



RESPONSE

by

THE FACULTY OF ADVOCATES

To

THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS AND REGULATION OF PROFESSIONS: CALL FOR EVIDENCE

The Faculty of Advocates is the regulatory body for Scotland's independent referral Bar. Before answering the specific Questions for regulators, the Faculty would wish to make certain general points in response to the Call for Evidence:

- As the Call for Evidence acknowledges, compulsory regulation of professionals ensures that those providing services to the public have the appropriate knowledge and training.¹ It is said that '*the UK market for services provided by professionals in the public and private sectors is renowned internationally for maintaining the highest of standards*', and that the UK Government wishes to build on that. The Faculty would agree that the highest of standards in the professions ought to be retained. The UK legal sector and judicial system are highly respected for their quality and fairness; something which contributes to the confidence of doing business in or with the UK. The Call for Evidence seems very much focussed on the role of professional standards regulation in any future trade deals which the UK may enter into:² the Faculty would suggest that the key consideration ought to be protection of the public, whether that be those living or working in the UK, or those who require to do business with UK-based professionals. The Call for Evidence may also appear to suggest that there is a tension between on the one hand maintaining high standards which protect the public, and on the other hand promoting social mobility and access to the professions:³ the Faculty does not accept that those important goals are in opposition to each other or

¹ Call for Evidence, p. 10.

² Call for Evidence, pp. 11-12.

³ Call for Evidence, p. 14.

represent a binary choice. It would be insulting to suggest that social mobility in the UK can only be increased by lowering the standards of the services provided by the professions.

- The professions are so varied in the knowledge and training required, and with regard to how far that is specific to a particular jurisdiction within the UK, that it would seem impossible to have a ‘one size fits all’ rule for regulation of all professions. As the Call for Evidence accepts, certain professions require to be regulated independently of government for constitutional reasons, certain have a licensing regime in place, and some are regulated differently in different parts of the UK.⁴ Furthermore, each regulator will require to retain appropriate flexibility within their published qualification frameworks to tailor requirements in a proportionate fashion to the individual skills and experiences of particular applicants. As the Call for Evidence notes, the regulation of the various professions is decentralised and has developed in response to the needs of specific sectors, markets and public interest:⁵ no persuasive argument is made in favour of a centralised system which is not geared to the needs and responsibilities of each individual profession. To take the specific example of lawyers practising in Scotland, it will be apparent that consumer protection demands that those offering their services to the public have an in-depth knowledge of Scots law, as the knowledge of another legal system will not suffice. Even with regard to skills such as presenting cases in court, it must be recalled that there are different models around the world (most obviously, adversarial, or inquisitorial), so that practitioners from different jurisdictions will differ in the practical skills held.
- One of the three themes on which views are sought in the Call for Evidence is ‘*Experience of professionals moving and operating within the UK internal market, to support the UK Government’s thinking in relation to the effective operation of the UK’s internal market*’.⁶ In the section of the Call for Evidence on ‘the UK Internal Market’, reference is made to the UK Government’s proposed principles of mutual recognition and non-discrimination.⁷ The Faculty would therefore repeat its observation made in answer to the UK Internal Market White Paper that, given the

⁴ Call for Evidence, pp. 14, 16.

⁵ Call for Evidence, p. 16.

⁶ Call for Evidence, pp. 8-9.

⁷ Call for Evidence, p. 13.

