



## Information for providers of Legal Practice Courses

Education and Training Unit

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# 1 Introduction

- 1.1 This information pack sets out the Solicitors Regulation Authority's (SRA) requirements for Legal Practice Courses (LPCs) that must be followed by all providers from 2010. All LPCs on to which students enrol from the start of the 2010/11 academic year must comply with these requirements. Providers may opt to work within the new requirements from the start of the 2009/10 academic year.
- 1.2 The new requirements are the product of considerable discussion and consultation and have been informed by many years of LPC provision.
- 1.3 The requirements and their application conform to the principles of good regulation, to which the SRA is committed, namely they are proportionate, targeted, transparent, consistent and the SRA will be accountable for their operation. This approach is intended to allow and encourage LPC providers to be innovative in the design and delivery of courses and to understand and respond to the needs of key stakeholders, students and their future clients and employers, whilst safeguarding the standard of the solicitors' qualification.
- 1.4 To encourage providers to consider new approaches to LPCs the SRA is providing a 'window' during which requests for initial feedback on some more innovative ideas will be offered – see [Annex 10](#).
- 1.5 The SRA will revise the information pack from time to time to ensure that it is comprehensive and current. Please let us know if any of the issues covered by the pack require clarification.
- 1.6 Providers' enquiries about the LPC, the requirements, intentions to seek authorisation/validation and requests for initial feedback should be emailed to [Joanne.green@sra.org.uk](mailto:Joanne.green@sra.org.uk) or posted to Ipsley Court, Berrington Close, Redditch, Worcestershire B98 0TD.

## 2 Overview of Legal Practice Courses and the regulatory framework

### Background

- 2.1 Qualification as a solicitor is regulated by the Solicitors Regulation Authority (SRA). Satisfactory completion of a Legal Practice Course (LPC or 'the course') is an essential requirement to qualify as a solicitor in England and Wales under the provisions of the [Training Regulations](#). The LPC builds on students' academic knowledge of the law and prepares them for their training and early years in practice.
- 2.2 Organisations seeking authorisation to provide an LPC must apply to the SRA and demonstrate both that they are committed to, and can support, the delivery and assessment of an LPC and that the specific course(s) they intend to offer will meet the essential requirements set down by the SRA. The SRA will seek to be assured that validated courses meet the requirements and that authorised providers support their delivery. The criteria for the authorisation and validation processes are set out in [annex 5](#) of this information pack.
- 2.3 It is anticipated that organisations seeking authorisation to provide LPCs will include universities and other organisations with or without degree-awarding powers. The SRA does not wish to restrict the range of organisations that are authorised to provide LPCs. Decisions will be made using the authorisation and validation criteria, regardless of the type of organisation applying. Some organisations may be interested in delivering the course in partnership with others. Such arrangements are dealt with in section 7 on Collaborative arrangements.
- 2.4 Throughout this information pack, organisations authorised to provide the LPC and those seeking such authorisation are referred to as 'providers'.

### Overview of LPCs

- 2.5 Unless they are studying on an Exempting Law Degree or an Integrated Course students must satisfactorily complete the academic stage of training before they can start an LPC. This ensures they have the underpinning legal knowledge on which the LPC is built.
- 2.6 LPCs can be delivered and studied in two stages.
  - Stage 1 covers the three essential practice areas of Business Law and Practice, Property Law and Practice and Litigation, together with the Course Skills, Professional Conduct and Regulation, Taxation and Wills & Administration of Estates
  - Stage 2 is made up of three Vocational Electives.
- 2.7 Stages 1 and 2 need to be separated conceptually to ensure the appropriate application of the outcomes and the assessment requirements and that the

correct information is recorded on students' transcripts. However, some courses, including part-time courses, may be designed in a way that would justify combining the delivery of Stages 1 and 2. Providers wishing to offer a combined course will need to explain in their validation applications how the requirements for both stages will be met and their rationale for combining the two stages into one course. The coherence of all courses will be considered during the validation process. Some providers may decide to offer only Stage 1 or only Stage 2 Vocational Electives. It is anticipated that many providers will offer Stages 1 and 2 as separate rather than combined courses, to facilitate student choice.

- 2.8 The learning outcomes for the LPC set out what a successful student should, under appropriate supervision, be able to do on conclusion of the course. The outcomes are provided in full in [annex 13](#) and the background to the development of the outcomes and an explanation of the approach taken in the outcomes is included in section 3. The learning outcomes specify the 'irreducible minimum' that must be covered by all courses and all students. When designing their courses providers will be able to focus more attention and allocate additional time to specific aspects of the course, responding to the needs of different student groups and practice areas.
- 2.9 [Section 9](#) of this information pack deals with requirements for Exempting Law Degrees and Integrated Courses, in which the academic stage and LPC outcomes are integrated in one course.

## Overview of the regulatory framework

- 2.10 The SRA has a statutory duty to ensure that those who are admitted as solicitors have the knowledge and skills necessary for practice. It must be assured that students who pass an LPC have achieved the learning outcomes for the course and therefore have the necessary knowledge and skills for the early stage of their career in practice. The SRA also has duties to promote equal opportunity and to eliminate discrimination. It needs to be assured that course providers share and are working towards these aims. The approval and quality assurance requirements have been determined by the need for these assurances.
- 2.11 The SRA recognises that students have different preferences and priorities about the way in which they study; also that providers can respond to and lead innovations in teaching and learning. The SRA aims to achieve a balance between ensuring, on the one hand, that all diligent students following a validated course have an opportunity to achieve and demonstrate the learning outcomes and, on the other, that innovation resulting in good quality courses and opportunities for a diverse cohort of students is not stifled.
- 2.12 Both existing providers of current LPCs and those seeking to become authorised as providers for the first time will be considered against the same criteria.
- 2.13 The SRA seeks to ensure that students can make informed choices about how and where to study. Therefore, providers are required to publish a minimum set of information about their courses.

## Overview of the authorisation and validation process and timetable for 2008 – 2010

- 2.14 Applications for authorisation as a provider and for the validation of specific courses will be considered by a panel appointed by the SRA. Applications will be considered against published criteria.
- 2.15 Providers planning to offer new-style LPCs during the academic year 2009/10 should submit their applications to the SRA by the end of August 2008. To enable the SRA to allocate sufficient resources to deal with the applications, providers planning to make applications in 2008 should notify it of their intention by the end of April 2008 (and preferably earlier).
- 2.16 The SRA will aim to determine applications that have been submitted in full by the end of August 2008 by no later than the end of December 2008. Providers planning to offer new style LPCs from the academic year 2010/2011 may submit their applications from April 2009 and no later than the end of August 2009.
- 2.17 In subsequent years applications will need to be submitted **no less than six months** before it is intended the first course(s) should start. Also, to allow the SRA to plan to deal with applications, a provider must give the SRA at least three months notice of its intention to make an application, i.e. it should notify the SRA at **least nine months** before the intended start date for the course of its intention to apply. However, to allow sufficient time to market and recruit to new courses, providers are encouraged to work to a more generous timetable.
- 2.18 Any marketing information about courses should make it clear if their availability is subject to the authorisation of the provider and/or the validation of the course by the SRA. In the event that the application is not successful the SRA will not take any responsibility for loss of income or inconvenience experienced by the provider or any potential students.

## Overview of arrangements to assure quality and standards

- 2.19 The SRA requires providers to demonstrate in their initial applications for authorisation and validation that they understand the principles of quality assurance and that they are committed to assuring the quality and standards of their courses. This commitment will be monitored by the SRA throughout the authorisation and validation period. The SRA will seek assurances about the quality and standard of courses, primarily through external examiners who it will appoint to undertake enhanced external examining duties.
- 2.20 On-going monitoring of the provision will be undertaken by the SRA, mainly using factual and evaluative annual reports submitted by the providers and the reports of external examiners. The SRA reserves the right to visit and review provision, if there is evidence that the quality or standard of a course is at risk.
- 2.21 Although the SRA will not visit providers in order to grade the quality of their provision or to inform the publication of reports on individual providers, it will arrange visits to providers from time to time to ensure that it has an

understanding of, and an insight into, the range of courses on offer. Re-  
authorisation decisions will be informed, in part, by these visits.

### 3 The LPC course outcomes and course design requirements

- 3.1 The learning outcomes for all LPCs are published in full in [annex 13](#). The learning outcomes are key to the design, delivery and assessment of courses. They have been included in this pack as a 'stand alone' document, with discrete page numbering, to help providers wishing to copy and distribute the outcomes for internal use.

#### Legal Practice Course Outcomes – Explanatory note, background and comparison with LPC written standards

- 3.2 This section is intended to help those who are familiar with the previous requirements for the LPC to understand and prepare for the new approach, by summarising key differences and the background to the new approach. The note should also help those who are new to LPC provision, as it sets out the purpose of the outcomes and how they should be used.
- 3.3 Legal practice outcomes have replaced the Written Standards as the foundational outline of the content of the course.
- 3.4 In the decade or so since the Written Standards set out the requirements for the LPC, they have been amended and added to several times but have not been subject to a root and branch review.
- 3.5 The outcomes are based on the Written Standards but give clear guidance, more certainty and greater flexibility on the content and delivery of the course.
- 3.6 The outcomes
- a. simplify, clarify and define the overall aims and outcomes for the courses and the specific elements and outcomes for each area of a course,
  - b. set parameters for the courses and the common content for all LPCs,
  - c. develop a comprehensive and coherent written statement of the content of the two stages of LPCs,
  - d. introduce greater flexibility, so providers can adjust and adapt the course to suit the needs of different students and different markets,
  - e. enable providers to design and deliver courses where subjects and elements of a course may be taught discretely or integrated with other practice areas and skills,
  - f. facilitate the separation of the electives, and
  - g. support the move to work-based learning.

## Implementation

- 3.7 All providers will need to ensure that they comply with the new course outcomes and assessment requirements from September 2010. Providers will have the opportunity to offer courses which are validated against the new course outcomes and assessment strategy from September 2009.

