal investigator properly authorised by the CUREC system.

Signature by student (or email endorsement using the above declaration): ……Elizabeth Polding……..

Print name (block capitals): ……Elizabeth Polding..... **Date**: ……15 June 2020……...

SAMPLE EMAIL CONSENT SCRIPT

Guidance

The procedures for obtaining participants' informed consent should be proportionate to the nature of participation and the risks involved. For low-risk research in the Social Sciences and Humanities that does not involve face-to-face interaction with the participants it may be sufficient for participants to provide evidence of their consent via email. Below is some suggested wording which may be adapted for this purpose.

Please note that this will not necessarily be appropriate for all types of research. You should still follow relevant guidance from Professional Associations, CUREC Best Practice Guidance and provide details in your CUREC application as to how you will negotiate and obtain consent as

Obtaining informed consent from research participants via email

Please read the statements below. If you are happy with all of the statements, please copy and paste them into an email and send it to me at Elizabeth.polding@regents.ox.ac.uk. This will be considered to constitute giving your consent to participate in the study.

If you have any questions about the research or the statements below, please do not hesitate to contact me.

I confirm that I have read and understand the information sheet for the study investigating to what extent, if any, solicitor apprenticeships enhance social mobility. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

I understand that my participation is voluntary and that I am free to withdraw at any time until 31 July 2021, without giving any reason, and without any adverse consequences or penalty.

I understand what will happen to my data.

I give the researcher permission to interview me.

I give the researcher to audio record me.

I give permission for the researcher(s) to quote me directly, either using a pseudonym or anonymously.

I give permission for the researcher to re-contact me to clarify information.

I agree for anonymised research data collected in this study to be used in other research studies.

I am happy to take part in the research.

Solicitor apprenticeships: removing barriers to entry into the legal profession and driving social mobility?

Ethics Reference: [Insert]

VOLUNTEERS NEEDED FOR ONLINE SURVEY

Approved Image of the University

The introduction of the solicitor apprenticeship is part of a range of initiatives to remove barriers to entry to the solicitors' profession. The study is looking at whether the apprenticeship is contributing to the aim of enhancing social mobility and making the profession more diverse and reflective of the society that it serves.

We are looking for volunteers who are currently employed as solicitor apprentices to take an anonymous online survey about their background and their views on the solicitor apprenticeship. If you have been invited to participate already because your firm is involved in the research, thank you and there is no need to complete this survey as well.

If you are interested and would like more information please contact Liz Polding at the Department of Education, 15 Norham Gardens, Oxford OX2 6PY on Elizabeth.polding@regents.ox.ac.uk. There is no obligation to take part.

Thank you!

Department of Education

15 Norham Gardens
Oxford OX2 6PY

Prof. Liz Polding
Elizabeth.polding@regents.ox.ac.uk

PARTICIPANT CONSENT FORM

Central University Research Ethics Committee (CUREC) Approval Reference: xxxxx

Solicitor apprenticeships: removing barriers to entry into the legal profession and enhancing social mobility?

Purpose of Study: *The introduction of the solicitor apprenticeship is part of a range of initiatives to remove barriers to entry to the solicitors' profession. The study is looking at whether the apprenticeship is achieving the aim of enhancing social mobility and making the profession more diverse and reflective of the society that it serves*

		Please initial each box
1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	
2	I understand that my participation is voluntary and that I am free to withdraw at any time before 31 July 2021, without giving any reason, and without any adverse consequences or penalty.	
3	I understand that research data collected during the study may be looked at by authorised people outside the research team. I give permission for these individuals to access my data.	
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	
6	I understand how this research will be written up and published.	
7	I understand how to raise a concern or make a complaint.	

8	I consent to being audio recorded	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I agree to the use of pseudonymised quotes in research outputs	
11	I agree to take part in the study[1]	☐

_____	dd / mm / yyyy	_____
Name of Participant	Date	Signature

_____	dd / mm / yyyy	_____
Name of person taking consent	Date	Signature

_____

Department of Education

15 Norham Gardens
Oxford OX2 6PY

Prof. Liz Polding
Elizabeth.polding@regents.ox.ac.uk

Solicitor apprenticeships: removing barriers to entry into the legal profession and enhancing social mobility?