UK Government's stated intention to respect the devolution settlement,⁸ there is scope for inclusion of a further principle which secures these aims and which '*would ensure the continued ability of the devolved administrations – governments and legislatures – to adopt measures which, albeit they may have an effect on trade, are a proportionate means of addressing a different goal, such as the maintenance or improvement of public health, within their jurisdiction. The reach of such a principle would benefit local solutions in the field of services as well as in relation to goods.*' We note that it is asserted in the Call for Evidence that the absence of a UK-wide recognition system could mean that it could be easier for certain overseas applicants to gain recognition in a given UK nation than professionals from another UK nation. No examples are given to support that assertion. It is accordingly not possible to test whether there could be a justifiable reason for any such difference. To take an obvious example, given that England & Wales is a Common Law jurisdiction, whereas Scotland is not (being in effect a mixed Civil and Common Law jurisdiction), it may be unsurprising and unobjectionable that lawyers from certain derivative Common Law jurisdictions would be asked to do less to cross-qualify into practice in England than a Scots lawyer would in order to practise there. Again, were the Northern Ireland Assembly to use its powers in respect of one of the Northern Irish professions in such a manner that there was a very close correlation with the systems in place in the Republic of Ireland, it would seem unobjectionable that cross-qualification between those countries would be 'easier' than cross-qualification between Northern Ireland and England. As currently framed, the Call for Evidence does not explain how the devolution system is to be preserved, and not undermined, in any new system of mutual recognition of professional qualifications. The Call for Evidence states that the UK Government aims, amongst other things, to '*determine whether or not there would be merit in having a UK-wide, cross-sectoral strategy for the regulation of professions (potentially underpinned by regulatory principles)*':⁹ it is not explained how this could be achieved in the context of the UK's current constitutional framework. As the Faculty observed in its response to the UK Internal Market White

⁸ Paragraph 3 of the Introduction to the White Paper. The position of the UK Government is that '*Every decision that a devolved administration could make before exit day, they can make afterwards*'; and '*Frameworks will also maintain, as a minimum, the same degree of flexibility for tailoring policies to the specific needs of each territory as was afforded by the EU rules*'.

⁹ Call for Evidence, p. 15.

Paper:¹⁰ ‘So far as professional regulation is concerned, Head G of Schedule 5 to the Scotland Act 1998 reserves only regulation of the health professions, and the regulation of architects and auditors. Regulation of other professions, such as law and accountancy, is devolved, and has in fact been the subject of devolved legislation in relation to the legal profession. Where the different United Kingdom jurisdictions have separate rules regulating access to professions, there are already rules in place that allow transfer/cross-qualification from one part of the United Kingdom to other. That approach generally works satisfactorily; we see no case for any different regulatory approach simply as a result of leaving the European Union.’

Turning now to the specific questions posed to regulators, the Faculty would respond as follows:

Question 1: Please tell us in which nation(s) you are a regulator of a profession:

The Faculty of Advocates is a regulator in **Scotland**.

Question 2: Please state the sector(s) you regulate within.

The Faculty regulates within **the legal sector**.

Question 3: Please state the profession(s) you regulate.

The Faculty of Advocates is the regulatory body for all **Advocates** in Scotland (the legal profession in Scotland is divided into two branches, namely Solicitors and Advocates).¹¹ The Faculty is a regulator in two senses: (i) it sets the entry requirements to the profession and ensures candidates meet those standards in order to become an Advocate; and (ii) following admission, it oversees the conduct and competence of Advocates whilst they remain in practice.

Question 4: Please outline the rationale for regulation within your sector.

The legal framework for regulation of Advocates in Scotland is currently to be found in the *Legal Services (Scotland) Act 2010*, and the *Act of Sederunt (Regulation of Advocates) SSI*

¹⁰ A copy of the Faculty’s response to that consultation can be found at:

<http://www.advocates.org.uk/media/3421/final-faculty-response-the-uk-internal-market-white-paper.pdf>

¹¹ Table 1 of the Call for Evidence refers only to Barristers and Solicitors, whereas in Scotland the legal profession is divided into Advocates and Solicitors (the European Commission’s documentation, which is said to be the source of Table 1, does in fact correctly reflect this position).