## Changes from the Written Standards

- 3.8 The LPC outcomes set out the essentials for every LPC but, unlike the Written Standards, they are not exhaustive and do not prescribe the structure of the course.
- 3.9 The LPC outcomes set out the 'irreducible minimum' that **all** students completing the LPC need to be able demonstrate in order to pass a course.
- 3.10 A key aim of the new requirements is to allow LPC providers greater freedom to tailor their courses to different areas of practice, whilst ensuring that all students have some awareness or understanding of the core areas of practice (the irreducible minimum). In this way a provider could develop one or more of the core practice areas in their courses. The SRA will look for additional breadth and/or depth when it is considering courses put forward for validation.
- 3.11 Providers will have the flexibility to emphasise one or more aspects, to add additional learning outcomes and to structure their courses as they wish, so long as the diligent and capable student should be able to achieve the specified learning outcomes for the course.
- 3.12 A provider could decide to devote, say, 330 notional learning hours to litigation, of which the majority could be allocated to criminal litigation. A provider offering such a course would highlight this focus in its marketing materials, seeking to attract students who are already or who might be planning to work in an area of practice in which criminal litigation is key. In such a course, criminal evidence, sentencing, police station practice etc could be included and assessed.
- 3.13 Similarly, a provider may vary the emphasis given to, say, Property Law and Practice, cover oral communication more extensively or introduce greater depth on wills and administration of estates. Other providers might opt to maintain a balance between the three core practice areas.
- 3.14 The assessment strategy for the course will need to reflect the balance of the course and its breadth and depth.
- 3.15 The irreducible minimum approach used in the LPC outcomes inevitably means that certain aspects of the core areas that might be regarded by some practitioners as essential have not been included. The approach seeks to achieve a balance between ensuring all students have breadth in their awareness of the essential features of different core areas of practice and depth in the areas of practice that are likely to be most useful to them during their training contract and early stages of qualification.

- 3.16 It is intended that almost all current LPC courses which comply with the Written Standards will comply, with some adjustments, with the LPC Outcomes. However, there is an opportunity for providers fundamentally to review their existing provision and to design and put forward new-style courses for validation.
- 3.17 The LPC outcomes are set out in a broadly similar structure to the Written Standards and no change has been made where an unintended implication might be drawn. For example, the course skills are listed in the same, rather than alphabetical order.
- 3.18 The outcomes set out explicitly, succinctly and clearly the foundation content for the LPC but do not to determine the shape or structure of courses that may be developed by providers. Thus, distinctions that might have been helpful or necessary at some stage during the evolution of the Written Standards but which no longer serve a clear purpose have been removed, for example the distinction between 'Pervasives' and 'Compulsories'.
- 3.19 Where possible, standards have been incorporated into the relevant substantive context. For example, in the LPC outcomes 'Business Accounts' has become part of Business Law and Practice.
- 3.20 Taxation has been kept as a distinct area to aid coherence and so that students and providers can see at a glance the aspects of taxation and revenue law which must be covered. However, it is anticipated that most providers will seek to give the students a foundation in the subject and then deal with the elements in the context of the substantive area(s) of law and practice to which that aspect of tax law relates. Providers can decide how to assess the taxation outcomes.
- 3.21 Specific requirements in relation to EU Law, human rights and trust law have been removed. While these are important areas that providers will wish to continue to cover in the relevant contexts as part of the LPC, it is anomalous to refer to them in the outcomes and not also to refer to other areas of law referred to in the Joint Announcement<sup>1</sup>.
- 3.22 Insofar as possible, the terminology and phraseology have been made consistent and repetition has been avoided.

## LPC Outcomes

- 3.23 The LPC outcomes thus set out overall aims of the course, that is, to
- prepare students for work-based learning and
  - provide a general foundation for practice.

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<sup>1</sup> A Joint Statement issued in 1999 by the Law Society and the General Council of the Bar on the completion of the initial or academic stage of training by obtaining an undergraduate degree

- 3.24 The course aims are followed by seven foundational outcomes which make explicit for students, firms and providers the overall objectives for, and learning outcomes of, the course.
- 3.25 The LPC outcomes on page 1 of the outcomes document are pervasive and apply to each aspect of the course. All other specific outcomes and elements are to be understood and applied to course design, content and delivery in this context. For example, 'identify client's objectives' applies to the Core Practice Areas (Business Law and Practice, Property Law and Practice and Litigation) and other substantive law areas of the course and to all Course Skills. However, while a student is expected to be able to 'reflect on their learning and identify their learning needs' as a consequence of undertaking the course and should undertake reflective evaluation of their performance during the course, it is not expected that this outcome will be explicitly assessed.
- 3.26 As with the pervasive outcomes on page 1, pervasive outcomes are also given for the Core Practice Areas and the Course Skills. In other words, the Core Practice Areas outcomes (p 8) apply to Business Law and Practice, Property Law and Practice and Litigation; the Course Skills outcomes (p 15) apply to the course skills of Research, Writing, Drafting, Interviewing and Advising, and Advocacy.
- 3.27 Insofar as possible, an outcome is stated once only to avoid unnecessary and potentially confusing repetition. However, there are areas where a particular aspect or element is of such importance to the development and demonstration of the skill that it has been repeated.

## **Stage 1 – Professional Conduct and Regulation**

- 3.28 Because of its importance in solicitors' vocational training Professional Conduct and Regulation is the first area to be dealt with in the LPC Outcomes. Professional conduct and ethics are intended to be pervasive, impacting on all aspects of the design, delivery and content of the course.
- 3.29 All outcomes for the Core Practice areas (BLP, PLP and Litigation), Course Skills and other aspects of the course should be read against and in the context of the outcomes for Professional Conduct. In particular, the outcomes for Professional Conduct on page 3 including acting only when competent to do so (point 2), the principles and practices of good client relations and client care (point 3) and avoiding discrimination and promoting equality and diversity (point 8)) should be embedded in all relevant substantive and skills aspects of the LPC.

## **Stage 1 – Wills and Administration of Estates**

- 3.30 Wills and Administration of Estates continues to be a part of the compulsory LPC, because it is a reserved practice area. Note, however, that the outcomes for this area are at higher level of generality than for the three core practice areas; in other words students should have an overview of wills, grants of representation and administration and should be familiar with the

relevant documents. Providers must decide how and when within Stage 1 to assess the outcomes. If it is decided to set a discrete assessment a separate mark will be recorded on students' transcripts. If Wills and the Administration of Estates are assessed in the context of a skills assessment this will need to be recorded on the transcript. Providers will need to demonstrate in their assessment strategies that students will not be able to pass Stage 1 unless they have performed to the required standard in the assessment.

## **Stage 1 – Taxation**

- 3.31 The outcomes for Taxation have been deliberately moved toward the front of the outcomes document so it is clear that students should be able to understand the impact of taxation on the core practice areas. Providers will need to decide how and when within Stage 1 to assess the Taxation outcomes, to set this out in their assessment strategies and to record the assessment on students' transcripts.

## **Stage 1 – Core Practice Areas**

- 3.32 The 'Core Practice Areas' equate to the compulsories under the Written Standards, that is, Business Law and Practice (BLP), Property Law and Practice (PLP) and Litigation. The phrase 'core practice areas' was used because it is an apt description of the three key areas of law and practice in which each intending solicitor should have developed their knowledge, skills and understanding. The separation into 'elements' is to make explicit the subject areas within the broad practice area headings which must be covered.
- 3.33 The descriptions of BLP, PLP and Litigation start with a statement of the overall outcomes for that practice area followed by the 'elements' for each area. Each of the elements must be covered. The aim is that all successful students will have developed a solid and rounded foundation knowledge and understanding of the law in practice in relation to each of the elements by the time they have completed the compulsory course.
- 3.34 It is anticipated that many providers will seek to take advantage of the flexibility under the new regime and will shape the course for particular students or specific kinds of legal practice or markets. For example, Property Law and Practice may be set in the context of domestic or commercial property work (or both) and Business Law and Practice might emphasize small domestic business activities or international commercial enterprises.
- 3.35 The elements are not exhaustive. Additional topics or areas can be added, and indeed it is expected that most course providers will do so. For example, in Business Law and Practice, a provider might wish to include specific commercial agreements. In Property Law and Practice, the provider might wish to include such topics as an outline of the planning regime.
- 3.36 Civil Litigation and Criminal Law and Practice have been combined into a single set of outcomes and every LPC will need to give students a foundational knowledge of law and practice in both areas. So long as the course design and delivery enables students to achieve the specified litigation

outcomes, the provider has the flexibility to emphasise either the civil or the criminal law aspects or to allocate equal time and importance.

- 3.37 Providers will be able to build on the foundation of the litigation outcomes to include additional elements which focus on particular areas of litigation practice, for example ADR or mediation. Further, there is flexibility for providers to design and deliver their Litigation courses in a context which is appropriate to the ethos of their courses and in response to employer and student-led demand. For example, a provider may wish to develop an LPC course which emphasises high street civil and criminal litigation, whereas a “City” LPC might focus on commercial litigation and economic crime.

## Stage 1 – Course Skills

- 3.38 The skills which must be addressed on the LPC are referred to as ‘Course Skills’. This description has been adopted to reflect the fact that the outcomes address only some of the skills necessary for practice as a solicitor as set out in the Day One Outcomes.
- 3.39 The description and outcomes for the Course Skills areas are more detailed in order to take account of concern to ensure that students are properly equipped particularly in relation to legal research, writing and drafting. Also, from the student’s point of view, the compulsory course may be the first formal training in skills and a first exposure to vocational training. For these reasons, it is important that the LPC outcomes identify the key attributes of each of the Course Skills.
- 3.40 Like the Written Standards, under the LPC outcomes a Course Skill can be taught separately or within the context of a core practice area, Wills and Administration of Estates, Taxation or within a number of different contexts. Having introduced the students to the fundamentals of the separate skills, providers may also wish to combine the skills for teaching and student development purposes and to integrate skills exercises with the substantive law and practice areas so as to simulate practice.

## Writing and Drafting

- 3.41 In line with consensus of opinion amongst providers and in the profession, LPC outcomes treat Writing and Drafting as separate Course Skills.

## Interviewing and Advising

- 3.42 The LPC Outcomes reflect the predominant view of the providers that the skills of Interviewing and Advising should be kept together in the outline of the compulsory course albeit it is recognised that they are different skills. It will be noted that in the [LPC Outcomes](#) (page 19) there are two elements: 1) Interviewing; and 2) Advice and follow-up. The provider will need to ensure that both elements are met fully and reflect the Course Skills outcomes on page 15. These elements can (but need not) be combined in the course design and delivery, as is now the case in most LPCs.

- 3.43 Under the LPC outcomes, either or both elements may be combined with other course skills (for example Practical Legal Research or Advocacy) or with one or more core practice areas to simulate legal practice. Therefore there is considerable flexibility in the way in which these skills may be addressed on the compulsory course and the extent to which they can be developed to the suit the emphasis and focus of the particular LPC.

## Stage 2 – Vocational Electives

- 3.44 Students must complete three distinct Vocational Electives, which may be undertaken with the same provider as the Stage 1 elements or with one or more different providers.
- 3.45 Each Vocational Elective will be allocated to an elective group, according to the practice area covered. Students will be required to complete electives from at least two different groups to ensure that each student undertakes electives that cover different aspects of practice. A list of elective groups is attached at [annex 8](#). This list will be re-issued from time to time.
- 3.46 The [LPC Outcomes](#) for Stage 2 require providers to produce a statement of outcomes for each elective using the model set out at page 21.

