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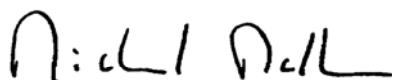
Foreword

The solicitors' qualification is widely respected. The current qualification scheme is tried and tested and delivers newly qualified solicitors able to deal with the demands of practice. But to leave the scheme as it stands would be to ignore the great changes that have taken place since the scheme was introduced in the early 1990s: developments in higher education, in professional development, in legal practice and in the expectations of intending solicitors, their future employers, clients and society. We should not wait to see whether the effect of such developments will create a crisis in the qualification scheme; we should, instead, anticipate changing demands and needs. It takes time to agree and bring about changes to a scheme to which many contribute and which takes most people six years to complete. We must prepare for and manage change to ensure that the qualification scheme remains fit for purpose.

The ideas explored in this consultation paper are wide-ranging and occasionally radical. They suggest a qualification framework which permits different pathways to qualification, which secures standards and enables innovation. The aim of the proposals is to achieve a qualification scheme that is both more rigorous than the current scheme and fairer to those wishing to join the profession. A qualification based on what people know and understand, what they can do and how they behave, rather than on the length and structure of the courses they have completed. This opens up opportunities for the Law Society to focus on the standards that must be achieved and demonstrated by newly qualified professionals. It also allows those who are not able to follow a traditional qualification scheme to be able to demonstrate that they do, nevertheless, have the attributes required for practice.

Some aspects of the paper will be of particular interest to members of the profession who currently employ and support trainee solicitors' learning; other aspects will be of greater interest to those involved with teaching students at an earlier stage of their careers. Some of the ideas raised in the paper would require significant development if they were to be implemented; others would require only modest change.

The Training Framework Review Group has not presented a model for the future. The consultation paper raises instead ideas for a new framework on which the group seeks your views. I do hope you will respond.



Michael Mathews
Chair of the Training Framework Review Group
September 2003

Second consultation on a new training framework for solicitors

Section 1 – Introduction and the consultation

The current qualification scheme

1. More than 6,000 solicitors are admitted to the Roll of Solicitors for England and Wales each year. The Legal Practice Course (LPC) is delivered by 31 providers by way of various full and part-time models. Some 4,500 organisations are authorised to employ trainee solicitors.
2. The solicitors' qualification scheme was last the subject of a full review in 1990 and the current scheme has been in place for more than a decade. Much has changed during that time including within the profession, the higher education sector and the student population. Extended equality legislation has been introduced, there are changing qualification recognition requirements within Europe and there are new and developing higher education funding arrangements. The make-up of the profession has evolved; there are different forms of competition and new arrangements for the funding of legal services; the expectations of those who use legal services have developed. Solicitors, the organisations in which they practise, the clients they serve, and the students and the institutions in which they study, are increasingly diverse. They have different experiences and different needs.
3. The Law Society has a statutory responsibility to regulate entry to the profession. It determines the education and training that must be undertaken by those who wish to be admitted to the Roll. In exercising this duty it needs, from time to time, to ensure that its regulatory requirements remain effective and appropriate and serve the public interest.
4. Many aspects of the qualification scheme have been reviewed independently since the last full review and some changes to it have been made. These have ensured that the scheme has been able to reflect legislative developments and that it has been able to evolve in the light of experience. But, over time, a series of small changes can undermine the coherence of a scheme. A major review provides an opportunity to ensure that the scheme as a whole remains coherent and fit for its purpose.

The consultation

5. This consultation paper is a significant stage in a review of the training framework that began in 2001. It sets out some key principles that it is proposed should underpin any qualification framework. The paper includes a suite of outcome statements that attempts to capture what all solicitors should, as a minimum, know, understand and be able to do when they are admitted. The paper seeks feedback on a range of proposals.

Summary of consultation issues

6. The main issues on which views are sought concern:
 - Proposals to focus the Law Society's regulatory involvement with the qualification scheme firmly on the standards to be achieved and demonstrated by those who wish to qualify as solicitors, rather than on the length and structure of the courses and training they must undertake.
 - A statement of what all solicitors need, as a minimum, to know, understand and be able to do and the attributes they should be able to demonstrate at the point of their qualification.
 - The opportunities that could be available for innovation by those designing and delivering pathways to qualification.
 - The introduction of a learning log that will require the individual to record and evidence the learning they have undertaken, their experiences of practice and their readiness to take on the professional responsibilities of a solicitor. This will be demonstrated, in part, through success in a formal assessment to be taken only once the individual has had some experience of practice.
 - A new system to confirm, prior to admission, that the full range of outcomes has been achieved to the required standard and that the individual can evidence their capability to practice.
7. The proposals are intended to provide a flexible but robust framework for qualification. Within the framework solicitors of the future should be able to develop the knowledge, understanding, skills and attributes that will enable them to deliver the legal services that the public needs, and in ways appropriate to both the individuals seeking to qualify and the profession that they will be joining.

The consultation process

8. This consultation paper is being distributed widely within the solicitors' profession, to universities and colleges teaching law and legal practice, to consumer groups and to interest groups.
9. Comments on the overall approach proposed and on the specific questions included within the paper are sought. Some respondents might prefer to comment on only some of the questions – some questions might be regarded as better answered by practitioners, others by the consumers, and others by providers of legal education. The Law Society will welcome all comments.
10. Responses should be returned by 5th January 2004. Please email you responses to: frcon@lawsociety.org.uk or post them to Julie Swan at Ipsley Court, Berrington Close, Redditch, Worcs, B98 OTD. DX 19114 REDDITCH.
11. Please indicate if you are replying on behalf of yourself, an organisation or a group of people and whether your response may be made public. If you would prefer that your response remains private please indicate this clearly in your response. It would be helpful if you would complete and attach to your response the 'About You' form at the end of the paper.

Section 2 - Background

The current qualification scheme

12. The current qualification scheme is divided into three parts:
 - The academic stage
 - The vocational stage
 - The training contract stage
13. The academic stage is normally undertaken by completing a *qualifying law degree* or the *Common Professional Examination (CPE)*. The vocational stage requires successful completion of a *Legal Practice Course (LPC)*. A training contract is undertaken by working for two years in a training establishment authorised to take trainees, during which a *Professional Skills Course (PSC)* must be completed.
14. There are variations to this standard approach. For example, Fellows of the Institute of Legal Executives are normally entitled to exemptions from parts of the academic stage; they are not required to complete a training contract. One university offers an exempting law degree that integrates a qualifying law degree and an LPC. Some students study part-time, either on a law degree programme or an LPC whilst also working in a training contract. Some trainee solicitors have their 2 year training contract reduced by up to 6 months on the basis of 12 months or more equivalent prior experience.

Issues with the current approach

15. Feedback suggests that the benefits of the current scheme over the previous scheme (in which the Law Society's Final Examination was a major feature) are widely recognised, particularly the attention given in the scheme to the development of the skills needed for legal practice. The Law Society does not have evidence that the current scheme is failing in any significant way to achieve its objectives of preparing solicitors for practice.
16. However, there are aspects of the scheme that are the subject of comment and criticism including the following:

Quality and standards of qualifying law degrees

17. The qualifying law degree is a significant feature of most solicitors' qualification experience. The degree should provide opportunities to develop knowledge and understanding of the law on which students and trainees can draw during the remainder of their qualification period and once qualified. However, issues about the quality and standards of qualifying law degree programmes are raised from time to time by both LPC providers and those who employ trainee solicitors.
18. New arrangements for assuring the quality and standards of such programmes have been the subject of separate recent consultations and fresh efforts to provide assurances about the quality and standards of law degrees are being introduced jointly by the Bar Council and the Law Society.

19. However, not all students studying on a qualifying law degree programme want to, or will, join the legal profession; they view their study as an academic experience, not as part of a professional qualification. The legitimacy of the Law Society's interests in the quality and standards of law degrees is a question frequently raised among academic lawyers.

