

The Joint Standing Committee for Legal Education in Scotland

The Joint Standing Committee (JSC) is a non-statutory body that brings together all the key stakeholders in relation to legal education and training in Scotland. Its current membership and the means of appointing them are set out in Appendix 1 attached. History does not record when it first came into existence. It is possible it was 1961 when the full time LLB degree was first introduced in Scotland. Up until then the law degree (the BL) was a part time degree only, with classes early morning and at night, and was taken in conjunction with being an apprentice during the day. The introduction of the full time LLB as a Qualifying Law Degree, ensured that those candidates who took the LLB, provided it included the subjects required by the professional bodies could get exemption from the professional exams. The new degree therefore required liaison and negotiation between the universities and the professional bodies as to the content of the professionally required subjects and provision for a measure of monitoring by the professional bodies of the work of the Law Schools. It seems likely that the JSC was set up to provide the necessary forum for such discussions.

Certainly the JSC was in existence when the Diploma in Legal Practice (the equivalent of the LPC in England and Wales) was introduced in 1980. The role of the JSC at that stage was to provide a forum between the Bar, the Law Society and the Universities to discuss the content of the new diploma in practical law and skills, what new subjects should be introduced (e.g. Accountancy for lawyers, Advocacy), what subjects could be taken out of the LLB and put into the Diploma (e.g. Procedure, Practical Conveyancing) and how the Diploma was to be examined. The JSC also helped in the negotiations with the Government to guarantee 300 grants for those taking the Diploma (one third of attendees also got a means tested full maintenance grant, one third partial maintenance and one third none). Ten years later the Diploma was totally revamped to include more skills training and IT. This required further discussions with the JSC. The negotiations with the Government to retain grants at this stage were successful in retaining them for more than a decade after grants had been abolished for the LPC.

Early in the new millennium the Law Society decided to revise the content of the professionally required subjects in the curriculum of the LLB, the content of the Diploma and the traineeship stage (which had replaced apprenticeships in 1980). The exercise was outcomes focused and built up to a content, namely that of the day one qualified lawyer in Scotland. This exercise took 7 years to complete and throughout the JSC worked with the stakeholders to ensure that there were no unexpected surprises emerging from the process. The JSC had therefore become by this stage a consultative body involving the early exchange of information between stakeholders, the aims and purposes of which were to act as a facilitator promoting the interests of legal education, both at the level of academic training and in relation to legal professional training both up to the level of legal

professional qualification and beyond. It also negotiated with the Government on behalf of the legal education sector.

In recent years the JSC has taken on lay members who have brought an external independent focus on educational matters enabling the JSC to discuss such challenging topics as increasing diversity in the legal profession, considering whether re-validation is required for lawyers as well as doctors, aspects of the future of judicial education and the educational implications (if any) of Alternative Business Structures. In this respect the JSC bears comparison with the work of the former Standing Conference on Legal Education in England and Wales which used to be run by the Lord Chancellor's Department. The close working relationships between stakeholders engendered in the JSC has also helped to ensure that the SRA's plans for SQE, the down-grading of the LLB and the re-introduction of centralised professional examinations have not been followed in Scotland. Instead the yearly audit of the educational providers by the professional bodies has been maintained at a rigour not seen in England and Wales for over a decade.

The JSC is not a creature of statute and although it has informal Government recognition it is not funded by the Government. It is run on a shoestring thanks largely to Edinburgh University Law Faculty which provides the meeting room for the JSC (it meets three time a year) and its Secretariat and website free of charge. The travel expenses of the lay members and the cost of recruitment competitions for lay members are borne by the other stakeholders. Nor does the JSC have an Executive role – it cannot tell anyone to do anything, but by building trust between the stakeholders it can facilitate the early exchange of information about future reforms to education and training, a neutral forum at which friendly criticisms of such proposals can be aired without preventing any of the constituent stakeholders from pursuing any reform course that they have determined on. As such it would be an easy model to introduce into Wales. However, for it to work most effectively, Wales would require to have its own equivalents of the Bar Council, Bar Standards Board, Law Society, and SRA.

Appendix 1

Protocol governing the functions of a Joint Standing Committee for Legal Education in Scotland (Updated and approved January 2017)

Purpose of the protocol

1. This protocol sets out the remit and operating arrangements which are to apply to govern the functions and regulate the proceedings of the Joint Standing Committee for Legal Education in Scotland (the JSC) as agreed by the constituent bodies.

General remit of the JSC

2. The JSC is a consultative body the aims and purposes of which are to act as a facilitator

promoting the interests of legal education, both at the level of academic training and in relation to legal professional training both up to the level of legal professional qualification and beyond.