PARTICIPANT INFORMATION SHEET

Central University Research Ethics Committee (CUREC) Approval Reference: **[Insert]**

1. ***Why is this research being conducted?***

   The introduction of the solicitor apprenticeship is part of a range of initiatives to remove barriers to entry to the solicitors' profession. The study is looking at whether the apprenticeship is achieving the SRA's aim of enhancing social mobility and making the profession more diverse and reflective of the society that it serves.

2. ***Why have I been invited to take part?***

   You have been invited because [*you are a solicitor apprentice] [you are a key stakeholder in an organisation which employs solicitor apprentices] .*

3. ***Do I have to take part?***

   No. You can ask questions about the research before deciding whether or not to take part. In particular, please note that if your firm is participating in this study, you are under no obligation to do so and your firm will not be informed if you decline. If you do agree to take part, you may withdraw yourself from the study, without giving a reason, by advising me of this decision. The deadline by which you can withdraw any information you have contributed to the research is 31 July 2021. Any data provided by you will be stored securely until completion of the study when it will be destroyed.

4. ***What will happen to me if I take part in the research?***

[You will be provided with a survey to complete electronically and email to me at Elizabeth.polding@regents.ox.ac.uk by [ ]. If you would prefer to complete a paper copy of the survey, please print it and post it to me at Department of Education, University of Oxford, 15 Norham Gardens, Oxford OX2 2PY, marked for the attention of Liz Polding. I will also provide you with a consent form to sign if you are happy to take part. Please return this to me by email along with your survey or in hard copy if you are submitting a paper copy of the study.]

[I will interview you at a place of your choosing at a mutually convenient time. I would be pleased to meet you at your place of work in order to minimise disruption to your working day. The interview will be in an open format in order to allow you to give your views as well as providing me with information regarding your solicitor apprentice recruitment, training and likely career structure, as well as your views on the apprenticeship and the role of apprentices in your business.

Before the interview begins, I will talk you through the structure of the interview and give you the chance to ask any questions. If you are still happy to take part, I will ask you to sign a consent form.

If you are happy to take part in the research, you will be interviewed. The interview should take approximately one - two hours. You can also ask to pause or stop the interview at any time.

With your consent, I would like to audio record you so that I can have an accurate record of your thoughts]

5. ***Are there any potential risks in taking part?***

The following risks are involved in taking part: you are going to be providing information about yourself and your views on solicitor apprenticeships and you may be concerned about confidentiality and possibly being identified in the final thesis. [You may also be concerned that the interview process will generate recordings of your interview and transcripts of any recording.]

To reduce any potential risks, data will be stored on secure drives by the University and password protected. In addition, all files will be identified using a number. Information identifying which person's survey [interview] is contained in that file will be stored separately in a password protected file on a University hosted secure drive. Any hard copy information will be stored in a locked briefcase in a secure location. Hard copy information

will be scanned and stored on a secured University hosted drive and original hard copies will be securely shredded on completion of the study. Recordings will be made on a PIN protected digital recorder with no automatic cloud back up. Recordings will be transferred to a secure university-hosted drive as soon as possible after the interview and transcriptions of the audio recordings will be securely stored in password protected files identified by the date of the interview and a number. Any personal data used in the thesis, including quotations, will be pseudonymised, to protect the identity of the person concerned.

6. *Are there any benefits in taking part?*

There will be no direct or personal benefit to you from taking part in this research.

7. *Expenses and payments*

There will be no payment for taking part in this study.

8. *What happens to the data provided?*

The information you provide during the study is the **research data**. Any research data from which you can be identified such as your name, date of birth, place of employment, details of your family background, details of your educational and apprenticeship background, details of your parents' income and occupations and, if applicable, audio recording of your interview is known as **personal data**.

This includes more sensitive categories of personal data such as your ethnic origin.

Personal / sensitive data will be stored on a secure drive hosted by the university and retained for three years after completion of the study.

Other research data (including consent forms) will be stored for at least 3 years after publication or public release of the work of the research.

The researcher will have access to the research data. Responsible members of the University of Oxford may be given access to data for monitoring and/or audit of the research.

I would like your permission to use pseudonymised direct quotes in any research outputs.

I would like your permission to use pseudonymised data in future studies, and to share data with other researchers (e.g. in online databases). All personal information that could identify you will be removed or changed before information is shared with other researchers or results are made public.

9. *Will the research be published?*

The research may be published in academic journals and as conference papers and on the website of the research sponsor, Edge Foundation.

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The research will be written up as a student's thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives to facilitate its use in future research. If so, the thesis will be openly accessible.