The balance and flexibility of the LPC

20. Questions are also raised about the balance of time spent on the LPC on teaching business law and other practice areas. In response to earlier concerns that trainees joining corporate law practices had insufficient knowledge of business law and practice, the compulsory business practice element of the LPC was extended in 1997. This change does appear to have met one set of concerns only to have been replaced with another concern: that there is insufficient time available on the course for areas of practice more relevant to 'high street' or publicly-funded areas of work.
21. Different modes of study and the choice of electives do provide some flexibility – but is this sufficient for a course that is preparing solicitors to join a wide range of practice types?

Access to, and completion of, a training contract

22. The need to secure and complete a training contract before qualification can be an obstacle to qualification. There is evidence that indicates that this requirement has an adverse impact on the social diversity of the profession. Issues are also raised about the breadth and quality of experience that should be gained during a training contract and about the flexibility available to trainee solicitors to complete their training contracts in ways that are most appropriate for their particular circumstances.
23. The scoping study for the "Clementi review" of the regulation of legal services raises (in the context of possible barriers to practice) the requirement to complete, and the length of, a training contract.
24. Some firms find it difficult to provide trainee solicitors with the breadth of experience required by the Law Society, i.e. to provide them with opportunities to develop their skills in both contentious and non-contentious areas of practice and in at least three distinct areas of law.
25. Employment rights and opportunities for more flexible working arrangements raise questions about the appropriateness of a time-based training requirement that, for example, sets out the minimum number of days to be worked each week, the leave entitlement to be given and the periods of absence from work to be allowed.
26. The review provides an opportunity to consider whether a training contract is the only way to ensure effective learning in practice.

Overall inflexibility of the qualification scheme

27. Within the current qualification scheme different routes to qualification are permitted. But there remains limited flexibility within the scheme to accommodate, for example, students who have a wide range of different experiences and prior qualifications, trainees who wish to work and complete their learning in different ways, firms that wish to design schemes to suit the needs of their business, their trainees and their clients, and universities and colleges that wish to be innovative in their approach to teaching and assessment.

28. Although the homogeneity of the qualification scheme makes regulation, comparison and choice straightforward it can inhibit innovation and involvement and it can make some of the requirements difficult to justify objectively in all cases.

Costs of qualification

29. There are widespread concerns about the costs of qualification, particularly the fees for the LPC, which are currently in the range £4955 - £8750, with living costs on top. When this is added to the debts typically incurred at the academic stage many new entrants to the profession have very high loans to service. We do not know how many are deterred by financial consideration from undertaking the LPC and thereby joining the profession or the impact that costs are having on the diversity of intake into the profession, but the concerns are real.

The wider context

New statutory requirements

30. The Law Society is a *qualification body* under the Disability Discrimination Act. As such, it will shortly be under a new duty to demonstrate objective justification for all of its competence requirements. It will need to be able to demonstrate that any competence requirements that will be hard (or impossible) for some disabled solicitors to achieve are essential for the qualification of solicitor; that they are an integral attribute required of all solicitors in practice. If the Law Society cannot demonstrate such objective justification for any of its competence requirements it will not be able to make them an inherent part of the qualification scheme.

Determining the equivalence of qualifications

31. Some 20% of solicitors admitted to the Roll each year have qualified on the basis of their existing legal professional qualification. They qualify under the provisions of the Qualified Lawyers Transfer Regulations. As the European Union expands lawyers from more countries will be able to qualify in England and Wales on the basis of their 'home' qualification. European directives require the Law Society to give credit for, and recognition to, these qualifications. Further European conventions and developing case law also require a professional qualification regulator, such as the Law Society, to be most specific about the outcomes required from its qualification scheme in order that appropriate comparisons can be made and recognition can be given to qualifications gained in other jurisdictions.

New business structures, new forms of practice

32. The qualification scheme already has to prepare solicitors for a career that could take them into one or more of a range of environments and structures in which they will practise.
33. Any new qualification scheme should be sufficiently flexible and robust to ensure that solicitors of the future are prepared to practise in the range of existing and new business structures that the current (and possibly future) reviews of the regulation of legal services might permit.

Section 3 – The review

Background

34. The review began in 2001 with an initial consultation with stakeholders. The review has continued since that time, being taken forward by the Training Framework Review Group, the members of which are listed at annex 1.
35. In the course of the review consideration has been given to a range of qualification schemes used by other professions and in other jurisdictions. Discussions with a number of groups who have a range of interests in the qualification have also been held. Responses to the initial consultation have been influential to the ongoing review.
36. The review is not taking place in a static environment. For example, the Government has published during the course of the review a White Paper on the Future of Higher Education, as well as its proposals for a review of the regulation of legal services. Changes continue to be made to arrangements for the provision of, and payment for, publicly-funded legal services. Further changes have been made to aspects of the current qualification scheme, e.g. to the assessment regime for the LPC, to avoid the current scheme being frozen during the course of the review.
37. The proposals included within this paper are limited to the period of learning and development undertaken by solicitors to the point of their admission. It has been decided to limit this phase of the review to the pre-qualification stage, to ensure progress can be made despite the changing context in which the review is taking place. It is recognised that much of a solicitor's professional development actually takes place after qualification. Nevertheless, the point of qualification is the major milestone in terms of the regulation of professional entitlements and the educational activity of an individual solicitor. The pre-admission stage of professional development provides the foundation on which subsequent learning and professional development is built.

Specialisation

38. One of the most difficult issues that has been addressed during the review is the extent to which the realities of specialisation in practice should be reflected in the qualification scheme.
39. The trend towards greater specialisation has continued since the last major review of the qualification scheme. The review group has considered whether the time has now come to reduce the breadth of knowledge, understanding and experiences that should be held by new entrants to the profession, perhaps allowing them to develop to a higher level their understanding and skills in a narrower range of practice areas.
40. The review group recognises that some in the profession would support such a change. The group accepts that, by limiting the breadth of the qualification scheme, the costs of qualification could be contained and some of the obstacles to qualification removed.

41. However, the qualification scheme must, above all, produce solicitors who have the capacity to provide high quality legal services to a range of consumers and who are prepared for a varied and demanding career. The group does believe that the Law Society should be less prescriptive than it currently is about the way in which the breadth of knowledge and understanding and skills are developed. It does not believe, however, that either the public, the profession or the individuals themselves would be well served by a qualification scheme that allowed individuals to qualify who had a very narrow understanding or experience of legal practice. This position is reflected in the outcomes set out below that it is proposed should be demonstrated by all seeking admission to the Roll.

Costs of qualification

42. The group has also considered concerns about the costs of qualification. It is of the view that costs should be contained where possible and that pathways to qualification that limit or reduce costs would be desirable. It believes that its proposals will allow such pathways to develop. But reduced costs should not be achieved by reducing standards.

Overview of the proposals

43. The remainder of this paper sets out a framework within which, it is proposed, a new qualification scheme should develop. The essential features are as follows:
- a new framework based on what solicitors must know, understand and be able to do and the attributes they should be able to demonstrate at the point at which they qualify, i.e. it will be an outcomes-based framework;
 - Law Society prescription of the outcomes that must be achieved - and demonstrated - by individuals before they can be admitted to the Roll of Solicitors;
 - compulsory outcomes that focus only on the essential knowledge, skills and attributes that all solicitors should have at the point of qualification, leaving scope in the qualification framework for individuals to develop their understanding and skills in different areas of practice;
 - flexibility about how the outcomes should be achieved, i.e. the Law Society should not specify the length or structure of the pathways to qualification. It should be rigorous in its requirement that the outcomes must be demonstrated and assessed in a reliable way before an individual can proceed to admission;
 - different pathways to qualification - not as a variation to the 'norm' but as a positive feature of a new framework;
 - the maintenance by individuals, throughout their preparation for qualification, of a learning log setting out how and when they have achieved the required outcomes;
 - a final, formal, verifiable and objective confirmation of an individual's readiness for practice. The confirmation will be based on the learning log and supporting evidence, including that of the supervising solicitor(s), with a particular focus on the individual's understanding of, and commitment to, professional responsibilities, ethics and client care, to be demonstrated by way of a new and formal assessment to be undertaken only in the light of significant experience of practice.