## Appendix to the outcomes document

- 3.47 The Appendix to the LPC outcomes sets out the preliminary knowledge that students will be expected to have prior to starting the course. In particular, the preliminary knowledge makes explicit the skills elements that will need to have been developed before embarking on the course.
- 3.48 The Appendix sets out the teaching and learning requirements that form the basis for course design and which are supplemented by the assessment requirements detailed in section 4 of this pack. The aim is to achieve clarity for students and course providers about the parameters within which there may be flexibility in course design and delivery.
- 3.49 Notional learning hours have been adopted for highlighting the course study requirements, as this is a widely used and understood terminology in higher education. Minimum notional learning hours are set for the Core Practice Areas, Course Skills and Professional Conduct and Regulation. There is flexibility above these minima to enable providers to shape their course provision to meet student and any partner firm expectations.
- 3.50 A face-to-face requirement has been set to ensure there are opportunities for all students to interact with each other and with tutors and to develop together their professional skills, attitudes and behaviours.

## 4 Assessment and awards

### Legal Practice Course Assessment Requirements

- 4.1 The SRA has set out the minimum standards for the assessment of students on LPCs, including the Vocational Electives. Providers' assessment strategies must comply with these requirements.

### Assessment Strategy

- 4.2 Each provider must produce a comprehensive learning, teaching and assessment strategy to demonstrate its overall coverage of the course outcomes and compliance with these requirements. The assessment strategy of a provider should
- reflect its emphasis and coverage of the outcomes,
  - set assessments that are primarily transactional in nature,
  - use an appropriate variety of supervised assessment methods,
  - indicate its policy on the use of permitted materials in assessments, in accordance with specific provisions in the LPC Assessment Requirements, and the impact its policy will have on its design of assessments, and
  - anticipate the needs of disabled students and set out how individual needs will be identified and addressed.

### Core Practice Areas

- 4.3 Business Law and Practice, Property Law and Practice and Litigation should each be assessed by way of one core practice assessment lasting a minimum of three hours. A core practice assessment must take the form of an examination or some other form of supervised assessment.
- 4.4 Each core practice assessment may be split into two parts, and in that event
1. each part may take place on different days,
  2. the two parts should be within the same period of assessment,
  3. one assessment mark should be derived by aggregating the marks from the two parts, with any weighting reflecting the balance of the course,
  4. for all purposes in these guidelines, the two parts constitute one core practice assessment and a student must take both parts of the assessment - one part cannot be 'carried over' to a later assessment period.

5. a minimum of 5% of marks in each core practice assessment must be allocated to Professional Conduct and Regulation.
- 4.5 There must be two parts to the Litigation assessment, one Civil and one Criminal, with the marks for each aggregated to derive the overall mark. The weighting of each part must be explicit and recorded on the transcript.

## Professional Conduct and Regulation

- 4.6 Professional Conduct and Regulation will be assessed in two ways.
- A discrete assessment which must last for a minimum of two hours and which should normally be taken during the final assessment period of Stage 1 of the course.
  - An assessment within each of the three core practice assessments in which at least 5% of the marks must be allocated to Professional Conduct and Regulation.

The marks are not to be aggregated: a student must pass the discrete assessment in Professional Conduct and Regulation in order to pass the subject.

- 4.7 The Solicitors' Accounts Rules must be assessed separately under supervised conditions. The assessment must last for a minimum of two hours (including any reading time). No materials are permitted save an unmarked copy of the Solicitors' Accounts Rules.

## Skills Areas

- 4.8 Each of the five Course Skills of Practical Legal Research, Writing, Drafting, Interviewing and Advising and Advocacy shall be assessed once. Assessments that cover skills outcomes alone need not be supervised. However, assessments that combine skills and either a core practice area or Professional Conduct and Regulation must be supervised.
- Interviewing and Advising can be assessed in separate parts. An overall competent/not yet competent decision must be made.
  - Advocacy is to be assessed in the context of either Civil or Criminal or both.
  - Each skills assessment may be combined with
    - core practice area assessments, in which case a mark must be given for the core practice assessment and a competent/not yet competent decision made for the skills element, and
    - one or more other skills assessments, in which case separate competent/not yet competent decisions must be given for each skill.

- Providers' assessment strategies and assessment criteria must address the implications for students where skills assessments are combined with other skills or core practice area assessments.
- Each skill shall be assessed on a competent/not yet competent basis.

## Vocational Electives

- 4.9 Each Vocational Elective should have one assessment lasting a minimum of three hours. An elective assessment must take the form of an examination or some other form of supervised assessment.
- 4.10 The elective assessments may be split into two parts, and in that event
1. each part may take place on different days,
  2. the two parts should be within the same period of assessment,
  3. one assessment mark should be derived by aggregating the marks from the two parts, and
  4. for all purposes in these guidelines, the two parts constitute one elective assessment and a student must attempt both parts of the assessment – a mark for one part cannot be 'carried over' to another assessment period.

## Pass requirements and transcripts

- 4.11 The pass mark for all core and elective assessments shall be 50%. Marks for Stage 1 and Stage 2 assessments must be recorded on separate transcripts, whether or not a student has studied for the stages in a separate or a combined way.
- 4.12 Each student transcript for Stage 1 shall include
1. percentage marks for the three core practice areas including specific marks for criminal and civil litigation and the relative weightings of each part of the overall litigation assessment,
  2. the percentage mark for Professional Conduct and Regulation,
  3. the percentage mark for Solicitors Accounts,
  4. competent/not yet competent decisions for each of the five skills areas,
  5. for each assessment the number of the attempt on which the student was successful and the date on which the successful assessment was undertaken, and
  6. the marks for any discrete assessments in Taxation and/or Wills and Administration of Estates undertaken by the student or information

about the context in which the outcomes for these subjects were assessed.

- 4.13 Each student transcript for Stage 2 shall include
- percentage marks for each of the Vocational Electives undertaken with the provider, and
  - the number of the attempt at which the student was successful and the date on which the successful assessment was undertaken.
- 4.14 A provider's assessment regulations may allow students to re-sit an assessment they have previously passed, in an effort to improve the mark recorded on their transcript. If a provider allows this the following provisions must be incorporated into its regulations.
- The student must be limited to three attempts.
  - The mark of the final (second or third) attempt must be recorded on the transcript, even if this is lower than previous attempts.
  - The transcript must record the number of times the assessment was attempted.
  - If the student fails the assessment on the third attempt they fail either Stage 1 of the course overall or the particular elective, as appropriate (even if they had previously passed the assessment).

Transcripts should not include reference to any 'grading' or 'classification' system the provider has chosen to use, although this may be recorded on a certificate.

## Referrals and re-sits

- 4.15 Students may have three attempts at any assessment. If they are unsuccessful on the third attempt of a Stage 1 assessment, they fail that stage overall and Stage 1 of the course and all assessments must be re-taken.
- 4.16 A student who fails a Stage 2 assessment for the third time can either re-enrol on the course for that particular elective or start a fresh elective. If the student does not pass all Stage 2 assessments within five years of sitting their first Stage 1 assessment, they must complete both Stages 1 and 2 again, including all assessments. Similarly, if a student embarks on Stage 2 before passing all Stage 1 assessments, all the assessments (for Stages 1 and 2) must be passed within five years of their first attempt at the first assessment.
- 4.17 The SRA does not stipulate when providers should provide re-sits or whether re-sits should be offered only during designated assessment periods or at other times during the course. Providers should, however, publish their re-sit timetable and assessment fee structure to students.

- 4.18 An individual student is required to complete all Stage 1 assessments with one authorised provider. Any assessments (including re-sits) taken by a student must be based on the law in force at the time of the assessment, regardless of the law taught to the student during the course.
- 4.19 The student's transcript must show clearly the number of the attempt at which the student was successful and the date of their success.
- 4.20 Stage 2 assessments can be taken with one or more different providers. Each provider will need to give the student a transcript showing the title of the elective, the mark gained, and the number and the date of the attempt with that provider on which the student was successful.

## Currency of assessments

- 4.21 To pass the full LPC (Stages 1 and 2) a student must pass all of their assessments within a **five year period**. The date used for determining the start of the five year period is the date on which the student attempted their first assessment, whether or not they were successful. (Not the date the results were confirmed or published or the date of enrolment on the course.)
- 4.22 This requirement applies to all students, whether studying full-time, part-time or a combination of both.

## Concessions

- 4.23 The SRA requires that providers gain confirmation from students at the start of each assessment that there are no reasons why they should not sit the assessment at that time or why they might subsequently submit a request for a concession. The student may also be required to confirm that any requests for reasonable adjustments have already been submitted to, and considered by, the provider.
- 4.24 This approach should limit the frequency with which students seek concessions. However, providers must have published procedures in place to deal with students' applications for concessions should they arise, for example if a student is taken ill *during* an assessment or if they have not previously disclosed a disability.
- 4.25 If, exceptionally, an examination board agrees that a student has mitigating circumstances that might have affected their performance in a particular assessment, despite their confirmation that it was appropriate for them to attempt the assessment, that attempt can be disregarded for the purposes of the information recorded on the transcript and for the operation of the three attempts rule.
- 4.26 Providers' assessment regulations must not allow condonation or compensation between assessments or subjects.

## Reasonable adjustments

- 4.27 The outcomes for the LPC are competence standards. These are the standards that all students must achieve to demonstrate their ability to qualify and practise as a solicitor. All students must be assessed against the competence standards, the outcomes, but providers must make reasonable adjustments to the way the outcomes are assessed to ensure that students are not disadvantaged as a result of a disability.
- 4.28 Providers should anticipate the types of requests for adjustments that might be made by disabled students and consider in advance how such requests might be dealt with or how any potential disadvantages might be designed out of the assessment process.
- 4.29 Providers should publish accessible information for students on how and when to submit requests for reasonable adjustments. Providers are encouraged to consult the Disability Discrimination Act 1995 Code of Practice for Providers of Post 16 Education and Related Services and the Code of Practice for Trade Organisations and Qualification Bodies—both were published by the Disability Rights Commission and can be found on the Equality and Human Rights Commission’s website.

## Providers’ assessment strategies

### General principles

- 4.30 Each provider’s assessment strategy must be sufficiently rigorous to ensure the credibility of its courses. Assessments must address depth and realism as well as coverage.
- 4.31 Assessment criteria and guidelines given to those setting and marking assessments must recognise the importance of the outcomes to the assessment strategy and the professional nature and significance of the assessments being taken. The assessments must revolve around transactions of the type encountered in practice. Assessments must be in the English or Welsh language only.
- 4.32 Individual assessments must cover a representative and robust selection of the relevant outcomes, but are not required to cover all outcomes in any individual set of assessments. Each provider’s assessment strategy must indicate its approach to Wills and Administration of Estates and Taxation.
- 4.33 Students should be prepared to be assessed on all of the outcomes for a given subject. Providers must not indicate to students what will or will not be assessed in any particular assessment.
- 4.34 Providers must anticipate the needs of disabled students and consider the accessibility of their assessments to all students.