10. *Who is funding the research?*

This research is funded by the Edge Foundation, an independent education charity and company limited by guarantee. Edge is registered in England. Charity number: 286621. Company number: 1686164. The research is also supported by Grand Union, an Economic and Social Research Council (ESRC) doctoral training partnership between the University of Oxford, the Open University and Brunel University.

11. *Who has reviewed this study?*

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: xxx).

12. ***Who do I contact if I have a concern about the study or I wish to complain?***

If you have a concern about any aspect of this study, please contact Liz Polding at Elizabeth.polding@ regents.ox.ac.uk or the project's joint supervisors, Susan.jamesrelly@education.ox.ac.uk or Nigel.Fancourt@education.ox.ac.uk , and we will do our best to answer your query. I will acknowledge your concern within 10 working days and give you an indication of how it will be dealt with. If you remain unhappy or wish to make a formal complaint, please contact the Chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter as soon as possible:

Chair, **Social Sciences & Humanities Inter-Divisional Research Ethics Committee**; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD

13. ***Data Protection***

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.

The University will process your personal data for the purpose of the research outlined above. Research is a task that is performed in the public interest.

Further information about your rights with respect to your personal data is available from http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/.

14. ***Further Information and Contact Details***

If you would like to discuss the research with someone beforehand (or if you have questions afterwards), please contact:

Liz Polding
Department of Education
15 Norham Gardens, Oxford OX2 2Py
University email: Elizabeth.polding@regents.ox.ac.uk

Department of Education

15 Norham Gardens
Oxford OX2 6PY

Prof. Liz Polding
Elizabeth.polding@regents.ox.ac.uk

Study title: 'Solicitor apprenticeships: removing barriers to entry into the legal profession and driving social mobility?'

CUREC Approval Reference:

General Information

The aim of this study is to determine whether the apprenticeship enhances social mobility, a specific aim of the Solicitors Regulation Authority's policy in relation to improving diversity and making the profession more reflective of the society that it serves. The introduction of the solicitor apprenticeship is part of a range of initiatives to remove barriers to entry to the solicitors' profession.

You have been invited to participate as you are a solicitor apprentice. I appreciate your interest in participating in this online survey. Please read through this information before agreeing to participate by ticking the 'yes' box below.

You may ask any questions before deciding to take part by contacting the researcher (details below).

My name is Liz Polding and I am a student of the Department of Education at the University of Oxford in collaboration with The Edge Foundation. I am researching the effect of solicitor apprenticeships on social mobility.

You will be asked some questions about your background, education and employment. You will then be asked to give your views on the solicitor apprenticeship in terms of your experience. This should take about 45 minutes. No background knowledge is required. The information that you provide will be used to understand better who is undertaking solicitor apprenticeships and what their experience is like. The information will not be shared with anyone else and will be anonymised before it is included in the thesis.

Do I have to take part?

Your participation is voluntary. If you do decide to take part, you may withdraw at any point during the questionnaire for any reason before submitting your answers by closing the browser.

How will my data be used?

Your answers will be completely anonymous, and we will take all reasonable measures to ensure that they remain confidential.

Your data will be stored in a password-protected file and may be used in academic publications. Your IP address will not be stored. We have included a 'Prefer not to say' option for each set of questions should you prefer not to answer a particular question. Research data will be stored for a minimum of three years after publication or public release.

Who will have access to my data?

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study. The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest. Further information about your rights with respect to your personal data is available from https://compliance.admin.ox.ac.uk/individual-rights.

We would like your permission to use your anonymised data in future studies, and to share data with other researchers (e.g. in online databases). Any personal information that could identify you will be removed or changed before files are shared with other researchers or results are made public.

Responsible members of the University of Oxford and funders may be given access to data for monitoring and/or audit of the study to ensure we are complying with guidelines, or as otherwise required by law.

This survey is for a DPhil project. The Principal Researcher is Liz Polding, who is attached to the Department of Education at the University of Oxford. This project is being completed under the supervision of Susan James Relly and Nigel Fancourt.

This project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee [reference number].

Who do I contact if I have a concern about the study or I wish to complain?