Key principles

44. The proposals that follow in the remaining sections are underpinned by a number of principles. The principles should protect the public interest by ensuring that all new entrants to the profession have been the subject of a rigorous and fair qualification scheme. The principles require that any new scheme:

- secures standards;
- is coherent;
- ensures that solicitors have a strong foundation of knowledge, understanding and skills on which they can draw throughout their careers;
- ensures that all new entrants to the profession have been assessed against a consistently applied, appropriately high and transparent standard;
- equips solicitors to deal positively with diversity in all aspects of their professional work;
- removes any unnecessary obstacles to qualification;
- is flexible; and
- is credible.

Question 1:

- (a) Are these principles appropriate to underpin any qualification scheme?**
(b) Are there any other principles that should be reflected in a scheme?

Section 4 - The outcomes to be achieved and demonstrated prior to admission as a solicitor

45. The new framework would be based on a clear specification of what all solicitors need to know, understand and be able to do and the attributes they should have on 'day 1' of their practice as a solicitor. This section sets out with increasing levels of detail a draft of such a specification. Views are sought of the appropriateness of the specification and on the level of detail that would be required to make such a specification useful.

What should a solicitor be able to do at the point of qualification?

46. At the highest level it is suggested that all solicitors at the point of their qualification should be able to:
- identify the legal principles and issues presented by a set of facts, diligently conduct legal and factual research and evaluate and implement legal and non-legal options as appropriate;
 - communicate effectively with members of a diverse society and identify and confirm with clients the action they can take on their behalf;
 - work with clients to progress their cases or transactions expeditiously and with propriety, informing them of, and consulting with them on, all options and proposals;
 - organise their work efficiently so as to meet their professional responsibilities and undertake the preparation necessary for competent representation;
 - build on and develop their legal knowledge and professional skills;
 - preserve their own integrity, act consistently with professional and ethical requirements and defend and promote the reputation of their profession.

Question 2:

- (a) **Does this statement capture at a high level the essential requirements for a solicitor at the point of their qualification?**
- (b) **Is there anything you would wish to see added to, or deleted from, this statement?**

47. Such a high level definition of what solicitors need to be able to do at the point of their admission would need to be developed to set out the outcomes to be achieved and demonstrated by all who are qualifying. It is proposed that these outcomes should be categorised under the following headings:
- general intellectual skills;
 - core legal and technical knowledge;
 - ability to complete legal transactions and progress legal disputes towards resolution;
 - the values, behaviours, attitudes and ethical requirements of a solicitor;
 - professional, personal management and client relationship skills.

Question 3:

- (a) **Is this categorisation helpful?**
- (b) **How might it be modified?**

Specifying the required outcomes

48. A series of outcome statements has been drafted to set out the essential outcomes that should be achieved and demonstrated by anyone wishing to qualify as a solicitor. These are presented using the categorisation above and are a mixture of:

- knowledge and understanding requirements – these could be gained from and assessed in a traditional academic programme;
- ‘ability to do’ requirements that require application of the knowledge, understanding and skills - these could be developed and assessed in a vocational course similar to the current LPC and/or in a practice setting; and
- behaviours and attributes - it is suggested that these would, at least in part, need to be gained and demonstrated in a practice environment.

At the point of admission it is suggested that a solicitor should have and be able to demonstrate the following outcomes:

49. General intellectual skills expected of an honours degree graduate, namely the abilities to:

- apply methods and techniques to review, consolidate, extend and apply knowledge and understanding and to initiate and carry out projects;
- critically evaluate arguments, assumptions, abstract concepts and data to make judgements and to frame appropriate questions to achieve a solution, or identify a range of solutions to a problem; and
- communicate information, ideas, problems and solutions to both specialist and non-specialist audiences¹.

50. Core legal knowledge and understanding²:

Knowledge of:

- the jurisdiction, authority and procedures of the legal institutions and the professions that initiate, develop, interpret and apply the law of England and Wales and the European Union, including knowledge of constitutional law;
- the legal protections available to the individual in society;
- the rules of professional conduct (including the accounts rules);
- the regulatory and fiscal framework within which business and other legal transactions and financial services are conducted.

Understanding of:

- the law of contract and tort and of parties' obligations, rights and remedies;
- criminal law;
- the legal concept of property and the protection, disposal and acquisition of proprietary interests;
- equitable rights, titles and interests;
- legal personality and business structures;
- the values and principles on which professional rules are constructed.

51. Ability to complete legal transactions and resolve legal disputes, including the ability to:

- work with clients to identify their objectives and their options;
- establish business structures and transact the sale or purchase of a business;
- progress legal disputes towards resolution using a range of techniques and approaches;
- convey, lease and mortgage property;
- draft the agreements and other documentation that will enable these actions and transactions to be completed;
- plan and implement strategies to progress cases and transactions expeditiously and with propriety.

¹ These outcomes should be demonstrated by the award of an honours degree by an institution in England and Wales. This is in line with the National Qualifications Framework for Higher Education Qualifications that impacts on all higher education courses provided by higher education institutions in England and Wales from September 2003.

² The distinction between knowledge and understanding is suggested to indicate the emphasis to be placed, pre qualification on the different aspects and the required capabilities of individuals to work with and manipulate their knowledge base. Knowledge indicates familiarity with an area, recollection of key facts, rules, methods and procedures. Understanding indicates a higher level capacity to work with, manipulate and apply knowledge including in unfamiliar situations.

52. **Demonstrate a practical understanding of the values, behaviours, attitudes and ethical requirements of a solicitor:**
- demonstrate appropriate behaviours and integrity in a range of situations in which understanding and knowledge of the rules of professional conduct have been tested;
 - demonstrate the capacity to deal sensitively and effectively with clients and colleagues from a range of social, economic and ethnic backgrounds, identifying and responding positively and appropriately to issues of culture and disability that might affect communication techniques and influence a client's objectives.
53. **Professional, personal management and client relationship skills:**
- the application of techniques to communicate effectively with clients and colleagues;
 - the ability to advocate a case on behalf of clients;
 - effective approaches to problem solving;
 - effective use of current technologies and strategies to store, retrieve and analyse information;
 - an understanding and appreciation of the environment of legal practice, including the market for legal services, ethics and ethical decision-making and of client relationship management and risk management;
 - the capacity to recognise personal and professional strengths and weaknesses, to identify the limits of personal knowledge and skill and to develop strategies that will enhance professional performance;
 - the ability to manage workload efficiently and effectively and to maintain files.

Question 4:

- (a) Do these requirements capture what a solicitor should know, understand and be able to do at the point of admission?
- (b) Should the requirements be modified? If so, how?

Question 5:

Should the Law Society specify in greater detail:

- (a) The content expected to be covered and assessed in each knowledge area?
- (b) The essential competencies involved in each skill?
- (c) The essential component parts of the required transactions?

Question 6:

- (a) More detailed specification could provide greater consistency between the courses. Is this desirable?
- (b) Or should the Law Society offer guidance on these issues, considering at the stage of course/pathway accreditation whether the overall outcomes would be achieved? Would the greater flexibility and innovation that this would allow be desirable?

Objective justification of the competence requirements

54. As a *Qualifications Body* under the provisions of the Disability Discrimination Act, the Law Society needs to ensure, and be able to demonstrate, that all of its competence requirements are necessary as an indication of capacity and competence to practise in the profession.
55. The review group has considered this requirement as it has put together the draft outcomes set out above, particularly those relating to skills. It believes that the outcomes set out above can be justified objectively. However, it would welcome views on this matter.

Question 7:

Could the draft outcomes be justified objectively as a necessary indication of capacity and competence to practise as a solicitor?

