

Continuing Professional Development Guidelines for suspension of the requirements

Education & Training Unit
Version 1

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Summary of the requirements

The Solicitors Regulation Authority's continuing professional development (CPD) requirements apply to all solicitors and registered European lawyers (RELs) in legal practice or employment in England and Wales, irrespective of whether or not they hold a current practising certificate.

The **CPD year** runs from 1 November to 31 October, and the requirements are as follows:

Newly admitted period	one hour of CPD for each complete month worked from date of admission to 31 October * **
First CPD year onwards	16 hours of CPD *** ****

Suspension of the requirements

Solicitors and RELs who are not in legal practice or employment may suspend the requirements for the period of time for which they are out of practice. During that period, they are not required to undertake any CPD activities.

* Part-time workers who are in a 'newly admitted' period are required to undertake one hour of CPD for each complete month, the same requirement as for a full-time worker.

** Solicitors and RELs admitted on 1 November will immediately enter their first CPD year.

*** Solicitors who qualified by undertaking the Law Society Finals Examination (LSF), which was phased out in 1994, or the Qualified Lawyers Transfer Test (QLTT) have a requirement to attend the Financial and Business Skills (not the exam) and the Client Care and Professional Standards modules of the Professional Skills Course (PSC) during their first CPD year. The hours gained from attending these modules will count towards a solicitor's first-year CPD requirement. No hours can be claimed for undertaking the modules prior to admission. The following are exempt from the requirement to attend the two PSC modules: solicitors who undertook the Legal Practice Course and PSC prior to admission; solicitors who sat the Professional Conduct & Accounts heads of QLTT; solicitors transferring from Scotland via QLTT.

**** All solicitors must undertake the Solicitors Regulation Authority's compulsory Management Course Stage 1 at any time between their date of admission and the end of their third CPD year. The seven hours the course attracts will count towards the CPD requirement.

Eligibility for suspension of the requirements

Solicitors and RELs may suspend the requirements if they are

- **not working in legal practice or employment**
This would apply where solicitors and RELs work in a role where they are **not** required to give legal advice to
 - a member of the public, and/or
 - a company, and/or
 - an internal department, and/or
 - an officer or member of staff or representative of their organisation

This applies regardless of whether the employment is paid or voluntary and whether or not a practising certificate is held.
- **out of practice in England and Wales**
This includes solicitors and RELs who are out of legal practice or employment due to
 - unemployment
 - maternity/paternity leave
 - long-term illness
 - working abroad
- **working, on average, less than two hours a week** in legal practice or employment

Factors to be considered

It is for each solicitor and REL to decide whether or not he or she wishes to suspend the CPD requirements. Clearly the decision would be based on the individual's own circumstances. However, consideration of the following may assist solicitors and RELs in reaching a decision:

- the length of time he or she will be out of practice or legal employment
- the amount of credit already accrued during the CPD year/three-year period in which the suspension would begin
- the availability of courses/access to training while out of practice
- his or her financial circumstances, and whether he or she would be required to fund the training himself or herself

The following should also be borne in mind:

- any training undertaken while the CPD requirements are suspended will not count towards a solicitor or REL's CPD requirement upon their return to legal practice or employment;
- if a solicitor or REL chooses **not** to suspend the CPD requirements when eligible to do so, his or her CPD requirement for the relevant period must be satisfied in full, ie there is no reduction in the CPD requirement, regardless of how long the solicitor or REL is out of practice; the compulsory course(s) must also be attended during the relevant CPD period.

How to suspend the requirements

It is not necessary to make an application to or notify the Solicitors Regulation Authority of the intention to suspend the CPD requirements.

Solicitors and RELs should enter in their training record

- the starting and finishing dates of any period of suspension
- the reason for suspending

CPD requirements upon returning to legal practice or employment

A solicitor's or REL's requirement on their return to legal practice or employment will depend on the following:

- the CPD year they were in when the suspension began
- the amount of CPD credit they accrued before the suspension began
- whether they return to work on a full-time basis or on a part-time basis

The requirements are outlined below. In all cases, they refer to the CPD period in which the suspension began.

CPD requirements for solicitors and RELs returning to full-time legal practice or employment

Solicitors and RELs who suspend the requirements in the newly admitted or newly registered period

- **Solicitors and RELs who have not worked**

A solicitor or REL who has not worked at all from the date of their admission to the roll or of their registration with the Solicitors Regulation Authority would, on their return to legal practice or employment, be treated as newly admitted, regardless of the period of time the suspension lasted. The requirement is to

undertake one hour of CPD for each complete month from the date of their return to legal practice or employment, up to the following 31 October.