2011/312. In terms of Section 120 of the *2010 Act*, the Court of Session is responsible for: (i) admitting persons to the public office of Advocate (and removing them therefrom);¹² (ii) prescribing the criteria and procedure for admission to that office (and likewise removal); and (iii) regulating the professional practice, conduct and discipline of Advocates – but the latter two functions are delegated to the Faculty of Advocates (as s. 120(2)(b) of the *2010 Act* expressly permits). Faculty rules on these matters accordingly require to be approved by the Lord President of the Court of Session (the head of the Scottish judiciary).¹³ Section 1 of the *2010 Act* sets out regulatory objectives, which are: (a) supporting the constitutional principle of the rule of law and the interests of justice; (b) protecting and promoting the interests of consumers, and the public interest generally; (c) promoting access to justice, and competition in the provision of legal services; (d) promoting an independent, strong, varied and effective legal profession; (e) encouraging equal opportunities within the legal profession; and (f) promoting and maintaining adherence to the professional principles. When the Faculty is exercising its regulatory functions it must (so far as practicable) act in a way which is compatible with these regulatory objectives, and which it considers most appropriate with a view to meeting those objectives.¹⁴ Section 2 of the *2010 Act* also sets out professional principles, namely that persons providing legal services should: (a) support the proper administration of justice; (b) act with independence (in the interests of justice); (c) act with integrity; (d) act in the best interests of their clients (and keep clients’ affairs confidential); (e) maintain good standards of work; (f) comply with duties normally owed to the court when exercising a right of audience or conducting litigation in relation to court proceedings; (g) meet their obligations under any relevant professional rules; and (h) act in conformity with professional ethics.

Question 5: Please outline any evidence you have on the consumer protection impacts provided by your regulations.

The Faculty has not conducted a full-scale study of the consumer protection implications of its regulations and such a task would be complex given that the instruction of Advocates is normally done through Scottish Solicitors rather than by individuals directly. There are, however, a number of frameworks that ensure that consumer protection is a key concern.

¹² The *2010 Act* correctly refers to ‘the office of advocate’. In Scotland, advocates hold a public office to which they are admitted by the Court. This reflects the independence with which advocates are required to approach their functions, the responsibilities which are incumbent on advocates and the public nature and importance of those responsibilities

¹³ Section 121 of the *2010 Act*.

¹⁴ Section 119(1) of the *2010 Act* (regulatory functions for these purposes are defined in s. 119(3)).

These include the admissions process to become an Advocate (as detailed in the responses to Questions 4 & 6), the Faculty's ongoing oversight of the conduct and competency of Advocates, the complaints processes in place within the Scottish legal sector, the requirement that all Advocates carry appropriate levels of professional indemnity insurance, and checks on the fees charged by Advocates through the independent process of taxation of Advocates' fees where fee disputes arise. In addition, Scottish Solicitors instructing Advocates can be expected to have a good understanding of the likely fees involved and advise their clients accordingly. All of these aspects, both within the Faculty's own regulations and other mechanisms surrounding them, provide measures of consumer protection. Furthermore, as explained below, in recent years there have been a number of external reviews concerning the operation of the legal profession in Scotland.

Question 6: Please outline your process(es) of recognising someone with an international qualification.

In broad terms, there are four routes by which a person would normally qualify and be admitted as an Advocate, namely: (i) those who have undertaken their legal education in Scotland, (ii) those who are members of the Bar in England & Wales or Northern Ireland, (iii) legal practitioners from EU/EEA countries, or (iv) legal practitioners from some other jurisdiction worldwide.

The first of these is by far the most common. Under this route, in order to become an Advocate, an applicant will generally require to have: (a) obtained a degree in Scots law; (b) completed the Diploma in Legal Practice; (c) passed the Faculty examinations in certain substantive Scots law subjects (subject to exemption where a candidate has already passed equivalent subjects during university studies); (d) completed a traineeship with a Solicitor (obviously an applicant may in fact have gone on to practise as a Solicitor for many years, so this is simply defining a minimum requirement); (e) passed a Faculty examination in Evidence, Practice and Procedure, within a certain time-frame before commencing pupillage (more commonly known as 'devilling'); and (f) completed a period of pupillage at the Faculty of Advocates (this being a combination of skills training, shadowing and assessment). However, it is possible to apply for exemptions from the various requirements, with the Faculty approaching this on a case-by-case basis, in terms of its rules.

Secondly, there is a specific route to admission for barristers from England & Wales, or Northern Ireland – members of those Bars who have completed a full pupillage, require only to complete an Aptitude Test to gain admission to the Scots Bar. The Faculty will facilitate the arrangement of a very short period of ‘devilling’ to allow such practitioners to transition successfully into their new practice at the Scots Bar, but that is not a compulsory requirement.