Section 5 - Pathways to qualification, key features of all pathways and regulating work-based learning

Pathways to qualification

56. At the heart of the proposals for a new framework is an opportunity for different pathways to qualification to develop, not as a variation to a 'norm' but as a positive feature in which innovation is encouraged. The framework should ensure that there will be a common and rigorously enforced end-point - the required outcomes – but that pathways to qualification can develop in response to, and in anticipation of, the needs of the profession, the society it serves and those who are seeking to join it.
57. However, the nature of the outcomes to be achieved will inevitably limit the nature of the pathways that will enable the required outcomes to be achieved and demonstrated. The required outcomes will also determine some key features that will need to be included in any pathway.

Key features of any pathway

58. It is suggested that in order to achieve the outcomes of the sort set out above, the following features would need to be included in any pathway to qualification:
 - Completion of (at least) an honours degree or equivalent.
 - Learning of law and legal practice to at least an honours degree level.
 - A rigorous assessment strategy.
 - A period of work-based learning.
 - Successful completion of a course and an assessment covering professional responsibilities, ethics and client care.
 - Completion of a learning record and formal confirmation of an individual's readiness to practise.
59. The reasons why it is proposed these should be a feature of any pathway, together with issues raised, are outlined below:

Completion of (at least) an honours degree or equivalent

60. The outcomes demand demonstration of the intellectual skills now to be required of all honours degree graduates. This is an essential feature if the solicitors' qualification is to be recognised within Europe. The degree need not necessarily be a law degree. Alternative equivalent level qualifications, such as those available through the Institute of Legal Executives, would be acceptable.

Learning of the law and of legal practice

61. The outcomes suggested would require all pathways to include learning of the law and the legal framework as well as learning of aspects of legal practice. Any qualification pathway would, therefore, have to include formal learning and assessment of what might be termed 'academic' law as well as legal practice. In line with the current scheme, these outcomes would have to be assessed to, at least, the level of an honours degree. This requirement should ensure that the academic rigour of the qualification scheme is (at least) maintained.

Rigorous assessment of individuals and monitoring of the achievement of the outcomes

62. The success of a framework, such as that being proposed, would rest on the Law Society's ability to ensure that the required outcomes were being achieved (regardless of the pathway to qualification followed) and that there was a consistent standard being applied across providers. Any attempt to encourage different pathways to qualification would be undermined if there was any perception that standards varied between pathways and providers.
63. The Law Society would need to take a keen interest in the assessment methods used in the pathways. It would have to be confident, if a pathway were to be approved, that the assessments would measure achievement of outcomes. Students would need to be assessed at different times during their route to qualification. This would assist some students to transfer between pathways, by enabling them to take with them credit for outcomes already achieved and demonstrated, and avoid over-reliance on a final assessment. However, there might be some pathways from, or onto which, transfer would be difficult.
64. Once a pathway had been approved, regular and effective monitoring would have to be undertaken to ensure the fair and effective use and validity of the assessment methods. The shift in emphasis away from prescribing the process to be followed to the outcomes to be achieved should allow Law Society resources to be diverted from checking of the delivery to monitoring the achievement of the outcomes.
65. The way in which the Law Society might approach such monitoring would vary according to the nature of the pathway and the assessing organisation. For example, if the outcomes were being assessed as a part of a law degree use could be made of the degree-awarding body's own mechanisms to ensure effective and fair assessments against the outcomes specified for the programme. External examiners, for example, would have a key role to play.
66. The Law Society's current involvement with the appointment and training of external examiners on the LPC would need to continue and possibly be strengthened. A similarly robust system would have to be introduced for any assessment of professional responsibilities and ethics (see 88 below).
67. There would need to be effective monitoring of assessment results not least because the Law Society, in its regulatory capacity, must meet its obligations under the Race Relations (Amendment) Act 2001.

Question 8:

What checks would need to be in place to provide confidence that outcomes were being achieved and that standards were consistent?

Question 9:

- (a) Should the Law Society specify a minimum assessment regime?**
- (b) If so, what should be the features of the regime?**

A period of work-based learning

68. It is suggested that it would not be possible for an individual to develop and demonstrate effectively all of the required outcomes, e.g. that they could work with clients, organise work effectively, or maintain files, unless they had actually worked within a legal practice environment. The review group also considers it essential that all new entrants to the profession have had an opportunity to experience the culture of the profession before they become full members of it, and to have had some exposure to the economic, social and business context in which law is practised. This requires that individuals should have worked alongside other solicitors, learned how the values, behaviours and attitudes required of the profession apply (and are sometimes challenged) in practice and how risks should be managed. Currently trainee solicitors work for and with solicitors for a two year period before they qualify - the length of the training contract. However, an individual who had previously worked in a legal practice, or perhaps in a different professional environment, might be able to achieve the outcomes required and understand the culture and values of the profession in a shorter time.

Question 10:

Do you agree that some of the outcomes suggested could only be achieved in the environment of a legal practice? If so, which ones?

Question 11:

- (a) **Should a period of work-based learning be an essential requirement of any pathway to qualification? If so, why?**
- (b) **What period of work-based learning should be undertaken by the typical person before qualification?**

Where should the work-based learning take place?

69. Currently, an organisation cannot employ a trainee solicitor unless it is authorised to do so by the Law Society. Once authorised an organisation is known as a *training establishment*. In order to become authorised an organisation must agree to meet certain obligations that are intended to ensure the quality of the trainee's learning experience. For example, it must ensure that trainees are properly inducted and appraised and that they are given opportunities to develop their skills and gain the required breadth of experience. From time to time authorised training establishments are monitored by the Law Society to ensure that they are meeting their obligations.
70. In an outcomes based framework it might not be appropriate for work-based learning to 'count' towards the qualification requirement only if the workplace was 'authorised'. If the required outcomes have been achieved and demonstrated it should not matter whether or not the learning took place in a particular environment.
71. The need to continue with the current authorisation arrangement is therefore called into question. On the one hand, individuals who could demonstrate that they had achieved the necessary outcomes, albeit not within a training establishment environment, would be disadvantaged if their learning could not be recognised towards their qualification. On the other hand, the quality of the environments in which work-based learning is typically undertaken might suffer if the Law Society ceased to regulate training establishments.

72. The Law Society has consulted the profession on the introduction of new rules on client relations and business operations and it expects to progress towards implementation of new rules later this year. The new draft rules are part of a wider package of revisions and are underpinned by a commitment to make the existing rules less burdensome and in ways that will benefit both clients and solicitors.

73. The revised draft rules require that, among other things:

“Principals in private practice must effect supervision and management arrangements which provide for, [inter alia]: compliance with principal solicitors’ duties in law and conduct to exercise appropriate supervision over all staff..... the maintenance of the competence of principals and staff.”

In addition the draft rules would require that:

“Practices must operate appropriate systems which provide for:the training of principals and staff to a level of competence appropriate to their work and level of responsibility.....”

74. These draft rules could provide a basis for ensuring that trainees are properly supervised and trained.

Question 12:

- (a) Should the current training establishment scheme be retained, whereby organisations wishing to employ trainee solicitors have to be authorised by the Law Society?**
- (b) If the authorisation requirement was retained, should it be possible for individuals to be able to demonstrate that they had, outside of an authorised organisation, achieved the required outcomes?**
- (c) Would the new draft rule on client relations and business operations be sufficient to ensure that trainees would be properly supervised and supported?**

Regulating the period of work-based learning

75. At present, in addition to the authorisation requirement, a trainee solicitor and a training establishment must enter into a training contract if the experience gained in practice is to count (in full) towards the trainee’s qualification. The training contract is an additional tool used to regulate the nature of the trainee’s opportunities to learn.

76. The training contract is prescriptive with regard to the time that must be spent working under the supervision of a solicitor. It is not prescriptive about the range of work that must be experienced – beyond the requirement that the trainee must cover three distinct areas of law and that skills must be developed in both contentious and non-contentious work. The training contract prescribes the minimum salary that must be paid to trainees and requirements with regard to supervision and appraisal. It also requires that trainees are given opportunities to develop their skills in accordance with a given set of skills standards.