## The award

- 4.35 The provider must determine what, if any, academic qualification will be awarded to successful students. The SRA expects providers to adhere to the Framework for Higher Education Qualifications when making any such award and to consider the advantages to students and employers of the use of qualification titles that are recognisable and consistently used.
- 4.36 It is for a provider to determine whether to accept credit awarded by another provider, for example, when considering the nature of any award to be made to a student who completes only Stage 2 of the LPC with that provider. The SRA encourages providers to adhere to good practice embodied in the Guidelines on the Accreditation of Prior Learning published by the Quality Assurance Agency for Higher Education (QAA).

## 5 Assuring quality and standards

### Quality assurance

5.1 The SRA must be confident that

- the quality of all LPCs allows diligent students, wherever and however they study, to have the opportunity to develop their knowledge and skills of legal practice such that they can achieve and demonstrate the learning outcomes of the LPC,
- the standard of all LPCs is at least at the threshold level that it has set,
- the assessments measure student achievement appropriately, in accordance with the LPC outcomes, and
- the assessments are conducted rigorously and fairly, in line with the assessment requirements.

5.2 The SRA's arrangements for assuring the quality and standard of all LPCs incorporate the following features:

- Initial authorisation of providers, reviewed from time to time, to ensure that providers have their own systems to verify and review the quality and standards of their provision.
- Initial validation of courses, for a fixed term, to ensure that the LPC outcomes and assessment requirements are appropriately designed into the course.
- External examining arrangements, whereby the SRA recruits, appoints and trains external examiners, allocates them to providers and remunerates them for their services.
- A requirement on a provider to submit an annual factual and evaluative report, that incorporates a summary and analysis of student feedback and student achievement.
- A facility to undertake a visit to review provision where there is evidence that the quality and/or standards of the course(s) are at risk and require that corrective measures are put in place.

### External examining

5.3 The SRA will recruit, appoint and train external examiners who will play a key role in assuring the standard of LPC provision. The SRA will allocate external examiners to LPC providers and give each external examiner specific subject and other responsibilities for each of the providers to which he or she is allocated.

## The role of the external examiner<sup>2</sup>

5.4 External examiners will be appointed by the SRA to act as independent and impartial advisers to the SRA. Although their key line of accountability is to the SRA, which will appoint and pay them, external examiners will share their reports with the provider too. External examiners' prime role is to advise on the standards set by a provider and on student achievement in relation to those standards.

5.5 The SRA will appoint external examiners to be responsible for each of the following:

### Stage 1:

- Business Law and Practice
- Property Law and Practice
- Litigation – civil and criminal
- Course Skills
- Solicitors Accounts and Professional Conduct and Regulation
- Taxation and Wills & Administration of Estates

An External Examiner may be allocated responsibility for more than one aspect of the course.

### Stage 2:

- For each Vocational Elective provided (one external examiner may have responsibility for two or more of a providers' electives)

5.6 Each external examiner will be required to cover all modes of provision, e.g. full and part-time courses. If a provider delivers the same course, using the same assessments, at a number of centres, the same external examiners may be appointed to cover all centres. When allocating external examiners to providers and determining their payment structure, the SRA will take into account the extra time and travel that will be involved for external examiners covering multiple sites and course formats.

5.7 One external examiner will be appointed to act as the Institutional Lead External Examiner for each provider.

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<sup>2</sup> The QAA's Code of practice for the assurance of academic quality and standards, section 4: External Examining has informed this section.

- 5.8 In addition to their subject responsibilities, external examiners will be allocated responsibilities to consider and report on one of the following, across each providers' LPCs:
- Arrangements for disabled students.
  - The conduct of assessments, e.g. invigilation arrangements and open book provisions.
  - The keeping of records of student achievement and the issue of student transcripts.
  - The operation of the fit-to-sit policy and requests for concessions.
  - Information given to potential and actual students about the course and the assessment arrangements.
  - Arrangements for collecting and analysing student feedback on the quality of courses.

## Appointment and allocation of external examiners

- 5.9 The SRA will appoint external examiners for a period of four years in the first instance. The SRA will normally allocate an external examiner to a particular provider for a three year term, which will not be extended or renewed. However, during the first period of the operation of the scheme initial terms will be for three or four years, to enable some continuity in the team of external examiners allocated to each provider.
- 5.10 The SRA will normally expect each external examiner to be allocated to two providers. External examiners will be able to seek re-appointment as an SRA external examiner on an on-going basis. When re-appointment is considered, feedback will be sought on an external examiner's performance from Institutional Lead External Examiners and from the providers to which he or she has been allocated.
- 5.11 The SRA will aim to identify potential conflicts of interest that might affect, or be perceived to affect, an external examiner's independence from a provider. A provider will be given an opportunity, before the allocation of an external examiner is confirmed, to identify any conflicts of interest that might have been overlooked. External examining is a form of peer review. The fact that an external examiner is employed by a 'competitor' will not, of itself, constitute a conflict of interest in this context.

- 5.12 When allocating external examiners to providers the SRA will aim to avoid potential conflicts such as
- allocating an external examiner who has worked for, or studied with, a provider within the previous five years,
  - a team of external examiners in which there are more than two external examiners who are employed by the same provider or other organisation, or
  - 'reciprocal' external examining between courses or departments in two institutions.
- 5.13 Where such a situation cannot be avoided, the SRA will ensure that the Institutional Lead External Examiner is not directly affected in this way and that any such issues are known to the Institutional Lead External Examiner.

### Initial briefing materials and visits

- 5.14 The provider will be responsible for sending information to each external examiner on their appointment to enable them to become familiar with the course and the provider including
- the teaching materials for the subjects concerned,
  - the teaching, learning and assessment strategies for their course(s),
  - student and/or programme handbooks and other information given to students about the course,
  - assessment regulations,
  - the teaching and assessment timetable,
  - a summary of the student profile, using the categories set out in [annex 7](#), and
  - its equal opportunities policy.
- 5.15 At the start of their term of appointment to a provider, each external examiner, in consultation with the Institutional Lead External Examiner and the provider, will make an initial induction visit to the institution. To maximise efficiency and effectiveness, where possible this will be attended by all external examiners allocated to a provider for the first time. The meeting should take place before the first summative assessments are set.
- 5.16 Before the visit takes place, the Institutional Lead External Examiner will agree its programme and the agenda for a meeting with key members of the course team.

## External examiners' approval of the assessment process

- 5.17 External examiners must be consulted upon and agree all examination papers and supervised assessments that form part of the summative assessments for the course(s). They must also approve the corresponding assessment criteria and marking schemes. It is the provider's responsibility to ensure that external examiners receive this information in time for them to consider and comment on the drafts and for the provider to respond to any recommendations. External examiners will look, in particular, at the depth and rigor of the assessments and the coverage of the learning outcomes. External examiners will consider the clarity of the language used in the assessments and of the instructions to students.

## External examiner meetings with students

- 5.18 Each external examiner will meet with a representative group of students each year. The meetings will focus on
- the quality of teaching,
  - students' understanding of what is required of them during the course,
  - students' progress towards achievement of the outcomes,
  - the success of the course in preparing students for practice,
  - students' understanding of the professional ethos of the course,
  - how the design and structure of the course supports student development and achievement, and
  - support available to students, both generally and to those with particular needs.

Institutional Lead External Examiners will liaise with each external examiner and the provider to ensure an effective spread and use of the student meetings.

## Review visits

- 5.19 The SRA will visit a provider and review provision where there is evidence that the quality and/or standards of provision may be at risk. Indicators of risk will include, but not be limited to
- evidence that the integrity of assessments has been compromised,
  - a significant loss of the course/teaching team,
  - extreme and unexplained assessment results, and

- an over-recruitment of students that is not matched by an increased resource allocation.

5.20 In the event that the authorised status of a provider is withdrawn, the provisions in Regulation 5 of the Monitoring of Courses Regulations 1991 (Annex 2) will apply.

## 6 Applications for authorisation to provide LPCs and for the validation of courses

### Overview

- 6.1 Initial applications for approval from the SRA to provide an LPC must be made in two parts.
- The first part should address the organisation's capacity and commitment to deliver and maintain LPCs of an appropriate quality and standard.
  - The second part should deal with the specific course or courses for which validation is sought. The criteria and the evidence requirements are set out in [annex 5](#).
- 6.2 Once authorised, any subsequent applications by an authorised provider for the validation of courses within the authorisation period will need to address only the second part of the application.
- 6.3 Courses will be validated for a period of five years. Providers will need to apply for fresh validation before the end of this period, to ensure there is continuity in the provision of validated courses. If significant changes are to be made to a course once validated, either a fresh application or an application to vary a validated course will need to be made. The SRA will periodically review a provider's authorised status. Such reviews will be informed, in part, by visits to providers. In the event that the SRA withdraws the authorised status the provisions of the Monitoring of Courses Regulations will apply.
- 6.4 The application procedure must be followed by providers seeking to provide Stages 1, 2 or both.
- 6.5 The SRA expects to receive applications from different types of organisation. The term 'provider' is used to describe any organisation that is seeking or has gained authorisation to deliver an LPC, regardless of its status and its experience of delivering LPCs. The SRA will authorise organisations, e.g. a university or a private company, rather than units or a departments within organisations.

### The application process

- 6.6 A provider may apply for authorisation only in the first instance or it may apply for both authorisation and course validation in one application. The application must address each of the authorisation and/or validation criteria in turn, using the sections and the numbering for the evidence requirements given in [annex 5](#). Supporting evidence should be provided in a file. The file should be indexed, again using the sections and the numbers in annex 5. **Five** copies of the application must be provided to the SRA.

- 6.7 If a provider is seeking validation for more than one LPC, it must identify clearly in its submission each of the different courses (and/or stages of the LPC) for which it is seeking validation and the aspects of the application that are common to all courses, e.g. the assessment regulations, and the aspects that vary between courses, e.g. the allocation of notional learning hours. The SRA will consider and decide on each course separately, but it will aim to avoid unnecessary requests for duplicate information.
- 6.8 The application will be considered by a panel established by the SRA. The panel will identify if any further information or clarification is needed and request this from the provider. Any additional information will need to be submitted to the SRA before a meeting between the SRA panel and a team representing the organisation and the course team is held. The meeting may take place at the provider's premises, or another location chosen by the SRA.
- 6.9 The meeting will be used to clarify any outstanding issues after which a decision will be made.
- 6.10 The panel may decide to accept the application, refuse the application, or accept the application subject to conditions. If the application is accepted, with or without conditions, the provider will be required to enter into a formal agreement with the SRA.
- 6.11 The SRA will regard information submitted by the provider in support of its application as confidential. SRA decisions to authorise a provider and to validate a course will be regarded as public information.