3. In this protocol the following expressions have the meanings assigned to them in this paragraph; -

“constituent bodies” means the Law Society of Scotland, the Faculty of Advocates the Committee of Heads of Scottish University Law Schools, the Judicial Institute for Scotland and the Diploma Co-ordinating Group;

“the Committee of Heads of Scottish University Law Schools” means the Committee composed of the Heads or nominated alternates of the Heads of the Law Schools of each qualifying university;

“qualifying university” includes

- (i) each of the Universities listed in the Annex to this Protocol, and
- (ii) any other Higher Education institution providing qualifying legal education, and recognised by the Committee of Heads of Scottish University Law Schools as so providing.

“qualifying legal education” means any course recognised by the Law Society of Scotland or the Faculty of Advocates as a qualifying course in Higher Education for admission as a solicitor an advocate in Scotland

Membership of the JSC

4. The JSC shall consist of a Convener, a Vice Convener and up to 11 ordinary members and 3 lay members selected in accordance with paragraph 8 below.

4a. A constituent body may appoint a person as an alternate member to take the place of any member nominated by that body under paragraph 8 where that member is absent from a JSC meeting, and any such alternate member shall hold office in accordance with terms set by the body appointing them.

5. The JSC may co-opt up to 3 further members, and such co-opted members shall hold office in accordance with terms set by the JSC.

6. On the occurrence of a vacancy in the convenorship, the Convenor of the JSC shall be nominated by the Lord President of the Court of Session, to whom may be communicated the views, if any, of the JSC respecting a candidate or candidates for the office.

7. The Vice Convener of the JSC shall be nominated by the Committee of Heads of Scottish University Law Schools, shall hold office for 5 years, and shall be eligible for reappointment.

8. A body listed in column 1 of the table set out below shall be entitled to nominate the number of ordinary members of the JSC specified in column 2 of that table. These ordinary members of the JSC, together with the Convener and Vice-Convener of the JSC, shall be entitled to select up to three lay members of the JSC and such lay members shall hold office in accordance with terms set by the JSC.

Column 1	Column 2
Body	Numbers of Ordinary members
The Committee of Heads of Scottish University Law Schools	3
The Law Society of Scotland	3
The Faculty of Advocates	3
The Judicial Institute for Scotland	1
The Diploma Co-ordinating Group	1

9. Ordinary members shall hold office in accordance with terms set by the body appointing them.

10. A person may not be a lay member of the JSC if they are

- i. employed by a university which is a member of the Scottish Law Schools Committee,
- ii. an enrolled solicitor or employed by the Law Society of Scotland,
- iii. a member of or employed by the Faculty of Advocates.

Meetings and operating protocols of the JSC

11. The JSC shall meet on at least three occasions in each calendar year.

12. The JSC shall seek to discharge any of its functions principally on the basis of consensus amongst its members.

13. The JSC may make rules to govern its proceedings including rules setting out processes for the resolution of disputes in relation its discharge of its functions.

14. Constituent bodies recognise that the following principle should govern their conduct in relation to any matter which has an effect on the interests of any other constituent body: a constituent body should bring to the attention of the JSC any matter or proposed action which is likely to affect significantly the interests of those bodies and which falls within the remit of the JSC.

Alterations to protocol

15. The JSC may from time to time resolve to vary the terms of this protocol.

16. The JSC shall not consider any resolution to vary the terms of this protocol except where
(i) notice of the resolution has been given at the meeting of the JSC prior to the meeting of the JSC at which the resolution is to be considered, and
(ii) notice of the resolution and at least one month's notice of the date of the relevant meeting of the JSC has been intimated to each of the constituent bodies.

Special meetings

17. The Convenor or any of the constituent bodies may requisition a Special meeting of the JSC, or an Advisory Meeting of the JSC with the Heads of the Scottish Law Schools.

18. For the purposes of wider consultation and discussion, it shall be competent for the Convenor or any of the constituent bodies of the JSC to requisition an Advisory meeting between the JSC and the Heads of the Scottish Law Schools, with a view to informing the deliberations of the JSC. At an Advisory Meeting, all members of the Committee of Heads of Scottish University Law Schools shall be entitled to participate, along with all members of the JSC.

Edinburgh
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Annex

University of Dundee
University of Edinburgh
Edinburgh Napier University
University of Aberdeen
University of Stirling
University of Abertay Dundee
University of Strathclyde
Glasgow Caledonian University
University of Glasgow
Robert Gordon University