77. The training contract provides some protection to those trainees who are able to secure one. However, the requirement to complete a period of work-based learning within a training contract prevents others from qualifying as a solicitor at all, albeit that they might have satisfied the other qualification requirements and even be working in the profession, and within a training establishment, alongside trainees.
78. The value of a period of work-based learning prior to qualification has not been challenged by the review. The need to regulate this learning by means of a training contract has been questioned. Again, there are different views.
79. The training contract places obligations on training establishments to provide appropriate opportunities for their trainees to develop their knowledge and skills and to support and supervise them properly. It provides a means by which the Law Society can regulate the minimum salary that must be paid to a trainee and can ensure that the training establishment pays for the trainee's attendance at required courses. The trainee, in turn, agrees through the contract to behave appropriately as an employee and to comply with the training requirements.
80. The terms of the standard training contract cannot be varied without the prior consent of the Law Society.
81. However, enhanced employment protection legislation gives trainees a level of protection that was not available when the training contract was first introduced, including rights to a minimum wage and, following a recent statutory change, rights to redundancy payments that the training contract previously required trainees to waive. Some individuals who wish to work within a training contract can obtain employment as 'paralegals' but not as a trainee solicitor. They can be prevented from qualifying.
82. Views on the need to retain training contracts in order to regulate the period of work-based learning are sought.

Question 13:

- (a) **Should a training contract, as a means of regulating the period of learning under the supervision of a solicitor, remain an essential requirement of any pathway to qualification?**
- (b) **Should solicitors employing trainees have obligations towards trainees that are greater than those afforded to their other employees? If so, why, and what should these be?**

Completion of a learning log and confirmation of an individual's readiness for qualification

83. Trainees currently have to maintain a record of their training. It is proposed that this should be developed and enhanced, so that a trainee would have to record and evidence their progress towards, and their achievement of, the overall outcomes. The current training record requirement would be developed into a requirement to maintain a learning log throughout the period of professional development (ideally this would be extended to include professional development post-admission too). Trainees would be provided with guidance on how they should use the learning log to ensure they were working towards, achieving and evidencing their achievement of the required outcomes. The learning log would provide a focus and a framework for use both by the candidate and any supervising solicitor.

84. Opportunities for electronic completion and storage of the log would be explored. An electronic log could facilitate monitoring by the Law Society of an individual's progress; it could also include some interactive elements to promote learning.
85. A learning log could add particular value to the period of work-based learning; it could be used to emphasise that the period was about 'learning from doing' and not just 'doing'.
86. Such learning logs are being introduced into higher education generally. There would be advantages to building on a national approach with which new entrants will be increasingly familiar. Other professions already make use of such learning logs. Examples of some of the approaches currently taken in other professions are summarised in annex 2.

Question 14:

Do you agree that a requirement on an individual to maintain a learning log, recording and evidencing their progress towards and achievement of the learning outcomes, could add to the value of the period of work-based learning?

Developing and assessing understanding of professional responsibilities, ethics, values and client care

87. The review group recommends that any qualification framework, within which pathways to qualification could be approved, should place a strong emphasis on understanding of the professional responsibilities, ethics and values required of a solicitor, as well as on the principles of good client care.
88. It is proposed that a common and essential feature of any pathway to qualification should include successful completion of a course covering professional responsibilities, ethics, values and client care. The course could be undertaken only once the individual had sufficient exposure (to be defined, but ideally not by time but by level of understanding or breadth of experience) to practice. Such a course could be understood as an extended module of the current Professional Skills Course (PSC) or as a replacement for the PSC. Successful completion of the course would include a requirement to pass a formal assessment. The nature of the assessment (e.g. written, role-play, critical incidents analysis) would need to be determined. Admission to the Roll could not take place until the course had been undertaken and the assessment passed.
89. It could be argued that a requirement to complete a course – in addition to an assessment – is inconsistent with an outcomes-based approach. However, enhancing understanding of new entrants' professional responsibilities, ethics, values and client care skills is central to the proposals for a new framework and to the Law Society's obligations to regulate entry to the profession in the public interest. Effective understanding of these issues can be strengthened and reinforced by ensuring individuals have the opportunity to consider issues and experiences with peers who might have had different or similar experiences themselves. For this reason, prescription about the nature, structure and timing of a course and assessment might, in this case, be attractive.

Question 15:

- (a) Do you agree that there should be a compulsory course covering professional responsibilities, ethics, values and client care?**
- (b) Do you agree that there should be a formal assessment at the end of the course?**
- (c) Do you agree that, to ensure full benefit from the course, it should not be undertaken until, and unless, the individual had reasonable exposure to the profession in practice?**
- (d) What are your views on the form of the assessment that should be used?**

Confirming readiness for qualification and practice

90. The Law Society has a statutory obligation to protect the public interest by acting as a 'gatekeeper' to entry to the profession. Under the current approach, when the 2 years served in a training contract come to an end, a declaration is made by the training principal that he or she knows of no reason why the trainee might not be admitted as a solicitor. (Very few trainees are not 'signed off' at this stage.) This signing off, and the admission to the Roll of Solicitors that invariably follows, has been described as a 'whimper' at the end of the long route to qualification.
91. The review group has considered ways by which the final confirmation of an individual's readiness for practice could be made a more meaningful and useful step in a solicitor's career and could contribute to the effective exercise by the Law Society of its duties.
92. It is suggested that the individual's learning log could form the basis of an objective and verifiable check to confirm the individual's readiness for practice. In order to be considered satisfactory the log would need to detail and evidence how and when each of the required outcomes had been achieved and demonstrated. For some of the outcomes a degree transcript³, together with the programme specification for the degree programme, could suffice. For other outcomes, the learning log, certified by a supervising solicitor, would be required as evidence. The log would also have to include evidence of passing the professional responsibilities, ethics and client care assessment.
93. The final assessment of an individual's achievement of all the learning outcomes and their readiness for practice would typically be undertaken, at least in part, by the solicitor who had supervised the trainee's work. The supervisor would be in the best position to review the log with the trainee and to confirm its authenticity. However, it is recognised that some solicitors and some practices would not wish to take on such an additional task and responsibility – this was highlighted by several solicitors who responded to the initial consultation. Also, more than one solicitor might have supervised the work and overseen the development of an individual. The final confirmation might also be a more rigorous and objective process if there was some contribution by an 'assessor' who was detached from the individual and their learning experience.

³ Degree transcripts are issued to students by universities and set out the subjects studied by the student and their assessment/examination marks.

94. The review group has considered various ways by which the final confirmation exercise could be undertaken. It has considered whether, and if so how, the profession and/or the Law Society should become engaged with the process. It has considered whether organisations that wished to be responsible for the final confirmation of their own trainees' readiness to practise could be specifically authorised to take on that responsibility. It is possible that the current approach to monitoring training establishments could be augmented, or that a team of independent solicitor mentors/assessors could be established both to support some trainees during their learning and to be involved with the 'signing off' of others. The opportunities that could be presented by basing the final confirmation on a standard form, electronically completed, learning log have also been considered.
95. The group recognises that any approach to a more effective and rigorous assessment to confirm an individual's achievement of the learning outcomes and their readiness for practice would raise many issues and would be controversial. It would welcome views before developing a preferred model. (The examples, included in Annex 2, of approaches used by other professional regulatory bodies might be of interest in this context).

Question 16:

- (a) Do you agree that there should be a new approach to determining an individual's readiness for practice, to come at the end of the qualification period?
- (b) Who should be responsible for the final decision that an individual has achieved all of the required learning outcomes and is ready for practice?
- (c) Should there always be some contribution to the decision about readiness for practice from an 'external' person, i.e. someone who has not been involved with the individual's learning and who has no direct interest in the outcome of the decision?