Thirdly, currently, as a consequence of the UK’s EU obligations, legal practitioners from other EU Member States require only to pass an Aptitude Test to be admitted to the Scots Bar. There are also provisions in implement of the various other relevant EU instruments (pursuing professional activities under home professional title, etc).

Fourthly, with regard to other foreign lawyers, there is no specific pathway to admission. Instead the normal, core, requirements (outlined above in describing the first route) are applied, but with the Faculty approaching all applications from foreign lawyers on a case-by-case basis, granting exemptions as appropriate from those core requirements to take account of (and thus tailored to) the particular qualifications and experience of the foreign lawyer. Thus an applicant might be exempted from the need to complete a Scots law degree in appropriate circumstances, but be required to pass certain of the Faculty examinations in core Scots law topics.

No matter which route a candidate is admitted by, there are also certain requirements as to good character given the position of trust that an Advocate occupies and for the protection of consumers.

Question 7: Please outline any additional steps and their resource implications that you face in processing applicants with international qualifications.

There are no significant resource implications in handling applications from persons with international, as opposed to domestic, qualifications.

Question 8: With reference to any of the additional steps outlined above, what would you suggest are the priorities for the UK Government in considering future ways to recognise international qualifications?

The Faculty does not consider that any change is required within its own scope of regulation. The number of international applications that the Faculty deals with is not large and these are

already well accommodated by considering them on a flexible, case-by-case basis. Plainly it would not be for the Faculty to suggest policy changes to the regulation of other professions.

Question 9: Do you require legislation to give you powers to make changes to your international recognition routes?

Changes which occur within the confines of the current statutory framework described above (in the responses to Questions 4 & 6) would not require amendment of primary legislation. However, any changes to the Faculty's admission requirements would require to be approved by the Lord President of the Court of Session.

Question 10: What level of dialogue do you maintain with your international counterparts?

As both a regulator and a professional body, the Faculty has a large number of contacts at an international level involving matters of concern to the profession and its regulation. The Faculty maintains friendly discussion with international counterparts, e.g., through the auspices of the International Bar Association, the International Council of Advocates and Barristers, the Council of Bars and Law Societies of Europe (the CCBE). The Faculty also takes part in dialogues at Four Jurisdictions conferences, a forum which brings together the bars of Scotland, England and Wales, Northern Ireland and the Republic of Ireland. At the level of training, the Faculty maintains links with a number of other jurisdictions and works with them on common approaches to advocacy training. In recent years, the Faculty has provided advocacy training to lawyers in Kenya, Uganda, South Africa, Malaysia and Hong Kong.

Question 11: What are your priorities for supporting UK professionals on your register to have access to their profession in other countries?

It will be for legal services regulators in other jurisdictions to determine the basis upon which Scottish Advocates may practise there. The Faculty will of course provide its members with the necessary confirmation of their status at the Scots Bar, and any practical information of which it is aware.

Question 12: Do you have any provisions for the recognition of professional qualifications held by refugees residing in the UK?

The Faculty is a welcoming body, and would apply its admission rules without fear or favour to refugees as to others present in Scotland. The flexibility which is present in the admissions process would allow Faculty to take a nuanced and sympathetic approach to issues such as a lack of access to important records/paperwork or financial difficulty which might be present in the case of refugee applicants.

Question 13: Please describe the process by which UK professionals gain qualifications to enter the profession, including detail on the types of education and training they must undergo and how long it takes to complete them.

The Faculty's admission rules are not determined by nationality. The Faculty's focus is on an applicant's understanding of Scots law no matter their origins. The Faculty's admission rules are publicly available on the Faculty's website. The core admission route is described in the answer to Question 6 above,¹⁵ and as noted there a simplified route is in place for barristers from England & Wales, and Northern Ireland (and, currently, legal practitioners qualified in other EU Member States). As will be plain, the Faculty is committed to ensuring that legal professionals serving the Scottish public and all parties who engage with the Scottish legal system, should have a proper knowledge and understanding of the Scottish legal system and the principles of Scots law, in order to be able to give advice of the highest quality. Protection of the public dictates that the public should always be assured that a practitioner with a professional qualification as a lawyer is competent to practise in the jurisdiction in question – and this is also necessary for the sound administration of justice in Scotland. The Faculty is also committed to ensuring that its members are highly-trained in the art of advocacy, which is crucial to effective practice in this branch of the profession, not only at point of admission but continuously throughout their practice.

