

# Needed: Class Act

Kerry Underwood says battle against discrimination far from over



## REPLACING WHITE PUBLIC-SCHOOL MEN

with white public-school women or black public-school men and women may be an improvement, but it achieves nothing in terms of true diversity in the legal profession.

Since 1993 the majority of those qualifying as solicitors have been women. The Law Society has strong anti-discrimination policies in place. That is good news, but the profession should be genuinely open to all suitably talented people and it is not.

## Debts of society

Given the combination of student debt and legal aid cuts, it is unsurprising that few trainees choose to commence their careers at legal aid practices. This is evidenced by the fact that the Legal Services Commission now has to subsidise heavily trainee salaries at such firms in a vain attempt to maintain some sort of supply of legal aid firms.

I was born in a council house, had my entire education paid for by the state and did not attend university, but when I started articles I did not owe a penny and chose to work for a firm doing legal aid.

## Alarming statistics

That happy situation has been replaced by a distinct narrowing of the base from which solicitors are drawn. A recent Sutton Trust study showed that 45 per cent of partners in City firms were educated in the state sector, but this figure dropped to 29 per cent for partners aged 38 or under; to put it another way, 71 per cent of young city partners were educated in the private sector compared with 7 per cent of the population as a whole, and the situation is getting much worse. More state school graduates were recruited in the late 1980s than now.

Over two-thirds of barristers and three quarters of High Court judges were privately educated and there has been virtually no change in these figures since 1990.

Recent headlines tell their own story:

- "Money is the real bar to diversity" *The Times*.
- "Elite education still rules the law" *The Times*.

● "Old school tie wins job race" *Law Society Gazette*.

Yvonne Brown, chairwoman of the Black Solicitors Network, said:

"Sadly, what the figures suggest is that although some doors may be opening to people who have not traditionally worked in the City, there are larger doors opening to those from a private school background."

Caroline Herbert, chairwoman of the Law Society's diversity and equality committee, said:

"There is an unofficial quota regime in the City for graduates from Oxford and Cambridge and the other top universities, which is unfair. Firms believe the commercial reality is that people from a certain background will have access to the clients that will make them richer."

A survey by the Bar Access Group showed that 12 per cent of Bar Vocational Course (BVC) students had accrued debts of £20,000 during the one-year BVC course alone and this on top of university loan debts. The BVC one-year course costs £11,000 at the Inns of Court Law School.

## Triple threat

Thus there is a triple whammy.

● Law firms and the Bar are operating blatantly discriminatory policies against working-class people which, if applied to women or ethnic minorities, would see them risk being struck off or disbarred. Why is it any more acceptable or legal to reject someone from a council house or state school on the basis that they would "not fit in" than it is to reject someone on grounds of race or sex?

Why are sneers about people from council houses any more legal or acceptable than sneers about people from Africa or Asia?

- The system of student loans acts as a massive deterrent to children from families of limited means.
- The cuts in legal aid rates of pay and eligibility, and its wholesale abolition in some fields of practice, makes it very difficult for legal aid firms to offer decent remuneration packages, and this failure is greatly exacerb-

bated by the need of entrants to the profession to pay off massive debts caused by the second factor.

Deterring working class people from getting a good education and from getting good legal advice and access to their rights are government policy, so at present little can be done about the second and third factors.

## Time to take a stand

However, the Law Society and the Bar Council and all solicitors and barristers can do something about the first factor.

It should immediately become a disciplinary offence to discriminate against a person on the grounds of their class, background, place of education (as opposed to academic achievements), or wealth.

I am not suggesting for a moment that the profession should be "dumbed down" or that public-school educated people should be discriminated against. I am not proposing positive discrimination.

What I am saying is that those of limited means, black and white, male and female, with everything now stacked against them should be given an equal chance.

## Lessons from abroad

In South Africa, the legal professional bodies and the judiciary can, overall, be proud of the role they played in the fight against apartheid. The South African Law Society refused to strike off Nelson Mandela, even when he was convicted of treason.

The Law Society of England and Wales should be as resolute in its opposition to the class apartheid operating in the legal profession here.

Black, brown and female faces at admission ceremonies, while welcome, do not add up to true diversity.

I believe that the solicitors' profession is less truly diverse now than when I qualified in 1981, and the people hit hardest are working class blacks and working class women.

It is time for a Class Discrimination Act.

● Do you agree?

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