



TALENT IS EVERYWHERE. OPPORTUNITY IS NOT.

This article looks at the current state of social mobility within law firms, how it has improved over time, what efforts are being made to combat an age-old problem, and what can be done by aspirational law firms who are looking to change the status quo.

DEFINING SOCIAL MOBILITY

Social mobility is the movement of individuals, families, or groups through a system of social hierarchy or stratification¹.

In the context of this article, the notion of Social Mobility describes one's ability to move into legal careers that have historically been reserved for upper class members of society.

SOCIAL MOBILITY IN THE UK

Social mobility, or more specifically, the lack thereof, is a phenomenon that has long plagued the United Kingdom, and a number of other developed countries globally.

With large proportions of the UK's population suffering a lack of opportunity, whether due to geographical or socio-economic reasoning, inequality and disproportionate access to what would be classed as 'top echelon' careers, continue to be problems that prove difficult to solve.

A 2019 study by the Sutton Trust (a charity that champions social mobility) and the Social Mobility Commission (a public sector body monitoring improvement of social mobility) found that while just 7 per cent of British children are privately educated, they comprised a staggering 39 per cent of those holding the top 5,000 most prestigious, influential and well-paid positions in the country².

Further to that, educational advantage at school level is unfortunately largely replicated in higher education, with students from private schools far more likely to enter a top university, than their state educated counterparts.

Perpetuated by the fact that the University someone attends plays a significant role in influencing ones access to graduate jobs and starting salary (with certain 'elite' employers targeting only a selective group of universities), this means that quite frankly, one's careers can be somewhat defined and curtailed at the mere age of 5 years old, with the choice on school that parents and/or guardians make.

These stifling statistics become even worse when we drill down into the legal profession.

SOCIAL MOBILITY IN THE LAW

Among senior Judges in the UK, 65% are educated in the British public school system, and just to make things even more unequal, 71% of Senior Judges are Oxbridge educated³. These figures show the scandalous position in which the UK finds itself today.

Focusing more specifically on private practice law (solicitors' practices), 2015 research by Byfield Consultancy and Funke Abimbola, found that on average, in London, only 19% of trainee lawyers came from outside of the "Russell Group" of Universities. That equates to 81% of trainees in London coming from only 24 Universities across the country. In addition, taking on board the statistics above about University, this means that there is an unimaginable proportion of the country who (simply given their upbringing and/or primary/secondary school education) just don't even get a look in when it comes to entering the legal profession⁴.

Whilst there have been improvements, the legal profession remains disproportionality made up of privately, Russell Group and/or Oxbridge educated individuals and this is, quite simply, what needs to change.

As an example, Slaughter & May alone, whilst being one of the British "Magic Circle" law firms and an undoubted force in M&A, remains disproportionately inaccessible to the masses, with two thirds of the Slaughter & May partnership having been educated at the Universities of Oxford or Cambridge and circa 50% also having been privately educated⁵.

OVERVIEW OF PROGRESS MADE

Whilst some of the above statistics may be shocking, it would be remissive to say that there hasn't been a shift in focus which has resulted in social mobility now being far higher on law firm's Human Resources and/or Corporate Social Responsibility (CSR) agendas than before. It would also be ignorant to not acknowledge that significant progress has been made, with law firms now making up a 1/3 of the most recently launched Social Mobility Index⁶.

In 2019, a number of leading City and International firms, including Clifford Chance, Slaughter and May, Linklaters, Hogan Lovells and Herbert Smith Freehills, signed up to an online recruitment tool designed to open up the profession to candidates from 'low participation' schools⁷.

In parallel, many firms, including Mayer Brown, Clifford Chance and Hogan Lovells have broadened the pool of Universities that they are recruiting from and are also implementing either a system of Blind CV applications or Contextual Recruitment policies through the Rare Contextual Recruitment Systems (CRS), which allows employers to look at applicant grades in the context of the situation in which those grades were achieved. This claims to allow law firms to be 50% more likely to hire students from disadvantaged backgrounds.

As part of their efforts, these firms and many others (from high end boutique firms, through small regional firms to world renowned US law firms) have also joined initiatives like PRIME, which since its inception in 2011 has had a material impact on a) broadening the perspectives of students from less privileged backgrounds and b) making the legal profession more accessible to them.