Section 6 - Possible pathways to qualification

Scope for innovation

96. The essential features outlined above could be built into many different pathways to qualification.
97. Pathways could emerge that would be quite different from the current qualification scheme and its variants. However, one of the attractions of the proposed approach is that it would allow evolutionary change and not force revolutionary change on all. To illustrate the different pathways to qualification that might develop, a number of possible models are set out below. The models are included for illustrative purposes only and should not be regarded as the preferred or the only pathways that could be available.

Illustrative pathways

As is – (more or less)

98. It is expected that, at least in the short term, many students will follow a path to admission as a solicitor that is little different from the current, prescribed routes, i.e. they will complete a law degree or a 'conversion' course, followed by an LPC and then spend 2 years working under the supervision of a solicitor.
99. Looking at the proposed high level outcomes above, most of the core legal and technical knowledge should be covered in either a qualifying law degree or a Common Professional Examination (CPE). The general intellectual requirements would also be dealt with at that stage. However, the providers of qualifying law degrees might need to map the outcomes that would be achieved by a student on their programmes against the overall outcomes required prior to admission as a solicitor. The ability to complete legal transactions, together with outstanding core knowledge, would then be covered on an LPC, as would most of the outcomes under the headings: The Values, Behaviours, Attitudes and Ethical Requirements of a Solicitor and Professional, Personal Management and Client Relationship Skills. A period of learning under the supervision of a solicitor would provide opportunities to consolidate knowledge and understanding and to develop and demonstrate legal and professional skills and behaviours. The requirements to complete satisfactorily the course and assessment in professional responsibility etc, to complete a learning log and to be confirmed as ready to practise would, of course, be novel features in this otherwise familiar pathway.
100. For this pathway the constituent parts would be accredited and monitored separately by the Law Society. Students/trainees would need to understand that they were following a 'building-block' approach to qualification, as at present. To enhance the flexibility of this traditional model LPC providers could be encouraged to consider whether they might collaborate with each other to deliver a wide range of viable electives, in order to maximise student choice. Providers might also offer some electives to qualified solicitors who needed to develop new areas of knowledge.
101. The proposed outcomes and approach would give LPC providers greater freedom to design courses that would prepare students for particular types of careers. There could be more scope for learning in the elective subjects.

Or with greater integration

- of the academic and the vocational/professional

102. The separation of the current academic and vocational stages of qualification has its supporters and its critics. The separation would continue in the pathway outlined above, but there might be scope for pathways that break down the current separation. For example, the course undertaken by non-law graduates (the CPE) might be integrated with the LPC. There are several 'sandwich' degrees in operation and consideration could be given to whether and how the academic and vocational could be integrated along with a period of work-based learning.
103. The exempting law degree pathway is already available for a small number of students. The exempting law degree integrates fully the learning and assessments normally undertaken separately during a qualifying law degree and an LPC. The proposals set out in this paper, alongside the proposals in the Government's White Paper on the Future of Higher Education, might encourage more providers to develop exempting law degree pathways to qualification.
104. It appears that the main barrier to the introduction of such courses has been the financial constraints on the universities that might provide them. The skills component of the course inevitably increases the costs of delivering it, compared with the costs of delivering a straight law degree. However, as the exempting law degree is an undergraduate programme the universities have been prohibited from charging fees at the level they say they would need in order to deliver high quality exempting law degree programmes.
105. The proposals in the White Paper, that would enable universities to charge up to £3,000 a year for their undergraduate programme, might lift this impediment for some universities. Universities that currently offer both a qualifying law degree and the LPC might wish to consider the introduction of an exempting law degree, whereby the academic and vocational study of the law are integrated and reinforced throughout the period of study. Students might derive educational and financial benefits. (It would be less expensive for a student to study for 4 years on an exempting law degree, for which fees were charged at £3,000 a year, than to study on a three year law degree paying £3,000 a year followed by a stand alone LPC. It is expected that, as at present, there will be no fee cap for the LPC, the fees for which are determined by the market and currently average £6,500). However, the financial viability of exempting law degree courses for universities might remain an issue.
106. Alternative ways by which the academic and the vocational aspects of learning could be integrated might also be explored. For example, a university might wish to target its law degree programmes at students intending to qualify as solicitors. This could result in an undergraduate programme more directly addressed to the learning outcomes required for qualification, followed by a shorter LPC provided by the same university for its law degree graduates and focusing more on skills and practice.

- of the vocational and the work-based learning

107. Some providers, recruiters and students might prefer that integration came later in the stage of professional development, with integration of the LPC and the period of work-based learning. Part-time, including 'block', LPCs are currently available and students can concurrently study for an LPC and serve time in a training contract. But the time served counts only at half credit, and the part-time models on offer by providers are restricted by Law Society requirements to specific course structures. Some firms or organisations might wish to work with an LPC provider to establish a model that would secure the educational coherence of the programme and enable the different forms of learning to reinforce each other, and might allow the providers to stagger their intake of trainees. A new approach to recognising the learning in practice rather than simply counting time in practice might remove some of the existing disincentives to part-time study and work.

- from foundation degree to qualification

108. The Government's White Paper on the Future of Higher Education has reaffirmed the Government's commitment to the expansion of foundation degree courses. Foundation degrees are typically studied over the equivalent of 2 full-time years. They should reflect employers' needs and expectations and include an element of work-based learning.
109. A foundation degree could provide the starting point for a pathway to qualification. Some students might be able to progress from a foundation degree to an honours degree in law and then on to qualification. Various models might be envisaged that would facilitate such progression.
110. National Occupational Standards for Legal Advisers⁴ are being developed. These might result in new qualifications which could also provide starting points for professional qualification.

- a continuous pathway

111. It is possible that a completely integrated and unbroken pathway to qualification would be attractive to some, whereby the traditional academic, vocational and work-based learning and, under the proposed new model, the final assessment, could be planned and followed under the direction of one provider. Medical students now typically study on such integrated programmes with patient contact being experienced in the earliest years of undergraduate study and with full integration of academic and professional learning. The professional, educational and financial advantages of such a co-ordinated and coherent programme of study leading to qualification as a solicitor would be worthy of consideration.

The LPC plus

112. Enhanced business and managerial knowledge and skills are sought by some newly qualified solicitors and their employers. Some providers might wish to consider integrating into an LPC of one or more modules of an MBA. Students following such a pathway would be able to build on their MBA credits later in their careers, providing an incentive to enhance their business and management skills and reinforcing the concept of life-long learning or continuing professional development.

⁴ National Occupational Standards specify agreed competence and knowledge requirements for different occupational areas.

113. Similarly, pathways that assisted students to prepare for accredited status, e.g. to give publicly funded advice in police stations or to gain rights of audience in the higher courts, might add value to the courses and to the students who completed them.

Recognising learning through clinical legal education and pro bono work

114. Pathways that included significant elements of clinical legal education and/or pro bono work might provide valuable learning opportunities and help to prepare students for practice.
115. A number of undergraduate programmes in law now provide students with opportunities to undertake legal practice under supervision. This might be in a law office attached to the university, through a pro bono scheme or by way of 'sandwich' placements.
116. Although the value of such experience is generally accepted, there is currently little opportunity for such learning to be recognised in the qualification scheme. However, in a new scheme in which achievement of learning outcomes was the key focus, proper credit could be given towards the qualification for learning through clinical legal education, pro bono or placement work.