## Application for a review of a decision

- 6.12 Providers may make a formal appeal against a panel decision and request a review where the provider considers that the panel's decision is either unreasonable or perverse.
- The appeal submission, together with the required fee, must be made in writing to the SRA within one month of receiving notification of the original decision.
  - The appeal will be considered by a sub-group of the SRA's Quality Assurance Sub-Committee (QASC). The QASC sub-group will consider:
    - In its submission, the provider must set out the grounds for appealing and any evidence to support its submission. For example, a decision may be unreasonable if the panel did not take properly into account either a piece of evidence or documentation, or oral evidence given by the provider at the meeting.
    - Relevant original authorisation/validation documentation re-submitted by the provider (no additional documentation can be added). Not necessarily all the documentation is required; only that relevant to the appeal.

- Complaints about the conduct of the Panel event or the application procedure will not be considered in the context of an appeal. The procedure for such complaints is set out in the Panel members' Handbook which has been incorporated into the Information Pack.
- The Sub-Committee will decide whether or not the appeal should be upheld. Where the Sub-Committee upholds an appeal, a fresh panel will be constituted with members who were not involved in the original application. That panel will consider the matter de novo.

## Application fees

6.13 Fees payable to the SRA for the consideration of applications are as follows.

- £2600 for each authorisation application.
- £2600 for an initial validation application **or**
- £5000 where the authorisation and initial validation applications are submitted at the same time **or**
- £5500 for an authorisation application and initial validation application **plus** other course validation applications submitted at the same time (e.g. for full-time and part-time courses **and/or** Stage 2 electives).
- £1650 for subsequent course validation applications.
- £1650 for an application to vary a validated course or courses.
- £1650 for an application for a review of a decision, this may be refunded if the initial decision is amended.
- £250 for an application for validation of one additional Vocational Elective

Providers will be invoiced on receipt of their application.

The fees are calculated on a cost recovery basis and will be reviewed annually.

## Variations to validated courses

- 6.14 An authorised provider must ensure that each of its LPCs is individually validated by the SRA. Where providers offer multiple LPCs, there will inevitably be some overlap or commonality between the courses; however, where a course is marketed as a distinct option onto which students can enrol, that specific course must be discretely validated.
- 6.15 An authorised provider wishing to introduce a new LPC must make a validation application to the SRA, as described above.

- 6.16 Providers will wish to make changes to their courses, in the light of experience and with a view to enhancing the quality of their provision. The SRA does not wish to deter providers from enhancing their courses, in fact it will look in providers' annual reports for evidence that providers are reviewing and improving their courses on an on-going basis. However, if a significant change to a validated course is planned the original validation decision will need to be reviewed by the SRA.
- 6.17 An authorised provider wishing to vary a validated LPC will need either to submit a fresh and full validation application for that course or one for variation to a validated course.
- 6.18 A full application will need to be made if:
- the format in which the course is taught and delivered is to be changed fundamentally – e.g. from full-time to part-time, or from a one year to a two year course.
  - an existing LPC is to be 'taken-over' from another provider.
- 6.19 An application to vary a validated course will need to be submitted if a provider wishes to make the following changes:
- to increase the maximum number of students that can be enrolled by more than 10% of the maximum number stated in the original validation application
  - to revise the teaching and learning strategy in a way that would significantly affect the student learning experience, e.g. to replace lectures with e-learning
  - to revise the assessment strategy and/or assessment regulations in a way that extends beyond clarification of the strategy/regulations submitted with the original validation application
  - to remove or significantly alter any aspects of the quality assurance arrangements set out in the original application
  - to alter the admissions policy and/or practice in a way that goes beyond clarification of the policy/practice included in the original application
  - to move the course to new teaching premises.
- 6.20 An application to vary a validated course will need to be submitted to the SRA at least six months before students are due to enrol on the revised course. The provider should structure the application around the criteria for the validation of courses. It should identify which of the criteria are relevant to the changes proposed and submit the rationale for the proposed changes and any evidence to support the case for change. The validation panel will request any further information or seek clarification, as necessary. The validation panel will not normally need to meet with the course team or visit the provider

when considering an application to vary a validated course; however, it will reserve the option to do so.

- 6.21 The panel will need to be satisfied that the course requirements and the criteria for course validation will continue to be met if the course is varied as proposed.
- 6.22 The original period of validation will not be affected by a successful application to vary a validated course.
- 6.23 The circumstances in which an application to vary a validated course, set out above, are not exhaustive. Providers are encouraged to contact the SRA if they are uncertain whether a variation application is necessary. Generally, a full validation application will be needed when a provider plans to market a 'new' course and to enrol students on to a distinct course. Generally, a variation application will be needed when the planned changes follow detailed consideration by the provider and will make a significant change to the course and its delivery and/or they would need to be communicated to students who had applied to join the course.
- 6.24 If a provider over-recruits (i.e. exceeds by more than 10% the maximum number of students set out in the initial validation application) to a particular course in a way that was not planned and had not, therefore, been the subject of an application to vary the validated course, it will need to demonstrate that adequate provision has been made for the increased number of students. An application to vary a validated course will need to be submitted to the SRA within one month of the over-recruitment position becoming apparent to the provider. The application will need to address the requirement that courses must be adequately managed and resourced. If the evidence submitted with the application does not demonstrate that this requirement will be satisfied the validation panel may identify that the quality and/or standard of the course is at risk and decide that a visit should be made to the provider. Requirements may be imposed as a condition of continued validation.

## **Validation of additional Vocational Electives**

- 6.25 An authorised provider that seeks to offer an additional Stage 2 Vocational Elective can apply for it to be validated at any time. The application will be sent to an LPC validation panel chair or member for consideration. The provider will need to submit a statement of outcomes for the elective in accordance with Page 21 of the outcomes document and demonstrate compliance with paragraphs 9.1 to 9.5 in Annex 5.

## 7 Collaborative arrangements

- 7.1 If provision is to involve delivery and/or assessment of aspects of the course by more than one organisation, it will be known as collaborative provision.
- 7.2 A provider that wishes to deliver **and** assess all or any aspect of the LPC must apply to the SRA for both authorisation as a provider and validation of its specific courses.
- 7.3 If an organisation that is not an authorised LPC provider wishes to deliver (but not assess) an aspect of the LPC this must be arranged in partnership with an authorised LPC provider. The authorised provider will need to seek SRA validation of the jointly delivered course and must set and mark any assessments taken by students. The SRA will hold the authorised provider accountable for all aspects of the course.
- 7.4 Any organisation that is setting and/or marking LPC assessments must be authorised by the SRA in its own right and put forward a course or courses for validation.
- 7.5 Practitioners may be involved with LPC provision in many ways that will not constitute a collaborative arrangement, including in design, internal approval and review activities, in the preparation of course materials or as lecturers delivering aspects of a course. Such engagement is encouraged by the SRA; the authorised provider will manage and be responsible for the quality of such input and of the course overall.

### Examples

#### 7.6 Example 1

A firm wishes to work in partnership with a university that is authorised to deliver an LPC. The firm wishes to teach a vocational elective and elements of the Property Law and Practice core area. However, it does not wish to be involved with the examination/assessment arrangements. The authorised LPC provider will need to seek validation from the SRA for the course which the firm is delivering. The firm will not need to make an application in its own right. The university will be responsible for all aspects of assessment and the SRA will hold the university accountable for all aspects of the course.

#### 7.7 Example 2

A commercial organisation that is an authorised provider of the LPC wishes to work with a university to deliver some vocational electives to its students. It is intended that the university will both deliver and assess the electives in its own right. The university will need to become an authorised LPC provider and apply for validation of the Stage 2 vocational electives.

#### 7.8 Example 3

A provider secures input from a local law society and a practitioner group to review and contribute to course materials to ensure they reflect the realities of practice. The provider remains responsible for the standards and quality of

the course and the course materials. No special validation/authorisation arrangements are required, although the practitioner involvement might be a positive feature to be highlighted in a provider's validation application or annual report.

- 7.9 The SRA will not authorise a provider to offer assessments alone (i.e. without teaching and learning provision). Where two or more organisations wish to work together to offer between them the teaching and learning and assessment of an LPC, the organisation that will be responsible for the assessments will need to be authorised. If both organisations are to be involved with the setting, conduct and marking of assessments both will need to be separately authorised as LPC providers. In such cases a joint application for validation of the course would be appropriate.

## Criteria for collaborative arrangements

- 7.10 In addition to the standard criteria that apply to all LPC provision (see [annex 5](#)), when considering applications for an LPC to be provided by way of a collaborative arrangement the SRA will need to be satisfied that:

- responsibilities between the partners are clear and documented
- students will be able to understand and access information about the respective responsibilities of the partners, eg with regard to the receipt and investigation of complaints
- assessment will be the responsibility of a provider authorised by the SRA
- there is effective communication between those involved with the delivery of the course both within and between each of the partner organisations
- the course will provide a coherent learning experience for students.

- 7.11 Any submission to the SRA for validation to provide a collaborative course will need to include:

- a copy of a binding agreement between the partners that identifies their respective responsibilities and the specific arrangements for the following:
  - the target market/student cohort for the course
  - the recruitment of students
  - the marketing of the course
  - the provision of information to students
  - staff recruitment, induction and development
  - receiving and investigating student complaints

- assessment
  - the award of academic credit
  - the compilation and issue of student transcripts
  - monitoring of student progression
  - on-going monitoring of the quality of the course
  - quality assurance.
- For a partner organisation that is not, and is not applying to become, authorised to deliver the LPC in its own right:
    - information about that organisation's core business
    - the rationale for its decision to become involved with LPC provision
    - its understanding and experience of the solicitors' profession
    - its experience of delivering courses at graduate/postgraduate level.

## 8 Student information and support

### Information to potential students

- 8.1 The SRA's requirements allow providers considerable freedom to design and focus their courses to meet the needs of particular student cohorts and particular types of legal practice. Providers have a corresponding responsibility to provide clear and useful information to those making choices about where to study and which particular course to follow. To enable potential students to make informed choices the SRA requires all providers to supply a standard set of information about their provision.
- 8.2 It can be difficult to provide full and accurate information about a forthcoming course. To give students a fuller indication about courses, providers will be required to submit to the SRA, for publication, information about both future courses and some aspects of past provision. Where there is a requirement to publish information about past provision, this will, for the first year, refer to previous LPC delivery where appropriate. It will need to be made clear if it is the first time a provider has been involved with the LPC. The information to be published about each provider will include:
- the different LPCs it provides, e.g. full and part-time (future and previous), Stages 1 and/or 2
  - key features of its different courses, e.g. where there is an emphasis on particular types of practice
  - the maximum number of students in the different types of teaching and learning sessions (future and previous)
  - the maximum number of students it will recruit onto each course (future and previous)
  - entry requirements
  - policy on Stages 1 and 2, e.g. will students who have studied Stage 1 with another provider be accepted onto Stage 2 of the provider's course
  - any academic qualification that will be awarded to successful students
  - the learning resources available to support the course, including library and IT provision (future and previous)
  - the student:teaching staff ratio (future and previous)
  - the percentage of teaching staff who are qualified as solicitors or barristers (future and previous)
  - the percentage of teaching staff with higher level teaching qualification (future and previous)

- the teaching staff profile using the categorisation included in [annex 7](#)
  - fees
  - pastoral support, including dedicated careers guidance staff (future and previous).
- 8.3 The information will be published on the SRA's website in a standard format. A link will be given to the provider's website. Providers will also be required to publish the information in the same format themselves.