If you have a concern about any aspect of this study, please speak to Liz Polding, email Elizabeth.polding@regents.ox.ac.uk or her supervisor Susan James Relly/Nigel Fancourt, emails susan.jamesrelly@education.ox.ac.uk or Nigel.Fancourt@education.ox.ac.uk, and we will do our best to answer your query. I will acknowledge your concern within 10 working days and give you an indication of how it will be dealt with. If you remain unhappy or wish to make a formal complaint, please contact the Chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter as soon as possible:

Chair, Social Sciences & Humanities Interdivisional Research Ethics Committee; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD

Please note that you may only participate in this survey if you are 18 years of age or over.

☐ I certify that I am 18 years of age or over

If you have read the information above and agree to participate with the understanding that the data (including any personal data) you submit will be processed accordingly, please check the relevant box below to get started.

☐ Yes, I agree to take part

Draft Survey of solicitor apprentices

Before answering the questions below, please read the participant information and email your consent form to Elizabeth.polding@regents.ox.ac.uk . The questions are divided into two parts. The first part asks questions about you, your background and your education experience. This part of the survey uses a series of questions developed by the Bridge Group and the Social Mobility Commission. The second part relates to your experience as an apprentice and what you see as your likely career path. It also asks for your views. You are under no obligation to provide these, but if you prefer not to answer, please indicate this next to the question so that it is clear that you are declining to answer.

Thank you for your participation.

1.	Your year of birth		
2.	Gender or how you identify	Male	
		Female	
		Non-binary	
		Trans	
		Other	
		Prefer not to say	
3	Ethnic origin (Groups as per the Office for National Statistics) Please use the number that corresponds to the origin that most closely corresponds with your own.	**White** 1. English / Welsh / Scottish / Northern Irish/ British 2. Irish 3. Gypsy or Irish Traveller 4. Any other White background, please describe	
		Mixed / Multiple ethnic groups 5. White and Black Caribbean 6. White and Black African 7. White and Asian 8. Any other Mixed / Multiple ethnic background, please describe	
		Asian / Asian British 9. Indian 10. Pakistani 11. Bangladeshi	

		12. Chinese 13. Any other Asian background, please describe	
		Black / African / Caribbean / Black British 14. African 15. Caribbean 16. Any other Black / African / Caribbean background, please describe	
		Other ethnic group 17. Arab 18. Any other ethnic group, please describe	
		19. Prefer not to say	
4	What kind of school did you attend aged 11-16?	A state-run or state-funded school	
		Independent or fee-paying school	
		Attended school outside the UK	
		I don't know	
		Prefer not to say	
5	When you were at school, were you ever eligible for free school meals?	Yes	
		No	
		I don't know	
		Prefer not to say	
6	What is the highest qualification achieved by either of your parents or guardians by the time you were 18?	Above degree level (e.g. MA, MSc, MPhil, PhD	
		Degree or equivalent (e.g. first or higher degrees, postgraduate diplomas, NVQ/SVQ Level 4 or 5	
		Below degree level (e.g. A level, SCE Higher, GCSE, O level, SCE Standard/Ordinary, NVQ/SVQ, BTEC)	
		No qualifications	
		I don't know	
		Prefer not to say	
		Not applicable	
7a	What was the of the main household earner when you were aged 14? (Questions from the National Statistics Socio-economic classification)	**Modern professional occupations** such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer.	
		Clerical and intermediate occupations such as: secretary,	

		personal assistant, clerical worker, call centre agent, nursery nurse.	
		Senior managers or administrators (usually responsible for planning, organising and co-ordinating work, and for finance) such as finance manager, chief executive.	
		Technical or craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.	
		Semi-routine manual and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant.	
		Routine manual and service occupations such as: HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.	
		Middle or junior managers such as: office manager, retail manager, bank manager, restaurant manager, warehouse manager	
		Traditional professional occupations such as accountant, solicitor, medical practitioner, scientist, civil/mechanical engineer	
		Long-term unemployed (claimed Jobseeker's allowance or earlier unemployment benefit for more than a year)	
		Retired	
		This question does not apply to me	
		I don't know	
		Prefer not to say	
7b	When you were aged 14, did the main household earner in your house work as an employee or were they self-employed?	Employee	
		Self-employed with employees	

		Self-employed/freelance without employees (go to question 7d)	
		Not working	
		I don't know	
		Prefer not to answer questions about parental occupation (skip remaining questions in this section)	
7c	**Where your answer to 7b is employee**: How many people worked for your main household earner's employer at this time?	1 to 24	
		25+	
		I don't know	
	Where your answer to 7b is self-employed with employees: How many people did your main household earner employ at this time? Please move to question 7d when you have completed this question.	1 to 24	
		25+	
		I don't know	
7d	Did they supervise employees?	Yes	
		No	
		I don't know	
8	When you were aged 14, what was the annual income of your household?	Less than £20,000	
		£21,000 - £40,000	
		£41,000 - £60,000	
		£61,000 - £80,000	
		£81,000 - £100,000	
		£100,000 - £150,000	
		Over £150,000	
		I don't know	
		This question does not apply to me	
		Prefer not to say	

Your views and experience

	Apprenticeship versus university	
9	In what year did you begin your solicitor apprenticeship?	