In terms of timescales for admission as an Advocate, these may vary considerably depending on an applicant's background but, under ordinary circumstances, an applicant who is undertaking their traineeship with a solicitor (or is already qualified as a solicitor) in Scotland

¹⁵ The Faculty sits on the Joint Standing Committee, a body which brings together representatives from both branches of the Scottish legal profession, universities, the judiciary and lay people. This allows the Faculty to be aware of broader issues regarding access and admission to the Scots legal profession.

might undertake examinations in March of a particular year¹⁶ with a view to commencing the nine-month period of pupillage/devilling in October of that year. If they perform satisfactorily, they would then be admitted as an Advocate the following June.

Question 14: Please describe the process you offer for professionals who have gained the relevant UK qualifications to be brought onto your register.

Admission to the Faculty requires not only the obtaining of certain qualifications, but also completion of certain training (described in the Answer to Question 6 above). The training course also contains its own assessment requirements to test the skills acquired by applicants through the training process. Successful completion of all of the pre-requisites for admission to the Faculty will result in admission. Once admitted, an Advocate will be required to fulfil certain continuing requirements while they remain in practice (as discussed in the response to Question 19 below). An Advocate may take up non-practising status in some cases. If they then wish to resume practice, the Faculty will consider whether they should be subject to certain assessments or conditions in order to ensure they once more meet the standards required for practice as an Advocate.

Question 15: How often do you review your processes and standards?

The Faculty is subject to both internal and external processes of review which have driven or will cause it to make changes to its regulation of the profession.

Externally, the Scottish legal profession, including the Faculty, has been the subject of a number of reviews over the last decade. These include the process which led to the *2010 Act*, the Thomson Review on Rights of Audience in the Supreme Courts of Scotland (2010), and the 2018 Review of the Regulation of Legal Services (the Robertson Review). The Scottish Government is still considering what action to take in response to the last of these reviews with work on this ongoing since June 2019. The Faculty also sits on the Joint Standing Committee (as mentioned in the response to Question 13 above) which means it both has input into, and responds to, changes in Scottish legal education.

Internally, the Faculty also takes steps to maintain the highest standards in its regulation both of admission, and the ongoing conduct and competency of the profession. For example, in

¹⁶ Notice to sit those examinations must be given by the previous 31 December, and indeed it is recommended that applicants submit all their paperwork to commence the application process by mid-October.

recent years: (i) in November 2016, the Faculty introduced a set of competency assessments as part of successful completion of the training course ('devilling') required for admission; (ii) in 2017, a programme of Quality Assurance was introduced which sees all advocates assessed on their competency every five years; (iii) the Faculty's requirements for continuing professional development were reviewed and amended in 2017; and (iv) the Disciplinary Rules of the Faculty were revised in 2019. The Faculty is currently undertaking a re-write of its rules as to admission, with a view to improving the accessibility and straightforwardness of the drafting.

The Faculty has its own dedicated Director of Training and Education who is assisted by a Faculty committee which considers training and education in this branch of the profession, and draws on international work on advocacy education. The Faculty has also, in past years, conducted surveys of its members. While these have focused principally on the make-up of this branch of the profession, or issues of concern to Faculty members, they can also highlight issues which may be important to regulation. As a relatively small professional body (there are just under 450 practising advocates), there is also a high degree of collegiality and informal exchange which can lead members to propose changes and have these taken up by this branch of the profession.

Question 16: Thinking about key changes that have been made to your qualification processes, what has been the cause for this change?

Key changes to the Faculty's admission processes have been made in response to legislative change (which will have taken account of broader considerations, including the consumer perspective), and internal review within Faculty.¹⁷ The Faculty is cognisant of developments within the wider legal profession. As already noted, the Faculty sits on the Joint Standing Committee, which brings together representatives from the Scottish legal profession and academia and lay representatives, and each year the Faculty liaises with universities regarding the detail of the legal subject-matter of which the Faculty expects intending applicants to the Bar to have knowledge.