Question 17:

- (a) **Are any of the illustrative pathways outlined above particularly attractive?**
- (b) **What other pathways might be explored?**
- (c) **Would you oppose any of the illustrative pathways?**

Question 18:

- (a) **Would the availability of different pathways to qualification be a positive feature of a new qualification framework?**
- (b) **Or would the choice and complexity be an undesirable feature?**

Final Questions

Question 19:

- (a) **Do you see in these proposals any unacceptable threat to the standards of education and training of solicitors? If so, what are these threats?**
- (b) **Do you see in the proposals any opportunities to enhance the quality of the solicitors' qualification or to secure its standard? If so, what opportunities do you see arising?**

Membership of the Training Framework Review Group

Karen Aubrey	Professional Development Manager Wragge & Co
Andy Boon	University of Westminster School of Law
Mandy Gill	Manager, Quality & Standards The Law Society
Melissa Hardee	CMS Cameron McKenna Law Society Training Committee
Andrew Holmes	TSG Representative
Phil Knott	Nottingham Law School
Michael Mathews (Chair)	Law Society Council Member Law Society Training Committee
Richard Miller	Law Society Council Member Legal Aid Practitioners Group
Sue Nelson	Law Society Council Member Law Society Training Committee
Ian Storey	Law Society Training Committee
Julie Swan	Head of Education & Training The Law Society

Examples of the use made in other professions of *learning logs* and work-based learning.

Royal Institute of Chartered Surveyors

1. A fundamental part of the Royal Institute of Chartered Surveyors' professional qualification scheme is the Assessment of Professional Competence (APC). In preparation for the APC candidates must have their progress recorded during their period of *approved professional training*.
2. A record of progress must remain with the candidate throughout their professional training, and it forms part of the candidate's pre-assessment submission. Each candidate is supported and assessed throughout the period of professional training by both a *supervisor* and a *counsellor*. As the candidate is assessed to have achieved the required competencies the candidate is signed off in the record. When the counsellor (who is a surveyor who does not (typically) work closely with the candidate) is satisfied that the candidate has achieved all of the prescribed competencies the record can be submitted to the RICS, where it is used as a part of the final assessment for qualification.
3. The supervisor has day-to-day responsibility for the candidate. The counsellor takes more of a long-term interest in the candidate, helping them to plan their training programme, and monitoring the candidate's progress. The supervisor must undertake three-monthly assessments of the candidate against the prescribed competencies. The counsellor must review progress every six months. Both note in the record their assessment of the candidate's progress and competence. At the end of 12 months' structured training the candidate must submit to their supervisor and counsellor a self-critical appraisal of their progress to date, which is used as the basis for a development plan for the next 12 months.
4. Supervisors and counsellors assess the candidate against the required competencies by observing the candidate in the work place. A candidate can be judged to be competent to undertake an activity when the supervisor and counsellor are confident, and can support their confidence with evidence compiled by the candidate, that the activity could be undertaken to the required standard by the candidate and without direction.
5. In addition to the record the candidate must complete daily a diary and a log book. In these the candidate records the nature of the work they have undertaken each day and connects it to the competencies that they are seeking to achieve. Candidates are required to undertake 48 hours of CPD during each of their 2 years of structured training. This normally focuses on business, professional and personal skills. The CPD record also forms a part of the final submission to the assessment panel.
6. Candidates must also prepare and submit for assessment a critical analysis of a project or projects with which they have been extensively engaged during their period of professional training. The analysis must not be more than 3,000 words. The work must be certified by both the supervisor and counsellor.
7. The final assessment of a candidate's readiness for qualification is made following an interview by a panel at an assessment centre. During the interview the candidate makes a presentation on the main issues raised in the

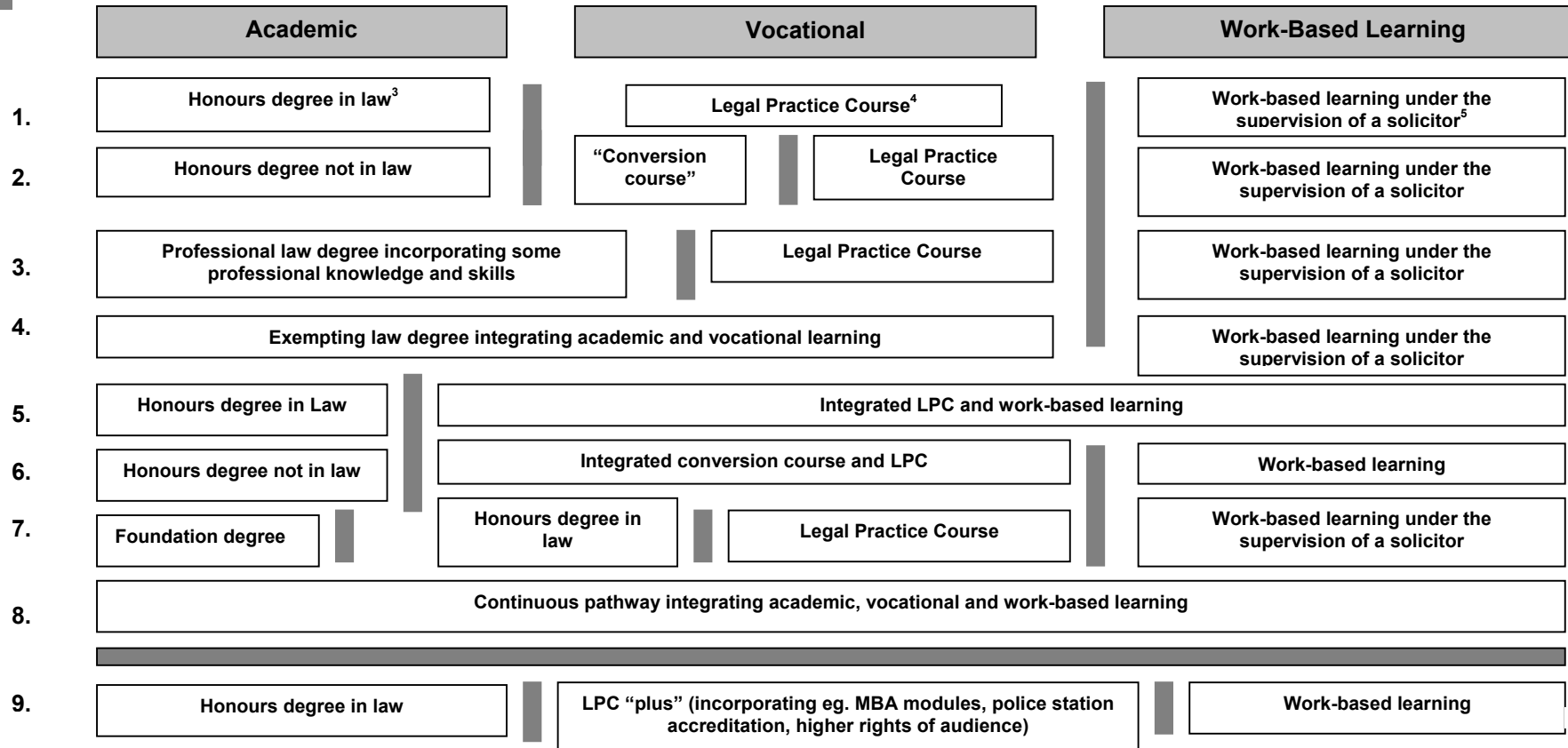
critical analysis. There is also a discussion on matters arising from the record, diary and log book, and the candidate can be questioned by the panel on broader aspects of the candidate's experience, knowledge and understanding of ethics and the rules of conduct.