10	In what year will you complete your apprenticeship?	
11	Have you ever undertaken an apprenticeship before?	Yes No Prefer not to say
12	If you have undertaken an apprenticeship, what was the level of that apprenticeship? What was the area of that apprenticeship (e.g. business, a skills based apprenticeship, other professional apprenticeship)?	Level 2 Level 3 Level 4 Level 6 Level 7 **Area of apprenticeship (please specify below)**
13	Would you have gone to university if the solicitor apprenticeship had not been available?	Yes No Don't know Prefer not to say Still considering university
13a	If you answered yes to question 10, why did you choose the apprenticeship?	
13b	If no, what would you have done instead?	
	Your employment	
14	How are you managed in your workplace (indicate as many as apply)?	Line manager as part of a wider team Line manager with responsibility for apprentices Dedicated apprenticeship manager Mentor Peer mentor or 'buddy' Other (please specify
15	Which of the following were part of the recruitment process for your apprenticeship (tick as many as apply)?	Application form CV and covering letter Group work Interview Written exercises Presentations Other (please specify
16	What do you think about that recruitment process: did you know what to expect and how did you prepare?	

	Your training	
17	How is your 20% time for study managed? For example, one full day off per week, two half days etc.	Free answer
18	Who provides your training?	Free answer
19	What form does your training take (indicate the most commonly-used format for your training)?	Live teaching at my training provider Live training at my workplace Online synchronous learning (takes place at a scheduled time and involves interaction) Online asynchronous learning (can be done at any time and does not involve interaction with others) Independent learning Other (please specify)
20	Are you given any additional time, for example, study leave when you have assessments for which you need to prepare?	No Yes (please give details below)
21	Are you awarded a higher education qualification as part of your apprenticeship?	No Yes (please give details below)
	How your see yourself and how you are seen	
22	Do you see yourself as equal to a trainee solicitor at the same level of experience?	No Yes (please give details below)
23	Do you think that your firm sees you as equal to a trainee solicitor at the same level of experience?	No Yes (please give details below)
24	Where do you see yourself five years after completing the apprenticeship?	
25	Where do you think your employer sees you five years after completing the apprenticeship?	
	Your views	
26	What is your opinion of the solicitor apprenticeship? For example, do you think that it will make it easier for people who do not wish to go to university to have a professional career in law?	
27	Do you have any other observations?	
Thank you for your participation.		

Draft Survey of solicitor apprentices

Before answering the questions below, please read the participant information and email your consent form to Elizabeth.polding@regents.ox.ac.uk . The questions are divided into two parts. The first part asks questions about you, your background and your education experience. This part of the survey uses a series of questions developed by the Bridge Group and the Social Mobility Commission. The second part relates to your experience as an apprentice and what you see as your likely career path. It also asks for your views. You are under no obligation to provide these, but if you prefer not to answer, please indicate this next to the question so that it is clear that you are declining to answer.

Thank you for your participation.

1.	Your year of birth		
2.	Gender or how you identify	Male	
		Female	
		Non-binary	
		Trans	
		Other	
		Prefer not to say	
3	Ethnic origin (Groups as per the Office for National Statistics) Please use the number that corresponds to the origin that most closely corresponds with your own.	**White** 1. English / Welsh / Scottish / Northern Irish/ British 2. Irish 3. Gypsy or Irish Traveller 4. Any other White background, please describe	
		Mixed / Multiple ethnic groups 5. White and Black Caribbean 6. White and Black African 7. White and Asian 8. Any other Mixed / Multiple ethnic background, please describe	
		Asian / Asian British 9. Indian 10. Pakistani 11. Bangladeshi	