## Information for enrolled students

- 8.4 Once enrolled on a course students need a clear understanding of what is required of them and of the regulations within which the course operates. This will help them to take responsibility for their own learning and to succeed. The information should be available in different formats. The SRA does not specify the exact nature of the information to be made available to students but it will look for evidence during initial validation and on-going monitoring that students are able to:
- make connections between their teaching and learning and the LPC outcomes
  - make informed choices about the course they follow and, where appropriate, make choices within the course on which they are enrolled
  - understand what is required of them, in terms of attendance and preparation for, and participation in, teaching and learning sessions and private study
  - identify the level of performance required in assessments
  - understand the consequences of failing an assessment
  - understand the nature of the academic and pastoral support available to them and how it can be accessed.

## Student complaints

- 8.5 Authorised providers should have in place policies and procedures to receive, investigate and determine student complaints. Information about these policies and procedures should be readily accessible to students.
- 8.6 The SRA will expect students to have exhausted a provider's procedures before it will consider a complaint directly from a student.

## 9 Exempting law degrees and integrated courses

- 9.1 An Exempting Law Degree (ELD) combines the academic stage of training with an LPC. A provider seeking validation of an ELD will need to demonstrate that the design of the course will meet both the outcomes of the Joint Announcement (see [annex 3](#)) and the learning outcomes for the LPC. An Integrated Course (IC) incorporates the Foundations of Legal Knowledge (as set out in the Joint Announcement) and a Legal Practice Course.
- 9.2 An Exempting Law Degree or an Integrated Course may cover Stage 1 of the LPC alone, or Stages 1 and 2<sup>3</sup>. The SRA has not specified the period over which an Exempting Law Degree or an Integrated Course must be undertaken, although providers should take into account the notional learning hours identified as necessary for an LPC when designing an Exempting Law Degree or an Integrated Course.

In addition to the issues that must be covered in all applications for validation of an LPC, providers will need to address the following in their application for validation of an ELD or an Integrated Course:

- the aims and objectives of the ELD/IC
  - the point(s) at which students can and must enrol on the ELD/IC
  - the point(s) at which student may leave the ELD/IC and any alternative award(s) available to them
  - any admission and progression rules
  - how the academic and vocational elements of the course are linked or integrated during the ELD/IC, with regard to teaching, learning and assessment
  - the award made to a student on completion of the ELD/IC.
- 9.3 A provider will need to state how the assessment requirements for LPCs have been reflected in the assessment requirements for the ELD/IC. It must also demonstrate that the LPC outcomes will be assessed in a way that is equivalent to the requirements for an LPC.
- 9.4 The application will be considered by the SRA, taking into account any internal validation process and requirements of the Joint Academic Stage Board.

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<sup>3</sup> A student who completes an Exempting Law Degree or an Integrated Course that does not cover Stage 2 of the LPC will need to complete Stage 2 separately, before they can qualify as a solicitor.

## **Annex 1**

# **The Training Regulations**

Download [The Training Regulations](#) (PDF 136K).

## **Annex 2**

### **The monitoring of courses regulations 1991**

At its meeting in March 1991 the Council made the Monitoring of Courses Regulations 1991 which are set out below.

The Regulations concern the authorisation, monitoring and re-authorisation of institutions which will provide and assess a Legal Practice Course, an Integrated Course or a course in preparation for an Exempting Law Degree.

Made on the 14<sup>th</sup> day of March 1991, by the Council of the Law Society under sections 2 and 80 of the Solicitors Act 1974 with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls.

#### **Title and commencement**

1. These Regulations may be cited as the Monitoring of Courses Regulations 1991 and come into force on such date as the Council determine.

#### **Interpretation**

- 2.1 The Interpretation Act 1978 applied to the interpretation of these Regulations as it applies to an Act of Parliament.
- 2.2 Words and phrases not expressly defined in these Regulations, unless the context otherwise requires, bear the same meaning as in the Solicitors Act 1974 and the Training Regulations 1990.
- 2.3 In these Regulations  
  
“authorised institution” means an institution authorised by the Council to provide and assess a course,  
  
“course” means a Legal Practice Course, an Integrated Course or a course in preparation for an Exempting Law Degree.

#### **Provision of course**

3. Only an authorised institution may provide and assess a course.

#### **Authorisation of institutions**

4. The Council may
  - 4.1 declare an institution an authorised institution subject to any conditions (including any conditions relating to the provision and

assessment of a particular course or particular courses) and for such period as the Council consider appropriate,

- 4.2 vary or discharge any condition,
- 4.3 refuse to declare an institution an authorised institution,
- 4.4 declare that an authorised institution ceases to be such.

## **Review of decisions**

- 5.1 If the Council
  - 5.1.1 refuse to declare an institution an authorised institution,
  - 5.1.2 declare an institution an authorised institution subject to conditions, or vary any condition,

the institution may within one month of receiving notification from the Council of the decision apply for review of it.
- 5.2 Pending the hearing of an application for review under paragraph 1, any variation of a condition the subject of review stands suspended.
- 5.3 If the Council declare that an authorised institution ceases to be such, then, notwithstanding Regulation 3
  - 5.3.1 the institution may within one month of receiving notification of the decision apply for review of it, and
  - 5.3.2 whether or not any application for review is made:
    - (a) the institution may continue to provide instruction to any student who has commenced a course at the date of the decision of the Council but may not provide instruction for any other course or to any other student relating to a course, and
    - (b) the assessment of a course provided in accordance with sub-paragraph (a) shall be undertaken as the Council may direct and the costs of assessment of any such course shall be paid by the institution.
- 5.4 An application for review made under this Regulation shall be heard by such body or committee as the Council may determine not being the body or committee which made the decision the subject of review.

## **Powers to visit and inspect institutions**

- 6.1 The Council may
  - 6.1.1 appoint any person to attend and inspect the premises of an institution,

6.1.2 require an institution to provide such information as the Council or the person appointed considers necessary.

6.2 An institution shall permit the person appointed under these Regulations access to any of its staff, students, classrooms, libraries or any other facilities.

## **Registration fees**

7. Each authorised institution shall pay to the Society by 1 December each year a registration fee in respect of each student who commences a course during the preceding twelve months.

## **Forms and fees**

8.1 Applications shall be made on the prescribed form and accompanied by the prescribed fee.

8.2 The Council may prescribe forms and fees for the purposes of these Regulations.

## **Acceptance of Regulations**

9. The making of an application by an institution implies acceptance of these Regulations.

## **Annex3**

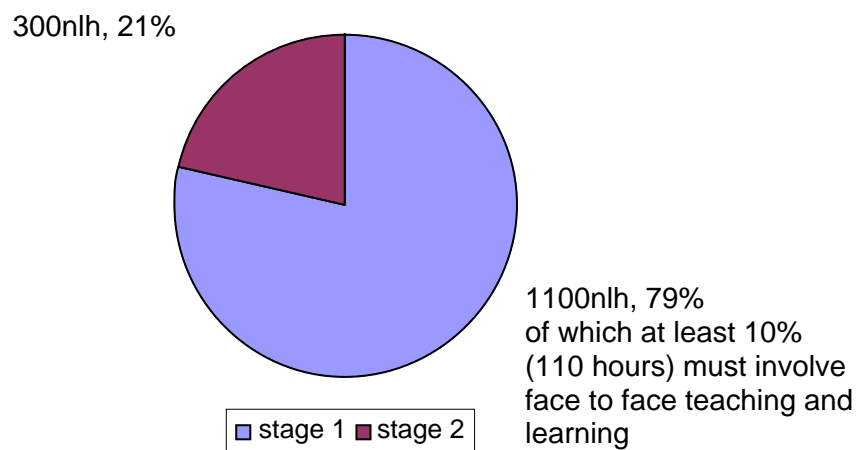
### **Joint statement on the academic state of training**

Download the [Joint statement on the academic state of training](#) (PDF 51 KB).

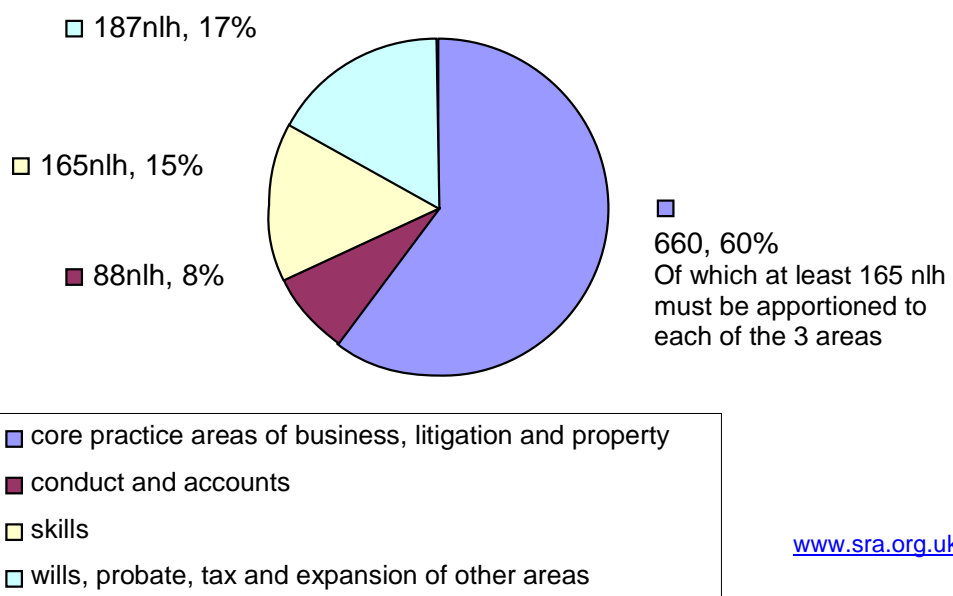
## Annex 4

### Summary of the allocation of notional learning hours

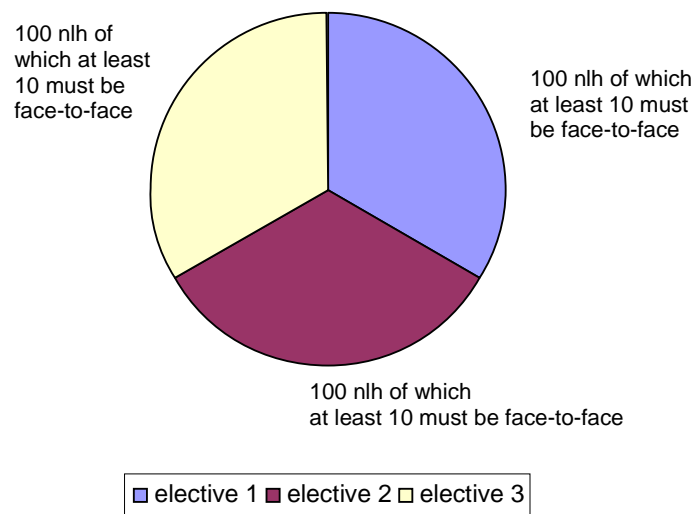
#### Apportionment of notional learning hours for stages 1 and 2



#### Stage 1 - apportionment of notional learning hours (nlh)



## Stage 2 - apportionment of notional learning hours (nlh)



## **Annex 5**

# **Criteria and evidence requirements for authorisation and validation**

Education and Training Unit

Last updated: 31 January 2008

# Part 1 – Applications to become an authorised LPC provider

## Criteria

Before authorising a provider to deliver LPCs the SRA will need to be satisfied that

- the provider's structure, its core business and its governance arrangements will support and resource
  - the delivery of a course that is central to the professional formation of solicitors and in which stakeholders will have confidence,
  - a fair, robust and reliable assessment process,
  - on-going arrangements to review and maintain the quality of courses,
  - a learning experience appropriate to the needs of the target cohort of graduate students,
  - equality of opportunity and diversity within the study body,

and that

- the provider is familiar with, and will have regard to, good practice in assuring academic quality and standards for higher education level courses and assessments.