- **Solicitors and RELs who have worked**

A solicitor or REL who has worked since the date of their admission is required to undertake one hour of CPD per complete month from (a) the date of their admission or of their registration, to (b) the date the suspension began, **plus** one hour of CPD per complete month from (a) the date of return to legal practice or employment, to (b) the following 31 October.

A solicitor or REL who had not completed all of their CPD requirement for the period before the suspension began should make up any shortfall and undertake the requisite number of hours when they return to work.

A solicitor or REL who had completed all of their CPD requirement for the period before the suspension began may, upon returning to work, choose one of the following options:

- continue in the newly admitted period and undertake one hour per complete month until 31 October, or
- if they return on or before 1 May, undertake two hours for every complete month up to 31 October, up to a maximum of 16 hours, and attend, where appropriate, the Financial and Business Skills (not the exam) and Client Care and Professional Standards modules of the PSC.* This would count as completion of the first CPD year, or
- if they return after 1 May, undertake at least 12 hours, attending, as appropriate, the Financial and Business Skills (not the exam) and Client Care and Professional Standards modules of the PSC.* This would count as completion of the first CPD year.

Solicitors and RELs who suspend their requirements at any time from their first CPD year or onwards

Solicitors and RELs who take a suspension are required, on returning to legal practice or employment, to accrue **two hours of CPD for every complete month** from the date of their return until the following 31 October, up to a maximum of 16 hours.

* Solicitors who qualified by undertaking the Law Society Finals Examination (LSF), which was phased out in 1994, or the Qualified Lawyers Transfer Test (QLTT) have a requirement to attend the Financial and Business Skills (not the exam) and the Client Care and Professional Standards modules of the Professional Skills Course (PSC) during their first CPD year. The hours gained from attending these modules will count towards a solicitor's first-year CPD requirement. No hours can be claimed for undertaking the modules prior to admission. The following are exempt from the requirement to attend the two PSC modules: solicitors who undertook the Legal Practice Course and PSC prior to admission; solicitors who sat the Professional Conduct & Accounts heads of QLTT; solicitors transferring from Scotland via QLTT.

A solicitor or REL may count the following circumstances as a complete year:

- accrual of at least 12 hours of CPD and attendance, where appropriate, at a compulsory course or the Financial and Business Skills (not the exam) and Client Care and Professional Standards modules of the PSC* - whichever was applicable at the time - before the suspension began, or
- accrual of at least 12 hours of CPD and attendance, where appropriate, at a compulsory course or the Financial and Business Skills (not the exam) and Client Care and Professional Standards modules of the PSC* between the date of their return and the following 31 October, or
- accrual of a total of 12 hours during the period before the suspension began added to the amount required from the date of their return to the following 31 October, **plus**, where appropriate, attendance at a compulsory course or the Financial and Business Skills (not the exam) and Client Care and Professional Standards modules of the PSC.*

CPD requirements for solicitors and RELs returning to part-time legal practice or employment

Solicitors and RELs who work part time are required to undertake one hour of CPD each year for every two hours worked per week. For example, a solicitor or REL who works 20 hours per week has an annual CPD requirement of 10 hours.

A solicitor or REL who works a variable number of hours each week should calculate the average number of hours worked per week during the CPD year and halve this amount to calculate their annual CPD requirement. Part-hours should be rounded to the nearest whole hour.

A solicitor or REL who returns to legal practice or employment after 1 March should calculate their annual CPD requirement based on the number of hours worked per week, and undertake one-eighth of the annual requirement for each complete month from the date of their return to the following 31 October. On 1 November, their next CPD period would start.

Details of part-time working hours, with starting and finishing dates, should be entered in a solicitor's or REL's training record.

* Solicitors who qualified by undertaking the Law Society Finals Examination (LSF), which was phased out in 1994, or the Qualified Lawyers Transfer Test (QLTT) have a requirement to attend the Financial and Business Skills (not the exam) and the Client Care and Professional Standards modules of the Professional Skills Course (PSC) during their first CPD year. The hours gained from attending these modules will count towards a solicitor's first-year CPD requirement. No hours can be claimed for undertaking the modules prior to admission. The following are exempt from the requirement to attend the two PSC modules: solicitors who undertook the Legal Practice Course and PSC prior to admission; solicitors who sat the Professional Conduct & Accounts heads of QLTT; solicitors transferring from Scotland via QLTT.