		12. Chinese 13. Any other Asian background, please describe	
		Black / African / Caribbean / Black British 14. African 15. Caribbean 16. Any other Black / African / Caribbean background, please describe	
		Other ethnic group 17. Arab 18. Any other ethnic group, please describe	
		19. Prefer not to say	
4	What kind of school did you attend aged 11-16?	A state-run or state-funded school	
		Independent or fee-paying school	
		Attended school outside the UK	
		I don't know	
		Prefer not to say	
5	When you were at school, were you ever eligible for free school meals?	Yes	
		No	
		I don't know	
		Prefer not to say	
6	What is the highest qualification achieved by either of your parents or guardians by the time you were 18?	Above degree level (e.g. MA, MSc, MPhil, PhD	
		Degree or equivalent (e.g. first or higher degrees, postgraduate diplomas, NVQ/SVQ Level 4 or 5	
		Below degree level (e.g. A level, SCE Higher, GCSE, O level, SCE Standard/Ordinary, NVQ/SVQ, BTEC)	
		No qualifications	
		I don't know	
		Prefer not to say	
		Not applicable	
7a	What was the of the main household earner when you were aged 14? (Questions from the National Statistics Socio-economic classification)	**Modern professional occupations** such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer.	
		Clerical and intermediate occupations such as: secretary,	

		personal assistant, clerical worker, call centre agent, nursery nurse.	
		Senior managers or administrators (usually responsible for planning, organising and co-ordinating work, and for finance) such as finance manager, chief executive.	
		Technical or craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.	
		Semi-routine manual and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant.	
		Routine manual and service occupations such as: HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.	
		Middle or junior managers such as: office manager, retail manager, bank manager, restaurant manager, warehouse manager	
		Traditional professional occupations such as accountant, solicitor, medical practitioner, scientist, civil/mechanical engineer	
		Long-term unemployed (claimed Jobseeker's allowance or earlier unemployment benefit for more than a year)	
		Retired	
		This question does not apply to me	
		I don't know	
		Prefer not to say	
7b	When you were aged 14, did the main household earner in your house work as an employee or were they self-employed?	Employee	
		Self-employed with employees	

		Self-employed/freelance without employees (go to question 7d)	
		Not working	
		I don't know	
		Prefer not to answer questions about parental occupation (skip remaining questions in this section)	
7c	**Where your answer to 7b is employee**: How many people worked for your main household earner's employer at this time?	1 to 24	
		25+	
		I don't know	
	Where your answer to 7b is self-employed with employees: How many people did your main household earner employ at this time? Please move to question 7d when you have completed this question.	1 to 24	
		25+	
		I don't know	
7d	Did they supervise employees?	Yes	
		No	
		I don't know	
8	When you were aged 14, what was the annual income of your household?	Less than £20,000	
		£21,000 - £40,000	
		£41,000 - £60,000	
		£61,000 - £80,000	
		£81,000 - £100,000	
		£100,000 - £150,000	
		Over £150,000	
		I don't know	
		This question does not apply to me	
		Prefer not to say	

Your views and experience

	Apprenticeship versus university	
9	In what year did you begin your solicitor apprenticeship?	
10	In what year will you complete your apprenticeship?	

11	Have you ever undertaken an apprenticeship before?	Yes	
		No	
		Prefer not to say	
12	If you have undertaken an apprenticeship, what was the level of that apprenticeship? What was the area of that apprenticeship (e.g. business, a skills based apprenticeship, other professional apprenticeship)?	Level 2	
		Level 3	
		Level 4	
		Level 6	
		Level 7	
		Area of apprenticeship (please specify below)	
13	Would you have gone to university if the solicitor apprenticeship had not been available?	Yes	
		No	
		Don't know	
		Prefer not to say	
		Still considering university	
13a	If you answered yes to question 10, why did you choose the apprenticeship?		
13b	If no, what would you have done instead?		
	Your employment		
14	How are you managed in your workplace (indicate as many as apply)?	Line manager as part of a wider team	
		Line manager with responsibility for apprentices	
		Dedicated apprenticeship manager	
		Mentor	
		Peer mentor or 'buddy'	
		Other (please specify	
15	Which of the following were part of the recruitment process for your apprenticeship (tick as many as apply)?	Application form	
		CV and covering letter	
		Group work	
		Interview	
		Written exercises	
		Presentations	
		Other (please specify	
16	What do you think about that recruitment process: did you know what to expect and how did you prepare?		
	Your training		