¹⁷ An example of changes to Faculty regulation prompted by legislative change is in relation to the admission of European legal professionals to Faculty as a result of EU legislation.

Question 17: Do you feel that the current standards you set, against which applicants are assessed to enter onto the register, are a fair reflection of the level of skill, training, education, and experience required to practise their profession?

The Faculty is content that the current standards it sets, against which applicants are assessed, are a fair reflection of the level of skill, training and education, and experience required to practise in the Advocate branch of the profession. They appropriately protect the important interests of both the administration of justice and consumer protection. The admissions rules are publicly available on the Faculty's website, and the Clerk of Faculty (the Faculty office-bearer primarily dealing with admissions), is available to discuss the admission requirements and process with potential applicants.

Question 18: Please detail any principles of regulation you follow (e.g. proportionality and transparency) and how you uphold them, and whether they support you in your duties as a regulator.

The regulatory objectives of the *2010 Act* have been set out in the Answer to Question 4 above. Any aspect of the professional regulation carried out by the Faculty that engages EU law or retained EU law will be considered in light of applicable EU principles of proportionality and transparency.

Question 19: Please detail any requirements you may place on the professionals you regulate and why they are necessary.

Once admitted to the Advocate branch of the profession, the Faculty places many requirements on the professionals it regulates with regard to: (i) adherence to standards of conduct (including both professional and personal propriety); (ii) completion of Continuing Professional Development ("CPD") intended to ensure that Advocates remain up to date and informed; and (iii) the necessity to successfully complete Quality Assurance on a regular basis (a 5 year cycle). This quality assurance process tests the skills of all practising Advocates to ensure that they maintain an appropriate level of skill and quality in their practice. As noted previously, all Advocates are also required to hold professional indemnity insurance. All practising Advocates are also required to contribute to levies which fund the legal complaints processes in Scotland. All of these requirements are necessary for the sound administration of justice in Scotland, and to protect the public by maintaining the high standards which consumers and businesses rightly expect.

Question 20: Please describe the process by which you determine your application fees. Please set out any principles or guidelines you adhere to when determining fee amounts.

Fees which applicants may have to pay in the course of the application process include: (i) a court fee¹⁸ for the presentation of a petition to the Scots courts (which fee is not received by the Faculty); (ii) a fee for matriculation¹⁹; (iii) a fee for each examination sat²⁰; and (iv) certain other fees such as for exemptions sought²¹. The examination fees and fees in respect of exemptions sought are relatively modest and are intended to merely cover the costs of administration without any profit being made by the Faculty – in any event, fee waivers are available in appropriate circumstances. The Faculty provides training (9 months in length) to its devils (as those undertaking pupillage or devilling are known), comprising high-quality skills training, intensive shadowing and skills-based assessment. The Faculty levies no charge for this. The Faculty also makes its law library, IT support and certain other resources available without charges to devils undergoing training (and certain resources are available to those at earlier stages in the application process). The Faculty has a scholarship programme available to those devilling at the Bar (as detailed further in the response to Question 22 below). Once an applicant has successfully completed the necessary training, there is a single payment of £850 (or four instalment payments of £250 p.a.) known as “entry money” for admission to the Faculty of Advocates.

Question 21: Please detail any changes that you are considering for your sector to ensure the profession you regulate stays relevant to current challenges. Does current regulation allow for you to make these changes?

The Faculty is always cognisant of the need to stay relevant to current challenges, and anticipate or react appropriately. Over the past two decades there have been numerous reviews of the legal profession in Scotland, to which the Faculty has always responded and considered the conclusions/recommendations. As noted above (in response to Question 15), the findings of one of these (the Robertson Review) are still being considered by Scottish Government. As will also have been apparent from the foregoing, the Faculty initiates reviews and reforms internally, as it considers appropriate.

¹⁸ Currently £180

¹⁹ Currently £150

²⁰ Currently £150 per exam

²¹ Currently £25 per exemption sought.