To enable the panel to determine whether the criteria for authorisation are met, the following evidence and information must be submitted with the application.

## Section 1 – provider information and contact details

The provider must include details of the following in its application:

- 1.1 the name of the provider seeking authorisation to deliver LPCs,
- 1.2 the main nature of the provider's business,
- 1.3 the provider's legal status and governance arrangements,
- 1.4 the name, email, postal address and phone number of a key contact within the provider.

## **Section 2 – the provider’s delivery of professional courses**

The provider must include details of the following in its application

- 2.1 Any experience within the provider of delivering courses that form part of a professional qualification and how this experience has been used to inform the design and planned delivery of the LPC,
- 2.2 Evidence that will support stakeholders’ confidence in the provider’s ability to deliver the LPC,
- 2.3 its understanding of the aims and objectives of the LPC, the solicitors’ profession and the role of the SRA.

## **Section 3 - the provider’s approach to assessment**

The provider must include details of the following in its application:

- 3.1 the volume and nature of the provider’s experience of assessing students,
- 3.2 regulations and guidance used by the provider that illustrate the provider’s (existing or planned) approach to setting, conducting and marking assessments.

## **Section 4 – the provider’s approach to assuring quality and standards**

The provider must include details of the following in its application:

- 4.1 the way in which responsibility for assuring the quality of courses and the academic standards of awards is allocated within the provider,
- 4.2 the policies and procedures that support its quality assurance arrangements,
- 4.3 any external scrutiny of the provider’s arrangements for assuring quality and maintaining standards,
- 4.4 how the provider has assured itself that the course(s) put forward to the SRA for validation meet its own requirements e.g. with regard to the award of academic credits and qualifications,
- 4.5 the provider’s approach to the allocation of resources to support and sustain the courses,
- 4.6 staff recruitment, induction and development policies.

## **Section 5 – the provider’s approach to supporting the student experience**

The provider must include details of the following in its application:

- 5.1 the provider’s experience of delivering courses to graduate students,
- 5.2 the provider’s understanding of LPC students, their needs and expectations,
- 5.3 any strategic mission or objectives that identify the type of student experience the provider aims to deliver,
- 5.4 the provider’s policies on student complaints and appeals.

## **Section 6 – equality and diversity**

The provider must include details of the following within its application:

- 6.1 its equal opportunities policy,
- 6.2 race, gender and disability policies and plans,
- 6.3 evidence of its commitment to promoting equality and diversity at all levels of its organisation and activities and of its understanding of its duties to all students.

Providers should make clear in their application whether and, if so, how, any organisational policies and practices have been amended to accommodate particular requirements of LPCs.

## **Conditions of authorisation**

Providers will be required to accept the following conditions on authorisation:

- 7.1 to admit to their courses only students who meet the SRA’s requirements for entry to an LPC,
- 7.2 to co-operate fully with the SRA’s monitoring requirements, including, but not limited to, external examining, the submission of an annual report, the publication of a standard information set and any requests made by the SRA for visits to be made by its staff or representatives,
- 7.3 to issue students with transcripts containing the minimum information specified by the SRA,
- 7.4 to comply with statutory provisions,
- 7.5 to notify the SRA of any changes to the management arrangements for its course(s),
- 7.6 to notify the SRA of any changes to its key contacts,

- 7.7 to assist the SRA to communicate with students,
- 7.8 to notify the SRA of any material changes to the course structure, course resources, including staffing, and to any expected or actual adverse publicity about the course.

Specific conditions may be placed on a provider in addition to these general conditions.

## **Part 2 – Application for the validation of courses**

### **Criteria**

The SRA will need to be satisfied for each of the courses for which validation is sought that

- the learning outcomes and the specific SRA requirements for LPCs underpin and are fully incorporated into the design of the course(s);
- the course(s) will provide a coherent learning experience for students and will enable diligent students to achieve and demonstrate the learning outcomes;
- the professional nature of LPCs is reflected in the course ethos and design;
- the assessment arrangements will be robust, consistent, fair and secure and ensure that the academic standard will at least meet the threshold set by the SRA;
- the course(s) will be adequately managed and resourced;
- the course(s) will be monitored and reviewed by the provider to ensure any weaknesses within the course are identified and addressed at an early stage and that feedback from students, staff and other stakeholders informs the quality assurance arrangements;
- the admissions arrangements will be transparent, take due account of applicants' potential to succeed on the course and are lawful;
- there will be equality of opportunity for all students on the course;
- academic and pastoral services will support diligent students to achieve their potential to succeed on the course.

### **The application**

#### **The course(s)**

The provider must set out in its application

- the nature of the course or courses for which validation is sought e.g. Stage 1 and Stage 2, full-time and part-time;
- the key contacts for each course including their email address and phone number and any overall contact for use by the SRA.

## **Section 1 – the learning outcomes and the design of the course**

The provider must include within its application

- 1.1 evidence that the learning outcomes for the LPC underpin, and have been fully incorporated into the design of, the course;
- 1.2 an explanation of the chosen emphasis for the course and the way this is reflected in the course design and structure;
- 1.3 a profile of the students and the type of practice that the course is designed to suit;
- 1.4 the teaching and learning strategy for the course;
- 1.5 the course curriculum;
- 1.6 evidence that the teaching and learning strategy and the design of the course has been informed by some or all of the following: experience, staff expertise, research, accepted good practice, student feedback, an understanding of professional requirements and external input;
- 1.7 details of the allocation of notional learning hours and to-face-face learning to the different elements of the course (see annex 4 for a summary of the requirements) and the rationale for any deviation from the minimum requirements;
- 1.8 an overview and examples of the information that will be provided to students to support their understanding of the course and the requirements on them.

## **Section 2 – the professional nature of the course**

The provider must include within its application

- 2.1 evidence that the design of the course has been informed by, and will promote students' understanding of, professional practice;
- 2.2 evidence that the course has been designed to develop a culture of appropriate professional behaviour;
- 2.3 any policy and supporting guidance on required student behaviour that will be used to develop and reinforce appropriate professional attitudes.

## **Section 3 – assessment**

The provider must include within its application

- 3.1 the assessment strategy for the course, which describes the balance between formative and summative assessments, any integration or combination of skills assessments and the rationale for the choice and range of assessment methods;

- 3.2 evidence showing how the SRA's assessment requirements, including the general principles, have been incorporated into the assessment strategy;
- 3.3 evidence that the approach to assessment has been informed by: organisational and/or staff experiences, research, accepted good practice and/or student feedback;
- 3.4 the relationship between the SRA's assessment requirements and the provider's general assessment regulations, details of any discrepancies and the way in which these have been addressed;
- 3.5 responsibilities within the provider and the course team for the design and approval of assessments;
- 3.6 the use of moderation and other safeguards to ensure marking is fair and consistent;
- 3.7 the information to be given to students about the assessment arrangements generally and assessment criteria specifically;
- 3.8 arrangements to safeguard the security and integrity of the assessment process;
- 3.9 the constitution, role and responsibilities of examination boards;
- 3.10 the role of external examiners – with particular reference to the SRA's external examining arrangements;
- 3.11 the identification and consideration of requests for reasonable adjustments to be made to assessments and arrangements for implementing and monitoring agreed adjustments;
- 3.12 the safeguards in place to avoid instances of academic misconduct including information to be given to students on the nature and consequences of academic misconduct and how any such instances will be identified, investigated and dealt with.

## **Section 4 - management of the course and teaching and learning resources**

The provider must include within its application

- 4.1 course management arrangements and the allocation of responsibilities within the course team,
- 4.2 the expertise and experience of the team designing and delivering the course and assessing students, including cvs,
- 4.3 the planned student : teaching staff ratio, and evidence that the ratio will be adequate,
- 4.4 arrangements for the induction and development of new teaching staff

- 4.5 information about past, continuing and future interaction between the course team and professional practice,
- 4.6 the teaching and learning accommodation that will be available for the course and its planned utilisation by the course team and students,
- 4.7 the IT support that will be available to support teaching and learning,
- 4.8 the technical and administrative support available to the course,
- 4.9 the library allocation for the course, updating arrangements and its accessibility to students,
- 4.10 the minimum number of students needed for the course to be viable (both initial and projected numbers for each year of validation),
- 4.11 the target number for recruitment (both initial and projected numbers for each year of validation),
- 4.12 the maximum number of students who will be enrolled on to the course (both initial and projected numbers for each year of validation).

## **Section 5 – assuring quality and standards**

The provider must include within its application

- 5.1 details of the approach to be adopted for the routine and on-going monitoring of the course quality and standards, including arrangements to collect and analyse feedback from students,
- 5.2 arrangements to ensure that academic standards at least meet the threshold set by the SRA,
- 5.3 an explanation of the use that will be made of feedback from students, staff, employers and external examiners to assure quality and standards,
- 5.4 how student progress will be monitored and any trends identified and analysed,
- 5.5 arrangements for dealing with student complaints, including copies of policy and procedural documents,
- 5.6 periodic review arrangements.

## **Section 6 – admissions arrangements**

The provider must include within its application

- 6.1 the admissions policy for the course,
- 6.2 the target cohort for the course, eg whether it is aimed at a particular segment of the student market,

- 6.3 policies on accepting students to study on only Stage 1 or Stage 2 of the course (as applicable) and on the accreditation of prior learning,
- 6.4 how students' potential to succeed on the course will be identified during the admissions process,
- 6.5 the approach to the receipt of late applications from students to join the course,
- 6.6 any arrangements with employers or other bodies that affect the admissions policy,
- 6.7 evidence that it is satisfied its admissions policy and practice will be lawful.