17	How is your 20% time for study managed? For example, one full day off per week, two half days etc.	Free answer
18	Who provides your training?	Free answer
19	What form does your training take (indicate the most commonly-used format for your training)?	Live teaching at my training provider Live training at my workplace Online synchronous learning (takes place at a scheduled time and involves interaction) Online asynchronous learning (can be done at any time and does not involve interaction with others) Independent learning Other (please specify)
20	Are you given any additional time, for example, study leave when you have assessments for which you need to prepare?	No Yes (please give details below)
21	Are you awarded a higher education qualification as part of your apprenticeship?	No Yes (please give details below)
	How your see yourself and how you are seen	
22	Do you see yourself as equal to a trainee solicitor at the same level of experience?	No Yes (please give details below)
23	Do you think that your firm sees you as equal to a trainee solicitor at the same level of experience?	No Yes (please give details below)
24	Where do you see yourself five years after completing the apprenticeship?	
25	Where do you think your employer sees you five years after completing the apprenticeship?	
	Your views	
26	What is your opinion of the solicitor apprenticeship? For example, do you think that it will make it easier for people who do not wish to go to university to have a professional career in law?	
27	Do you have any other observations?	
Thank you for your participation.		

Draft Interview themes

Information relating to the size of organisation and type of work, location and structure will be ascertained from the firm's website and published information. This will be confirmed briefly with the interviewee to ensure that the type of organisation etc is accurately recorded.

Depending on the size of the organisation, one – three people will be interviewed, but this will be at the discretion of the organisation.

1. Confirm consent to interview and to recording. Answer any questions regarding the data, storage, confidentiality etc. Sign consent form if happy to proceed.

2. Name, job title and relationship to the apprentice(s). Ascertained at the outset and stated at the beginning of the recording.

3. Tell me a little bit about your role and where you fit within the organisation.

4. How much contact do you have with the apprentices?

5. How do you recruit solicitor apprentices? Why that approach?

6. How does this compare with your recruitment practices for trainee solicitors, if applicable?

7. How do you supervise and manage solicitor apprentices; do they, for example, have mentors, a line manager with training in relation to managing apprentices etc?

8. What approach do you take to time recording for apprentices and how well do you think that works?

9. What type of work do the apprentices do and how is that allocated?

10. What sort of contact would apprentices have with fee earners and clients and what is your view on how that works for the business?

11. How does this compare with how you supervise and manage trainee solicitors, if applicable?

12. Please tell me what prompted you to employ solicitor apprentices.

13. How do the apprentices fit into the business or organisation?

14. What opportunities are there for apprentices to progress within the organisation? What do you envisage happening at the end of their apprenticeships, for example?

15. How do you see the apprentices fitting into the business or organisation in the future? How does that compare with trainee solicitors, if relevant?

16. How, if at all, do you think that your strategy for the future has changed/is likely to change as a result of employing the apprentices?

17. How do you see apprenticeships and graduate recruitment working in the future, both for your organisation and for the profession?

18. What do you think about apprenticeship; is it an appropriate route for professional qualification? How do you think that the introduction of the SQE affects the perception of apprenticeships?

19. Any other observations or thoughts?

Anticipated time 1-2 hours, depending on how expansive the subject wishes to be.

Draft Interview themes

Information relating to the size of organisation and type of work, location and structure will be ascertained from the firm's website and published information. This will be confirmed briefly with the interviewee to ensure that the type of organisation etc is accurately recorded.

Depending on the size of the organisation, one – three people will be interviewed, but this will be at the discretion of the organisation.

1. Confirm consent to interview and to recording. Answer any questions regarding the data, storage, confidentiality etc. Sign consent form if happy to proceed.

2. Name, job title and relationship to the apprentice(s). Ascertained at the outset and stated at the beginning of the recording.

3. Tell me a little bit about your role and where you fit within the organisation.

4. How much contact do you have with the apprentices?

5. How do you recruit solicitor apprentices? Why that approach?

6. How does this compare with your recruitment practices for trainee solicitors, if applicable?

7. How do you supervise and manage solicitor apprentices; do they, for example, have mentors, a line manager with training in relation to managing apprentices etc?

8. What approach do you take to time recording for apprentices and how well do you think that works?

9. What type of work do the apprentices do and how is that allocated?

10. What sort of contact would apprentices have with fee earners and clients and what is your view on how that works for the business?