Question 22: Please detail any steps you take to help make sure that your standards and processes are adaptive, support innovation and promote social mobility.

The Faculty is very aware of the need to encourage social mobility in society, and in the professions in particular. The Faculty co-operates and liaises with Scottish universities, and other groups/bodies in a variety of social mobility initiatives. This applies both to the admission of applicants as Advocates as well as to their ongoing progress within the profession.

In terms of admissions to the legal profession generally, the Faculty takes part in a number of different initiatives to improve understanding of and encourage interest in the profession such as the provision of a mini-devilling scheme to allow potential applicants experience of the profession, as well as providing assistance in the running of mock trials schemes for school students from state schools. Members of Faculty also regularly appear at careers/law fairs and other development events to explain the nature of this branch of the profession and the requirements for admission. The Faculty has recently improved its scholarship offering, with regard to the amount and timing of awards to encourage a greater range of applicants to apply earlier and to give them a greater sense of financial security in undertaking the process of training as an Advocate. These scholarships are administered in a flexible manner to attempt to ensure support for the maximum possible number of applicants in any given year. These scholarships are funded partly out of bequests but also in significant part through a voluntary levy on the profession to which an overwhelming majority of the profession choose to contribute.

On admission as an Advocate, the Faculty also ensures that all newly called Advocates are placed within a grouping of advocates known as a stable which provides shared administrative, clerking and marketing support. Unlike other bars, all admitted Advocates will be placed in a stable and this does not form a further barrier to entry to the profession or a gap between attaining the relevant professional status and actually being able to enter into practice.

The Faculty has been surveying its membership to collect relevant data so as to better understand the impact of equality and diversity within the practising members of the profession, and attempting to better understand any reasons Advocates leave practice. The Faculty has an Equality & Diversity Committee and has, for instance, a policy in place on

ensuring that instructions (i.e. requests that an Advocate act for a party) are distributed fairly with regard to grounds of age, disability, gender, race, religion or belief or sexual orientation. Adherence to the Faculty's Equality and Diversity Code is part of the requirements of professional conduct imposed on Advocates.

Question 23: Please detail any continuous professional development that is required for professionals to remain on your register.

The Faculty requires each member to complete a certain amount of CPD each calendar year (15 units/ accredited hours). This must include a minimum amount of advocacy training (3 units), as well as training on substantive legal knowledge (whether by attending seminars, giving seminars, publishing work, teaching etc.). Practice development activities may also go towards a certain proportion (up to 3 units) of the CPD requirement. The CPD scheme is set up so as to encourage members to participate in a wide variety of activities each year which will hone their skills, and keep their knowledge up-to-date. Completion of the necessary CPD is rigorously enforced, and failure to comply may lead to disciplinary action and expulsion. The Faculty organises a considerable amount of internal CPD training which is available free of charge.

Question 24: Do you collect data on the diversity of both your UK and international applications? For example, on gender or ethnic background.

The Faculty collects certain basic data on admission to the Bar, and has recently been surveying its membership on a more regular basis to collect such information. The membership surveys have resulted in the collation of data on gender, ethnic background, marital status and education background of members.

Question 25: Please outline any steps you take to eliminate unconscious bias from your recognition process.

The standards and requirements set by the Faculty for admission are objectively verifiable. Faculty exams required for admission are blind-marked. Members of Faculty who play a part in the training which forms part of the devilling process, are also required to conduct themselves in a manner that adheres to the Faculty's policies on diversity and equality. When particular Stables of Advocates were given the power to determine their own membership, equality and diversity training for those involved in that process was put in place.

Question 26: Please outline any steps you take to support job creation in the profession you regulate.

Advocates are self-employed sole practitioners who are regulated by the Faculty of Advocates. The Faculty cannot therefore create employment within this branch of the profession. All those who meet the requirements for practice as an Advocate in Scotland are currently admitted, without the imposition of any cap on numbers.

Question 27: Please outline any steps you take to attract a diverse workforce to the profession you regulate.

As noted above, Advocates are self-employed sole practitioners, not an employed workforce. As also noted in responses to foregoing Questions, the Faculty takes a number of steps to encourage diversity in its branch of the Scottish legal profession.