



Údarás Náisiúnta Míchumais  
National Disability Authority

January 2025

## NDA Submission to the Legal Services Regulatory Authority's annual consultation on the admission policies of the legal professions

### Introduction

The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and advice to the Government on policy and practice relevant to the lives of persons with disabilities, and to promote the adoption and application of a Universal Design approach across all sectors. We thank the Legal Services Regulatory Authority (LSRA) for the invitation to contribute to the consultation on its annual **Pathways to the Professions** report, mandated by Section 33 of the Legal Services Regulation Act 2015. The comments and advice below address issues related to the remit outlined by the consultation notice, which fall within the NDA's competencies and expertise.

As a general point, the NDA believes that the profile of legal professionals should reflect the overall diversity of Irish society, and therefore the entry processes to those careers should be made accessible, understandable and usable to all under-represented groups, including persons with disabilities following a Universal Design approach as articulated in the Higher Education Authority's 'National Access Plan – A Strategic Action Plan for Equity of Access Participation and Success in Higher Education 2022-2028'.

## Area of Focus: I

**The extent to which the admission policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise.**

### **Supporting disabled students into the legal profession**

The Higher Education Authority's (HEA) **National Access Plan: A Strategic Action Plan for Equity of Access, Participation and Success in Higher Education 2022-2028** lays out two overarching ambitions that:

- 1) higher education student bodies, at all levels and across all programmes, reflect the diversity and social mix of Ireland's population, and
- 2) higher education institutions are inclusive, universally designed environments which support student success and outcomes, equity and diversity.

The HEA's Action Plan identifies students with disabilities, including those with intellectual disabilities, as one of the three main groups who are under-represented in higher education.<sup>1</sup> It also establishes targets to increase the number of new entrants with a disability in higher education from 12.4% to 16% by 2028. The NDA advises the Law Society and King's Inns to consider what measures need to be put in place to meet these targets and increase the number of students with disabilities in their courses.

The NDA advises that to achieve these targets, both the Law Society and King's Inns need to 'prioritise universal design in all aspects of Higher Education'. The definition in the HEA's Action Plan aligns with the NDA's Centre for Excellence in Universal Design definition: 'Universal Design in Education (UDE) is the creation of an environment which can be accessed by all and enables full engagement, progression and success for all students.' Further guidance on how this can be achieved are available in an NDA briefing paper describing the four key pillars that create inclusive environments, covering the digital and physical

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<sup>1</sup> The National Access Plan is available at the following link: <https://hea.ie/policy/access-policy/national-access-plan-2022-2028/>

environments, teaching and learning and support services for all students but in particular for students with disabilities.<sup>2</sup>

The NDA welcomes recent initiatives to make legal professional training more accessible, including the Law Society's Professional Practice Course (PPC) and the King's Inns Barrister-at-Law hybrid courses. Our view is that increased remote learning opportunities will allow more candidates who face a range of barriers – due to factors including disability, location, and lower socio-economic backgrounds – to gain entry into this field. Specifically, the shift to online or hybrid delivery may open courses and careers in law to disabled students who might otherwise have been dissuaded from applying due to accessibility concerns. This is clearly articulated in the HEA's Action Plan, where it outlines how lessons learned during the Covid-19 pandemic can be continued to support priority groups:

‘we need to prioritise what was learnt from the Covid-19 experience and examine how blended delivery of teaching and learning, informed by universal design principles, benefited underrepresented and disadvantaged students during the pandemic.’

Despite positive measures however, admission and training requirements for both King's Inns and the Law Society remain onerous in terms of time, work and cost, and may create additional barriers for some potential candidates, including those with disabilities. Candidates wishing to become solicitors are required to commit to a programme lasting 3–5 years, between FE-I examinations, PPC courses and training requirements, while paying large education fees, and often accommodation fees, in Dublin.

Equally, the Dublin-centric approach to barrister teaching and training by King's Inns means that candidates from around the country face barriers to admission unless they are willing and able to move to Dublin for at least two years. Similarly, pupillage or devilling remains concentrated in the capital, although we recognise that the strict formal rule of completing this apprenticeship in Dublin has been relaxed in recent years.

The LSRA's 2024 **Breaking Down Barriers** report, which explores the challenges facing early career legal professionals, confirmed that aspiring and early career solicitors and barristers face a range of economic and other barriers on their career pathways. It revealed that these barriers are magnified for certain

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<sup>2</sup> The NDA briefing paper is available at the following link:  
<https://universaldesign.ie/publications/universal-design-in-education-and-training-policy-landscape-in-ireland>

groups, including disabled persons, and adversely impact on diversity in the legal profession. The report outlined a range of encouraging recommendations to open up pathways to qualification, reduce barriers and provide greater access to the legal profession for people from different backgrounds. This includes the possibility of increased flexible routes for legal practitioner training, additional financial supports and new information, outreach and supports for prospective barristers and solicitors.