11. How does this compare with how you supervise and manage trainee solicitors, if applicable?

12. Please tell me what prompted you to employ solicitor apprentices.

13. How do the apprentices fit into the business or organisation?

14. What opportunities are there for apprentices to progress within the organisation? What do you envisage happening at the end of their apprenticeships, for example?

15. How do you see the apprentices fitting into the business or organisation in the future? How does that compare with trainee solicitors, if relevant?

16. How, if at all, do you think that your strategy for the future has changed/is likely to change as a result of employing the apprentices?

17. How do you see apprenticeships and graduate recruitment working in the future, both for your organisation and for the profession?

18. What do you think about apprenticeship; is it an appropriate route for professional qualification? How do you think that the introduction of the SQE affects the perception of apprenticeships?

19. Any other observations or thoughts?

Anticipated time 1-2 hours, depending on how expansive the subject wishes to be.

Appendix eight: Moulding v Polishing

Theme	**Moulding**	**Polishing**	**Participants' views**
Recruitment	Majority under 25, recruited mainly following A levels. Recruitment on a 'strengths' basis	Recruited for graduate entry (sometimes under the apprenticeship badge). Expectation of internship experience, demonstration of skills, professional appearance and manner.	Susannah (organisation C) 'a different pipeline of talent that we could be tapping into' Kieran (organisation A) 'we took it upon ourselves to go looking more'
Educational qualifications	A levels or equivalent	Degree and professional qualification	The participants' qualification requirements were indicated on their websites.
Experience	None	Internships as a minimum, paralegal experience may be expected	Ellen (organisation C) 'more experienced'

Theme	Moulding	Polishing	Participants' views
			David (organisation D) 'got their suit'
Social capital	Modified expectations as participants were mindful that they were dealing with a school leaver	'Finished product' at the time of recruitment	Susannah (organisation C) referred to the recruitment process as looking at the apprentices' potential rather than their experience, or looking at what they have done Maajid discussed his 'fit' within the second team with which he interviewed
Duration	Up to six years	Two years	Experience 'long work experience, drip feeding'

Theme	Moulding	Polishing	Participants' views
Expectations	Potential, likely to 'stick at it' for the duration.	Presenting as a junior lawyer	Susannah (organisation C); adjusting expectations to take account of the different pipeline of talent
Structure	Variable, but many apprentices will be based in one team, potentially with the opportunity to gain experience in other teams as they progress. In either case, the amount of time within a team is generally longer. For the first six months, it is likely that the apprentice will be shadowing, carrying out administrative tasks, and undertaking smaller tasks	'Seats' of four-six months in different teams or areas of practice over the two year period. They may have an opportunity to select their 'seats'. As the graduates will have more legal knowledge, there is likely to be an expectation that they will take a more significant role in a matter from the start, but because of the duration of each seat, they are likely to be given tasks that are similar to an early career apprentice's tasks.	Juliet's experience with a single case from beginning to end 'it went to the high court and we won'

Theme	Moulding	Polishing	Participants' views
	which contribute to a more substantial matter.		
Opportunities for experience	Significantly more; as they pass the initial period of their apprenticeships, the longer duration of their time in the organisation, and the longer time in each team is likely to allow them to take on more involved and responsible roles. As they progress in their off the job learning, their legal knowledge will also allow them to expand their work.	Limited by the structure of the training contract model, which is acknowledged as the model that many organisations will be retaining for graduate recruits. In four-six months, there will be transitional periods at the beginning and end, and a limited period in which the graduate recruit can become involved in the matters on which their team are working.	James' view (organisation F) that trainee solicitors in six month seats were able to become 'useful' only once they were close to the end of their seat.

Theme	Moulding	Polishing	Participants' views
More autonomy	Not initially, but as their experience grows, the standards include a requirement that they should take on more significant responsibility.	Limited by the structure of the training contract model.	Nina described the apprentices as the 'go-to people' for the trainee solicitors in their organisation as the apprentices had more experience
Retention	Expectation that the apprentices will be retained by the organisation.	Variable, but there is a perception that graduates are more likely to move on after the two year period.	Susannah (organisation C) and other participants discussed the expectation that the apprentices would be retained once they qualified Nina felt that the trainees were less likely to stay on qualification because the key objective for trainees was to obtain a training contract in the short

Theme	Moulding	Polishing	Participants' views
			term; they might want to move after qualifying However, Wendy's view that the moulding process might serve only to create 'a little you' suggests a less positive view of the moulding process.