It is clear from the above that progress, however slow, is being made.

1. <https://www.britannica.com/topic/social-mobility>
2. <https://www.ft.com/content/7186d378-968a-11e9-9573-ee5cbb98ed36>
3. <https://www.suttontrust.com/wp-content/uploads/2019/06/Elitist-Britain-2019.pdf>
4. http://www.byfieldconsultancy.com/wp-content/uploads/Opening-up-or-shutting-out_Social-mobility-in-the-legal-profession.pdf
5. <https://www.law.com/legal-week/2019/10/29/magic-circle-partnerships-oxbridge-and-private-school-bias-exposed/>
6. <https://www.law.com/legal-week/2019/10/08/law-firms-make-up-third-of-social-mobility-index-as-bakers-takes-crown/>
7. <https://www.lawgazette.co.uk/news/top-firms-commit-to-improve-social-diversity-with-recruitment-tool/5070584.article>



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PRIME

PRIME, chaired by former Chair of Hogan Lovells Nicholas Cheffings, is an alliance of law firms across the UK, committed to improving access to the legal profession through work experience. PRIME provides fair access to work experience for school-age students from less privileged backgrounds, who a) likely wouldn't otherwise know anything about a career in law and b) would probably believe that a career in the legal industry was unattainable.



There are currently over 60+ UK & International law firms that have pledged the PRIME commitment and an impressive 740 plus state school students a year who benefit from the initiative. <https://primecommitment.co.uk/articles/the-prime-commitment>

HOW DO THESE INITIATIVES HELP?

For Megan Stewart, now a 1st year trainee at Hogan Lovells in London, initiatives like PRIME, and Pathways to Law (a 2-year-programme with The Sutton Trust which offers students the chance to explore what entering the legal profession might look like)⁸ have been life changing.

Coming from a school where only 32% of students achieved at least a C in Maths and English, and from a working class family that wasn't connected to any lawyers, her aspirations to become a lawyer were viewed upon as almost too ambitious, and in her words, the lack of aspiration around her was sometimes "hard to see past."

Without the insights and opportunities that these initiatives gave Megan, she admits that it would have been challenging to "break the cycle and have real aspirations", especially to have aspirations to enter a profession that is seemingly full of people from such elite backgrounds.

Likewise, Ellen Smith who is a Trainee at Brodies LLP in Edinburgh, admits that she "wouldn't have studied law if it wasn't for PRIME." For students at Ellen's secondary school, which she described as 'not having the best reputation', law was never a considered career path, in fact she was open in admitting that "most students didn't even know it was an option" until the PRIME initiative was introduced.

PRIME not only gave Ellen experience and insight into working in the law, but the firm stayed in touch with her and invited her back for further work experience during her studies. This is something that was hugely beneficial, especially considering that Ellen (and Megan too) agreed that a law student getting work experience is far easier if you have family contacts who are lawyers (not something that the average student is lucky enough to enjoy).

Brodies LLP, which achieved a top 30 ranking in the latest Social Mobility Employer Index⁹ is a particular stand-out firm when it comes to its efforts to be socially inclusive.

As a founding member of PRIME, Brodies' Managing Partner Nick Scott currently sits as a board member, and the firm currently gives work experience to 60 students annually through the PRIME initiative, in addition to the 30+ partner schools enjoying insight days put on by the firm.

One recent PRIME initiative in which the firm is an active participant is the Cold Spots Pilot, which was launched last summer and which enables Brodies to reach out and visit students in the most remote and/or poorest areas of Scotland to ensure that they too have fair insight into the possibilities of a career in the legal profession. PRIME is hoping to roll this pilot out to a number of locations across the UK during 2020.

BUT IS IT ENOUGH?

Whilst I hope this article shines some light on progress that has been made and the efforts that law firms are making, this is only just the beginning if we are to make the legal profession totally inclusive, forward thinking and representative of society.

Despite the progress, the statistics still show the harsh reality that there continue to be numerous talented young people who through no fault of their own, continue to fall through the cracks and who remain excluded from a career in the law.

And that stands true not just in the law, but in every sector and in every part of the UK. To that extent, the 2018 Social Mobility Barometer published by the government, claims that today only 33% of people in the UK feel that everyone has a fair chance to progress, regardless of their background¹⁰.