The NDA particularly welcomes the recommendations contained in the report to diversify the legal profession and address the specific barriers faced by disabled people. These include measures to:

- create an action plan to address issues facing members of the legal profession with disabilities (to be implemented by the King's Inns, the Law Society, the Bar of Ireland and the Courts Service); and
- take targeted actions towards building solicitor and barrister professions that reflect the diversity of modern Irish society (to be implemented by the LSRA, the professional bodies and other legal profession stakeholders).

According to the **Breaking Down Barriers Implementation Plan**, these recommendations will result in the introduction of both a Disability Action Plan for Legal Professionals and a Diversity Charter for Legal Professionals. The NDA looks forward to advancement of both actions and is happy to engage further.

### **Addressing cost barriers**

The cost involved in studying and training to become a solicitor or barrister remains a significant barrier to candidates. As outlined in the LSRA's 'Pathways to the Professions' 2018 report, these costs can be as much as €15,000 for a solicitor and €16,500 for a barrister. These costs do not include preparatory courses prior to exams, re-taking of exams or accommodation costs in Dublin. Neither do they seem to account for the fact that successful candidates in both professions – but especially barristers – do not earn substantial wages until a few years into their career.

The NDA recognises that both the Law Society and King's Inns offer some scholarships and funding assistance for students. For example, over 200 candidates have availed of the Law Society's Access Scholarship Programme since 2001, covering the portion of fees not met by the SUSI grant. However, in the case of the King's Inns, very few scholarships or bursaries are on offer and the SUSI grant is only available to students taking the full-time course.

The LSRA's 2024 **Breaking Down Barriers** report found that the most significant barriers to entry to the legal professions are the costs of qualification

and the length of time it takes post-graduation before a prospective solicitor or barrister can expect to qualify and begin to earn a reasonable salary. These financial barriers can be compounded for disabled students, with persons with disabilities experiencing more poverty on average than the rest of the population.

The additional costs of having a disability in Ireland are well documented. In 2021, the Department of Social Protection published a research report by Indecon on the **Cost of Disability**.<sup>3</sup> Using both a direct costs approach and an income equivalence approach, it estimates that the overall average annual costs of disability in Ireland ranges from €9,482 per annum to €11,734. The Government committed to using this research to inform the direction of future policy, highlighting the case for additional financial supports for disabled people seeking access to the legal profession.

### **Collecting disability disaggregated data**

The NDA welcomes the disaggregation of some data around candidates entering the Law Society and King's Inns contained in the LRSA's 2023 Pathways to the Professions report (primarily connected to gender, age, admission route and location). However, we would strongly encourage the collection of further diversity data, including on students/candidates with disabilities. The collection and dissemination of such data will allow for further evidence-based policy decisions to be taken in respect of the admission of candidates with diverse backgrounds, including disabled candidates and students.

The NDA notes that the **Breaking Down Barriers** report acknowledged the importance of collecting diversity data on student and trainee intakes, recommending that demographic data on the legal profession across the range of protected characteristics under equality legislation, as well as socio-economic status, be routinely collected and published to establish a diversity profile and to inform and monitor actions to encourage greater diversity.

The **Breaking Down Barriers Implementation Plan** committed to a range of positive actions on enhancing the collection of diversity data in this regard, including:

- commissioning an expert research report on the appropriate diversity data to be collected by training providers;
- publishing an update on diversity data annually in its existing section 33 'Pathways to the Professions' annual reports;

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<sup>3</sup> The INDECON report is available at the following link:

<https://www.gov.ie/en/publication/1d84e-the-cost-of-disability-in-ireland-research-report/>

- establishing a method, in consultation with key stakeholders, for publishing a diversity profile of the legal profession and monitoring and informing future actions that would encourage greater diversity in the legal profession.

The NDA looks forward to enhanced diversity data collection efforts by the legal professional bodies going forward, which will provide a solid evidence base for developing and tailoring policies and supports for disabled students.

## Area of Focus: 2

### **The standard of education and training for persons admitted to practise.**

#### **Legal professional education and training on disability law and equality**

The NDA understands that legal practitioner education in Ireland is due to undergo significant changes on foot of recommendations made by the LSRA in its 2022 **Setting Standards** report, issued under section 34 of the Legal Services Regulation Act 2015. One of the two core recommendations outlined in the report was to develop a clear definition of the competence and standards required to practise as a solicitor or barrister. In this regard, the NDA advises that legal professional education should take a Universal Design in Education (UDE) approach that includes building disability competence amongst students.

