



**THE HONOURABLE SOCIETY OF THE INNER TEMPLE**  
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**Submission to the Legal Services Board**  
Draft Business Plan 2013/14

**Introduction**

1. The Honourable Society of the Inner Temple is pleased to respond to the Legal Services Board (LSB) consultation on its Draft Business Plan 2013/14.
2. The Inner Temple is one of the four barrister Inns of Court. The Inns play an essential role in recruitment, admission and training for the Bar of England and Wales in addition to providing strategic services to the profession and holding certain regulatory powers. The Inns have made significant strides to ensure that their membership is diverse and socially representative. Their expertise in advocacy training and global reach has helped to protect and bolster the rule of law in this legal jurisdiction and abroad.
3. The Inn previously responded to the LSB's Draft Business Plan 2012-13 and Strategic Plan 2012-15. The Inner Temple welcomed the LSB's focus on encouraging an independent, strong, diverse and effective legal profession while pointing to particular concerns with regards to the LSB's approaches to quality and competition, education and training and diversity.

**Quality in Legal Services**

4. The Inner Temple would again question the LSB's assertions underpinning its approach to quality in legal services and access to justice. The Business Plan states that "it's competition [...] that acts as the best guarantor of high standards" (Foreword). If competition alone was a guarantor of high standards there would be no need for regulation, only a competition commission. The need for regulation of claims farmers in the very competitive personal injury referral market proves that competition alone will not guarantee high standards and there is a need for principled regulation. It was also common ground at the Leveson Inquiry that there was a need for regulation in the very competitive newspaper market, the main differences were whether that should be statutory or voluntary regulation. As we have previously expressed, competition and declining cost can and often does come at the expense of high quality. Opening up access to justice must be underpinned by sustained excellence in legal service provision and outcomes.
5. Markets only function properly when consumers are well versed in the types of products and services available to them. Many consumers will not always be aware of the best services for them or the quality that they can expect. Given the need for consumer education about legal services, we are particularly heartened to see that one of the key strategic priorities for 2012-15 is to help consumers to choose and use legal services (p 15). Only then can the LSB expect to have "empowered consumers" and to achieve the type of competition and innovation that it wishes to see.
6. The LSB makes a number of references to protecting consumers against "lawyers who are corrupt, negligent or poor quality" (p 22 onwards). Consumer protection is vital. The public, consumers and business must have trust in the legal professions and the high professional standards that they

promote. The Inns have worked hard to ensure that ethics training is firmly embedded into its educational programmes, for students through to established practitioners, and to assist consumer education.

7. The LSB should not underestimate the importance of professional titles. There are a number of references to professional titles in the Business Plan. For example, that regulators should not seek “to protect specific exclusive professional titles” (p 7) and moving to a system where one would become “an authorised person with or without a professional title” (p 25). Professions titles and the requirements contained in that respective profession’s code of conduct – whether in law or other career fields – have long been a useful mechanism to shore up professional principles, responsibilities and ethics.

## **Education & Training**

8. The Inns of Court continue to play an essential role in the education of students and practitioners. The Inns await recommendations from the Legal Education & Training Review in May. We note the LSB’s consideration of publishing policy criteria for education & training in light of initial views on way ahead from the LETR (p 30). Given some recent public comments by the LSB, it is important that this review remains independent and unaffected by such involvement, in this phase or in its later implementation by front-line regulators.

## **Diversity and Research**

9. The Inner Temple remains committed to encouraging diversity and social mobility in the profession. We welcome LSB’s commitment to carry out research into best practice by legal entities to promote a positive approach to diversity, in particular towards women and BAME (p 30). This research could usefully include social mobility because, as stated in the Business Plan, the LSB continues to expect “particular weight to be given to action on social mobility” (p 64).
10. The Inner Temple runs numerous outreach activities for prospective lawyers. It launched a Schools Project in 2008, working with the National Education Trust, Pathways to Law and the Social Mobility Foundation to promote an understanding of the legal professions at the schools stage. This project has recently been listed as best practice for the sector in the Milburn Report on Fair Access to Professional Careers. The Pegasus Access Scheme was launched in 2011 and is aimed at providing formal work placements and support to university students from less advantaged and under-represented backgrounds. This is part of a larger programme of work to ensure that all students considering a career at the Bar, regardless of their background, are aware of the opportunities available to them and to raise aspirations to the legal professions generally.
11. With regards to diversity data, as the Inner Temple has long stated, any mechanisms the LSB wishes to implement should be focused on fostering a culture that values these ideals. This can only be accomplished through a strong working relationship with stakeholder organisations.
12. The Inner Temple undertakes a significant amount of research on its membership through the collection of statistical data and attitudinal surveys. The Inn is currently co-funding a PhD with Keele University on professional intervention in social mobility to ensure its initiatives are evidence-based. This will explore the type of activities that have the most impact on improving social mobility in the legal profession. As the LSB continues to engage with diversity groups across the sector (p 13), the Inner Temple could usefully add value and would be willing to work more closely on research of this nature going forward.