TOP TIPS FOR LAW FIRMS TRYING TO BE MORE SOCIALLY INCLUSIVE

There are a number of simple things that law firms can do to become more socially inclusive.

From various discussions with trainees and leaders that have taken place for the purposes of this article, as well as from the countless hours of research that have been undertaken, it is also clear that efforts can be much simpler than people think.

To compete this article, here are some top tips for law firms on a journey to help make the legal profession more accessible to everyone:

1) Sign up to PRIME, if you are not already part of this tremendous initiative.

2) Ensure that you are not just recruiting for your training schemes from the vacation scheme pool of students that you have. Remember, not all students can afford to take a summer off from working to undertake vacation schemes. For some, money earned during the summer holidays is essential for them to be able to live and/or study. Penalizing these students because of that perpetuates the inequality already existing.



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3) Reverse 'normal' recruiting trends, look beyond the traditional and widen the pool of Universities that you are recruiting from, which will capture a much wider pool of diverse students from a variety of backgrounds. Megan Stewart, trainee at Hogan Lovells, suggested that if more law firms were to 'reduce the budget that they spend on visiting Oxford and Cambridge every year and 'spread that budget over visiting more universities', it would have a very positive impact on the intake of students and the variety of their backgrounds. It is of course important not to turn away completely from Oxbridge, but instead to avoid adopting recruitment policies which assume that only those from middle class homes studying at Oxbridge can make it in the law. In relation to this, Hogan Lovells provide a number of bursaries to students from non-traditional backgrounds at a range of Russell Group and non-Russell Group universities that make a demonstrable commitment to social inclusion. Oxbridge law faculties are also putting in place schemes designed to widen access, which is a step in the right direction and many students benefit from those. Hence why moving away from Oxbridge completely is not at all the answer.

4) Break the Cycle – be proactive and arrange a number of 'insight days' a year where lawyers from your firm go into schools in the local area (including schools in the most underprivileged areas of your city) to give insight into the law and how to go about entering the legal profession. This is an important and very impactful way to reach students that otherwise may not know that a legal profession is an option that they can consider.

5) Make social mobility and opening up access to the law part of your strategy – recognise the benefits of hiring individuals from diverse backgrounds. If you fail to do so then you are a) missing out on a huge pool of talented young people and b) limiting your chance of success. In the words of Ellen Smith "firms needs to recognise there is talent everywhere and if they tap into it - it's beneficial." Don't treat being socially inclusive as simply CSR.

6) If you are not doing this already, use contextual recruitment or undertake blind assessments for your training contacts and vacation schemes. Choose students based on their achievements and their application, don't base them on where they went to school, where they went to university and/or whether they have contacts in the legal profession to date. This could (and likely will) be one of the best exercises to show your Partners and hiring staff that this is priority of the firm.

7) Share your success stories – Nick Scott, Managing Partner of Brodies LLP, explained to me that he spends a huge amount of time sharing stories of how PRIME has helped, not just how it has helped Brodies LLP commercially but how it has helped young people. Aside from his passion on the subject, Nick does this to encourage others to others to do the same. Collectively we can achieve more.

8) Share your initiatives and your efforts – Wendy Murphy, Graduate Programme Manager at Brodies LLP described that "there are things that are very competitive in law firms, but this [social mobility] isn't one of them". Nick Scott, reaffirmed that by emphasizing that law firms "should not do this for competitive advantage." Social mobility and improving access to the law is something that law firms should be doing together, and it is something that law firms should ultimately support each other with.

Nicholas Cheffings, Chair of PRIME, says that one of the features of PRIME which surprises many outside the profession is the sheer enthusiasm of the firms involved to share their experiences and best practice for the greater good. With that in mind, create groups to discuss ideas on how to improve social mobility, share your initiatives and your efforts with other firms, share materials for your insight days and your PRIME work experience weeks with other firms. Help each other to help others!

ABOUT THE AUTHOR

Crasner Consulting is a pre-eminent force in global legal search & consulting. Headquartered in London, Crasner Consulting has considerable experience helping the Boards and Management Teams of US and UK law firms to launch and build their operations around the world.

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Crasner Consulting has a passionate commitment to diversity, inclusion and equality within the legal industry, and the firm actively put these crucial subjects at the forefront of its work.

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