Requirements for Newly Qualified Teachers

8. Teachers who obtain Qualified Teacher Status (QTS) after the 7th of May 1999 must complete a period of induction if they wish to work in maintained or non-maintained special schools. Induction is an individualised programme of guidance, monitoring and support enabling Newly Qualified teachers (NQTs) to be effective and successful teachers
9. The career Entry and Development Profile (CEDP) help NQTs to make constructive connections between initial teacher training, induction and later stages of their development. Each NQT has to share the profile with the school at which they will be undertaking their induction year. The profile is used as the basis for discussions about personal development needs and opportunities during the induction period.
10. The induction tutor's role involves co-ordinating effective support for the NQT, monitoring performance, ensuring records are kept of assessments and making judgements about the NQT's progress. The Induction Tutor should be an experienced teacher who is in regular contact with the NQT. Ideally they should be the NQT's line manager, a senior member of staff or the head-teacher if no suitable member of staff is available.
11. The Local Education Authority normally takes on the role of the *Appropriate Body* who decides whether the NQTs has passed or failed induction on the basis of the head teacher's recommendation.
12. Formal assessments of the NQT must be undertaken at the end of each term. The first two assessments should clearly indicate whether or not the NQT is judged to be making satisfactory progress towards completing their induction support programme. If there is evidence that the NQT is not making satisfactory progress immediate action should be taken to address any weaknesses. At the final meeting a decision is taken on whether all of the required standards have been met. These assessments must be informed by written reports from at least two observations and two progress reviews that have taken place during the term. Judgements must be based on evidence.
13. Within 10 working days of the completion of induction, the head-teacher must inform the Appropriate Body to recommend whether the NQT has met the requirements for the satisfactory completion of induction and send a copy to the NQT. The Appropriate Body must decide within 20 working days of receiving recommendation whether to pass, extend induction period or fail the NQT. Within 3 days of the decision being made the Appropriate Body must inform the NQT, head teacher and the General Teaching Council for England (GTCE). If it is decided to fail or extend the induction period, the Appropriate Body must inform the NQT of their right to appeal. Failure to complete the induction period satisfactorily means that the NQT is no longer eligible to teach in maintained or non-maintained special schools.
14. At the end of the induction period the head-teacher must inform the Appropriate Body of his/her recommendation with regard to achievement of the standards. Failure to complete the induction period satisfactorily means that the NQT is no longer eligible to be employed as a teacher.

Assessment Stages and transfer points¹

POSSIBLE PATHWAYS TO QUALIFICATION²



¹ Additional formative and summative assessments will be designed into any pathway

² NB: the pathways shown are for illustrative purposes only. The boxes do not indicate the length of a course/period of study

³ Covering general intellectual skills of an honours degree graduate and core legal and technical knowledge.

⁴ Covering transactional & dispute resolution abilities. Values, behaviour & ethical requirements. Professional, personal management & client relationship skills.

⁵ Covering transactional & dispute resolution abilities. Values, behaviour & ethical requirements. Professional, personal management & client relationship skills.

Question 1: Page 10 – key principles underpinning the proposals

- (a) Are these principles appropriate to underpin any qualification scheme?
- (b) Are there any other principles that should be reflected in a scheme?

Question 2: Page 11 – high level statement of what solicitors should be able to do on qualification

- (a) Does this statement capture at a high level the essential requirements for a solicitor at the point of their qualification?
- (b) Is there anything you would wish to see added to, or deleted from, this statement?

Question 3: Page 11 – categorisation of high level outcomes

- (a) Is this categorisation helpful?
- (b) How might it be modified?

Question 4: Page 14 – required outcomes

- (a) Do these requirements capture what a solicitor should know, understand and be able to do at the point of admission?
- (b) Should the requirements be modified? If so, how?

Question 5: Page 14 – level of detail required

Should the Law Society specify in greater detail:

- (a) The content expected to be covered and assessed in each knowledge area?
- (b) The essential competencies involved in each skill?
- (c) The essential component parts of the required transactions?

Question 6: Page 14 – level of detail required

- (a) More detailed specification could provide greater consistency between the courses. Is this desirable?
- (b) Or should the Law Society offer guidance on the issues, considering at the stage of course/pathway accreditation whether the overall outcomes would be achieved? Would the greater flexibility and innovation that this would allow be desirable?

Question 7: Page 15 – objective justifications of competence requirements

Could the draft outcomes be justified objectively as a necessary indication of capacity and competence to practise as a solicitor?

Question 8: Page 17 – monitoring requirements

What checks would need to be in place to provide confidence that outcomes were being achieved and that standards were consistent?

Question 9: Page 17 – assessment requirements

- (a) Should the Law Society specify a minimum assessment regime?
- (b) If so, what should be the features of the regime?

Question 10: Page 18 – work-based learning

Do you agree that some of the outcomes suggested could only be achieved in the environment of a legal practice? If so, which ones?

Question 11: Page 18 – work-based learning

- (a) Should a period of work-based learning be an essential requirement of any pathway to qualification? If so, why?
- (b) What period of work-based learning should be undertaken by the typical person before qualification?

Question 12: Page 19 – suitable training establishments and supervision arrangements

- (a) Should the current training establishment scheme be retained, whereby organisations wishing to employ trainee solicitors have to be authorised by the Law Society?
- (b) If the authorisation requirement was retained, should it be possible for individuals to be able to demonstrate that they had, outside of an authorised organisation, achieved the required outcomes?
- (c) Would the new draft rule on client relations and business operations be sufficient to ensure that trainees would be properly supervised and supported?

Question 13: Page 20 – obligations towards trainees

- (a) Should a training contract, as a means of regulating the period of learning under the supervision of a solicitor, remain an essential requirement of any pathway to qualification?
- (b) Should solicitors employing trainees have obligations towards trainees that are greater than those afforded to their other employees? If so, why, and what should these be?

Question 14: Page 21 – learning logs

Do you agree that a requirement on an individual to maintain a learning log, recording and evidencing their progress towards and achievement of the learning outcomes, could add to the value of the period of work-based learning?

Question 15: Page 22 – compulsory course and assessment in professional responsibilities, ethics, values and client care

- (a) Do you agree that there should be a compulsory course covering professional responsibilities, ethics, values and client care?
- (b) Do you agree that there should be a formal assessment at the end of the course?
- (c) Do you agree that, to ensure full benefit from the course, it should not be undertaken until, and unless, the individual had reasonable exposure to the profession in practice?
- (d) What are your views on the form of the assessment that should be used?

Question 16: Page 23 - confirming readiness to practise

- (a) Do you agree that there should be a new approach to determining an individual's readiness for practice, to come at the end of the qualification period?
- (b) Who should be responsible for the final decision that an individual has achieved all of the required learning outcomes and is ready for practice?
- (c) Should there always be some contribution to the decision about readiness for practice from an 'external' person, i.e. someone who has not been involved with the individual's learning and who has no direct interest in the outcome of the decision?

Question 17: Page 27 – possible pathways

- (a) Are any of the illustrative pathways outlined above particularly attractive?
- (b) What other pathways might be explored?
- (c) Would you oppose any of the illustrative pathways?

Question 18: Page 27 – choice and complexity offered by different pathways

- (a) Would the availability of different pathways to qualification be a positive feature of a new qualification framework?
- (b) Or would the choice and complexity be an undesirable feature.

Final Questions - 19: Page 27 – security standards

- (a) Do you see in these proposals any unacceptable threat to the standards of education and training of solicitors? If so, what are these threats?
- (b) Do you see in the proposals any opportunities to enhance the quality of the solicitors' qualification or to secure its standard? If so, what opportunities do you see arising?

Responses

The purpose of this consultation is to seek views from all those who have an interest in the qualification of solicitors on proposals for a new training framework. It would be helpful if you would complete and attach to your response the 'About You' form.

Please reply by 5th January 2004 to:

Julie Swan
Head of Education & Training
The Law Society
Ipsley Court
REDDITCH
Worcs,
B98 OTD

DX 19114 REDDITCH

Email: tfrcon@lawsociety.org.uk

Further copies of this paper can be sent to you on request. Tel: 020 7320 5882.

The consultation paper and the questions are on the Law Society's website:

www.lawsociety.org.uk

ABOUT YOU – Please complete and attach to your response

Name:

.....

Firm/Organisation/Institution:

.....

Individual representative

Are you replying in an individual capacity
or on behalf of your practice/organisation/institution?

Are you:

Involved in teaching on a law degree, on an LPC or the PSC

A sole practitioner

In a firm with 2 – 4 partners

In a firm with 5 – 10 partners

In a firm with 11 – 25 partners

In a firm with more than 25 partners

Employed in local government

Employed in commerce & industry

Responding on behalf of:

- a local law society
- an authorised training establishment
- an organisation representing consumer interests

Other (please specify)

It is sometimes helpful for us to refer to individual responses (but not normally by name) in papers that may be public. If you want your response to be treated confidentially, please tick this box.