Ireland ratified the **UN Convention on the Rights of Persons with Disabilities** (UNCRPD) in 2018. Article 24 of the UNCRPD contains the first explicit legal enunciation of the right to inclusive education and it imposes wide-ranging duties on States Parties to the Convention. The UN Committee on the Rights of Persons with Disabilities' (UNCRPD Committee) General Comment No.4 provides a framework through which to consider the transformation required to realise inclusive education. This necessitates a 'whole systems approach' which embeds 'the necessary changes in institutional culture, policies and practices'.

In addition, Article 13 UNCRPD provides that to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice. While Ireland has yet to undergo a formal examination under the Convention, the UNCRPD Committee regularly highlights concerns regarding a lack of knowledge, training

and competence within the justice system on the rights of disabled persons in other States Parties, including a lack of training for lawyers.<sup>4</sup>

In addition, Principle 10 of the **International Principles and Guidelines on Access to Justice for Persons with Disabilities**, developed by the former UN Special Rapporteur on the rights of persons with disabilities in consultation with the UNCRPD Committee, provides that all those working in the justice system must be provided with awareness-raising and training programmes addressing the rights of persons with disabilities, in particular in the context of access to justice.<sup>5</sup> The Guidelines further detail the topics which legal professional bodies should include in training programmes for lawyers and law students.

In 2024, the NDA carried out a national consultation on the development of a new National Disability Strategy on behalf of the Department of Children, Equality, Disability, Integration and Youth. When published, the new National Disability Strategy will provide a blueprint for further realisation of the UNCRPD. One of the key justice recommendations advanced by consultees was for increased provision of training to legal professionals on disability awareness and rights, as well as on effective communication with disabled people.

Furthermore, the Irish Human Rights and Equality Commission (IHREC) recently published a **Baseline Study of Article 13 UNCRPD in Ireland**.<sup>6</sup> The review found that the extent to which disability law and policy is embedded in professional legal education is unclear. In addition, the study highlighted a shortage of solicitors experienced in working with disabled people, as well as a need for greater training for legal professionals on disability awareness and rights, including people assessed as lacking decision-making capacity and the Deaf community. The importance of solicitors and barristers engaging directly with clients who have intellectual disabilities, ensuring they take instructions from the clients themselves rather than from carers or family members, was also raised.

The NDA is aware that the Law Society's Professional Practice Course for trainee solicitors has been offering an advanced elective module on Disability Law

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<sup>4</sup> The NDA has published a briefing paper on Article 13 UNCRPD, available at the following link: <https://nda.ie/publications/series-of-papers-on-individual-united-nations-convention-on-the-rights-of-persons-with-disabilities-uncrpd-articles>

<sup>5</sup> The International Principles and Guidelines on Access to Justice for Persons with Disabilities are available at the following link: <https://www.ohchr.org/en/special-procedures/sr-disability/international-principles-and-guidelines-access-justice-persons-disabilities>

<sup>6</sup> The IHREC report is available at the following link: <https://www.ihrec.ie/documents/access-to-justice-a-baseline-study-of-article-13-of-the-un-convention-on-the-rights-of-persons-with-disabilities/>

in recent years. While welcome, the module is not mandatory. With over one in five (22%) of the Irish population reporting having a disability in Census 2022, legal professionals will engage regularly with disabled people as clients. This underscores the importance of all solicitors and barristers undergoing training on disability law, including the Irish Sign Language Act 2017 and the Assisted Decision Making (Capacity) Act 2015 (including its Code of Practice for Legal Professionals), as well as disability equality and inclusion training.

On the latter point, the NDA is currently updating its guidance document for justice professionals on communicating with autistic people.<sup>7</sup> We are also updating our eLearning module on disability equality, and although primarily directed towards public sector officials, private sector employees and self-employed persons should also find it useful. Both resources will be available during 2025.

## Conclusion

The NDA would like to extend its thanks to the LSRA for the opportunity to input on this consultation. We would be happy to discuss any of the observations or recommendations in this submission in further detail.

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<sup>7</sup> The NDA's original 'Guidance for Justice Professionals in Communicating with People with Autism' (which is currently being updated) is available at the following link:

<https://nda.ie/publications/assisting-people-with-autism-guidance-for-justice-professionals-in-communicating-with-people-with-autism>