## **Section 7 – promoting equality and diversity**

The provider must include within its application

- 7.1 its equal opportunities statement/policy,
- 7.2 details of its approach to the promotion and monitoring of equality of opportunity for students and potential students with regard to all dimensions of diversity,
- 7.3 the approach to identifying the needs of students with disabilities,
- 7.4 the resources in place to support students with disabilities,
- 7.5 how any statutory duties to students with disabilities will be identified, monitored and fulfilled.

## **Section 8 – pastoral and academic support**

The provider must include within its application

- 8.1 the pastoral support that will be available to students and how this will be tailored to meet the needs of the particular student cohort,
- 8.2 the careers and guidance services that will be available to students,
- 8.3 any personal tutoring arrangements or similar that will be in place.

## **Validation of additional Vocational Electives**

An authorised provider that seeks validation for additional Stage 2 vocational electives will need to submit a statement of outcomes for each elective, in accordance with page 21 of the outcomes document.

They will also need to demonstrate that

- 9.1 the course will provide a coherent learning experience for students and will enable diligent students to achieve and demonstrate the learning outcomes;

- 9.2 the assessment arrangements will be robust, consistent, fair and secure and ensure that the academic standard will at least meet the threshold set by the SRA;
- 9.3 the course will be adequately managed and resourced;
- 9.4 the course will be monitored and reviewed by the provider to ensure any weaknesses within the course are identified and addressed at an early stage and that feedback from students, staff and other stakeholders informs the quality assurance arrangements;
- 9.5 the admissions arrangements will be transparent, take due account of applicants' potential to succeed on the course and are lawful.

## **Annex 6**

# **Person specification for external examiners**

Education and Training Unit

Last updated: 31 January 2008

# External examiners

## Role description

1. External examiners will
  - 1.1 approve all summative assessments for their subject(s), the assessment criteria and marking guidelines,
  - 1.2 review a sample of scripts marked by the provider – the size and profile of the sample to be agreed in advance by the external examiner,
  - 1.3 attend examination boards,
  - 1.4 meet with students to consider their experiences on the course,
  - 1.5 prepare an annual report.
2. External examiners will not mark or change the marks awarded to individual students.
3. If any external examiner has any concerns about the assessment process these will be communicated to the Institutional Lead External Examiner and to the SRA immediately.

## Person specification

4. Knowledge, experience and skills:
  - 4.2 degree level qualification in law, detailed and up-to-date knowledge of one or more of the areas assessed on the LPC and an understanding and recent experience of the application of that knowledge in current legal practice in England and Wales,
  - 4.3 knowledge and experience of assessment methodologies and practices at higher education level and an ability to scrutinise assessment tools and criteria and to evaluate students' level of achievement, or the capacity to develop an understanding of assessment methodologies and practices,
  - 4.4 knowledge and experience of legislation and good practice intended to avoid discrimination and to promote equality of opportunity, or the capacity to develop an understanding of such legislation and practice,
  - 4.5 the communication skills required to seek feedback from students, engage with LPC tutors and course designers and to produce clear and authoritative recommendations and reports,
  - 4.6 an ability to work to fixed and demanding timescales,
  - 4.7 an ability to work both individually and as part of a team.

5. Availability to
  - 5.1 attend up to two days' training each year,
  - 5.2 visit LPC providers on up to six occasions each year,
  - 5.3 review assessment tools and scripts at home on a continuing basis, an estimated total of three days each year.

### **Template for external examiners' reports to the SRA and providers**

6. Each external examiner will be required to prepare an annual report that includes the following.
  - 6.1 Summary of activities undertaken, including
    - 6.1.1 dates of visits to the provider, of meetings with students and attendance at Examination Boards and of activities undertaken and issues considered,
    - 6.1.2 dates on which assessment materials were received from the provider for approval and on which feedback was provided and of the nature of the feedback given and the action taken by the provider in response.
7. The effectiveness of the course(s), including, for the aspects of the courses to which the External Examiner has been allocated
  - 7.1 whether the learning outcomes are appropriately covered,
  - 7.2 the coherence of the course,
  - 7.3 whether the professional nature of the course is clear and embedded,
  - 7.4 the quality of teaching and learning, as indicated by student performance and student feedback.
8. The robustness, consistency, fairness and security of assessment and maintenance of academic standards, with reference to
  - 8.1 the design, structure and arrangements for marking assessments,
  - 8.2 moderation arrangements,
  - 8.3 the timeliness of interaction between the provider and the external examiner and the response to recommendations and feedback,
  - 8.4 the conduct of examination boards.
9. A factual and evaluative report on any generic aspects of the provision for which the external examiner has been given responsibility.

# **Institutional Lead External Examiners**

## **Role description**

10. In addition to the standard external examiner role Institutional Lead External Examiners will be responsible for
  - 10.1 the co-ordination of the external examining team and liaison with the provider, particularly with regard to induction arrangements and student meetings,
  - 10.2 alerting the SRA to concerns about the standard of a course or the performance/conduct of an external examiner,
  - 10.3 overseeing the timely production and coverage of individual external examiners' reports.

## **Template for the Institutional Lead External Examiners report**

- 11.1 Summary of activities undertaken by the external examining team.
- 11.2 Overview of the individual external examiners' activities and reports and any common themes.
- 11.3 The strengths and weaknesses of the student cohort.
- 11.4 Strengths and weaknesses of the course as a whole.
- 11.5 Any distinctions between the different courses provided, e.g. full and part-time.
- 11.6 Any evidence that the quality and/or standards of the course is at risk.
- 11.7 Any examples of good or innovative practice.

## **Annex 7**

# **Template for providers' annual reports**

Education and Training Unit

Last updated: 31 January 2008

## Providers' annual reports

All providers are required to submit to the SRA an annual report of their LPC provision. The report will include factual and evaluative information and include a summary and an analysis of student feedback on the course. Unless the SRA agrees to an alternative timetable, e.g. because the provider's courses start in January, the reports must be submitted to the SRA by the end of the calendar year.

The SRA will issue guidance from time to time on the format and contents of the report, but the following will be core requirements.

### Information

The first part of the report should cover factual information about the provider's LPC(s).

For the period covered by the report

- 1.1 the number and profile of applications received for each of its courses,
- 1.2 the number and profile of students who enrolled on each course (Stage 1 and for each of the vocational electives within Stage 2, as appropriate),
- 1.2 the number and profile of students who were issued with transcripts,
- 1.3 the retention rates for each course and the profile of students who withdraw,
- 1.4 the pass rates for each course and the profile of students passing and failing each assessment,
- 1.5 a profile of the teaching staff for each course, including names, professional and teaching qualifications, whether they are employed full-time or part-time, and, for each member of the teaching staff who has joined the provider during the period of the report, their CV;
- 1.6 any significant changes since the course was initially validated or since the previous annual report was submitted including to: the course format, assessment arrangements, or the learning resources available to the course in the period;
- 1.7 any student complaints about the provision.

### Student feedback

Each provider is required to survey students on its course(s) as part of its own quality assurance activities. The SRA may decide in the future to issue a standard questionnaire for use by all providers. Initially providers may use their own methods to gain feedback from the whole LPC student population. The questions asked may be tailored to the particular nature of the course e.g. for courses with an element of e-learning a particular focus on IT and teaching and learning materials might be appropriate. Information about the survey methodology, the information given to students about the survey and the results of the survey should be included in the annual report.

The survey and the analysis included in the report to the SRA must cover the following.

- 2.1 The quality of teaching, including
  - 2.1.1 the quality of teaching materials,
  - 2.1.2 the ability of the teaching staff to explain things,
  - 2.1.3. how interesting students have found teaching and learning activities.
- 2.2 The quality of the organisation and the administration of the course including
  - 2.2.1 the clarity of information give to students,
  - 2.2.2 the suitability (convenience and effectiveness) of the timetable.
- 2.3 Assessment arrangements including
  - 2.3.1 the usefulness and timeliness of feedback on formative assessments,
  - 2.3.2 the clarity of the assessment criteria and assessment regulations.
- 2.4 Academic and pastoral support including
  - 2.4.1 the accessibility of teaching and support staff,
  - 2.4.2 the accessibility and quality of careers guidance and information,
  - 2.4.3 the quality of the support available to disabled students,
  - 2.4.4 the quality of the advice available to students who are making choices about their study and assessment options.
- 2.5 Teaching and learning resources including
  - 2.5.1 the adequacy and accessibility of library resources,
  - 2.5.2 the adequacy, accessibility and reliability of IT services,
  - 2.5.3 the quality and suitability of teaching and learning rooms.

Providers should analyse the feedback using the student profile categories set out below.

## **Evaluation**

Providers should monitor and review their courses on an annual basis. The evaluative part of the report should draw on this activity.

The report should include the provider's **evaluation** of the following.

- 3.1 The extent to which the learning outcomes are being achieved by students and any differentiation within the student profile.

- 3.2 The effectiveness of the curriculum in relation to the learning outcomes.
- 3.4 The effectiveness of the assessments in relation to the learning outcomes.
- 3.5 External examiners' feedback and reports and the action taken in response.
- 3.6 Student feedback and complaints and the action taken in response.
- 3.7 Staff feedback and the action taken in response.
- 3.8 The influence of the student profile on course design, support needs, retention and achievement.

## Data collection

Providers are required to collect data about their students and applicants. Standard categories for use in data collection and analysis are given below. Collection and analysis of such data will help providers and the SRA to identify any features of courses or the regulatory framework within which the courses are provided that either help to promote equality of opportunity and diversity within the solicitors' profession or that are a hindrance to fulfilment of those aims. Providers should explain the reasons for the data collection to students and encourage them to respond.

Providers must collect information about the profile of students and applicants using the following categories and sub-categories. It must use these categories in its annual report.

Category	Sub category
<b>Gender</b>	Male/female
<b>Age</b>	16 – 24 25 – 34 35 – 44 45 – 54 55 – 64 65 & over
<b>Ethnicity</b>	<b>White:</b> British, Irish, Any other White background <b>Black or Black British:</b> Caribbean, African, Any other Black background <b>Asian or Asian British:</b> Indian, Pakistanis, Bangladeshi, Any other Asian background <b>Mixed:</b> White and Black Caribbean, White and Black African, White and Asian, Any other Mixed background <b>Chinese</b> <b>Other Ethnic Background:</b> Any other

<b>Category</b>	<b>Sub category</b>
<p><b>Disability</b></p> <p>Defined as any physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities</p>	<p>Physical</p> <p>Visual</p> <p>Hearing</p> <p>Learning Disability</p> <p>Mental Health</p> <p>Another illness</p>
<p><b>Prior educational qualifications</b></p>	<p>Graduate/non graduate</p> <p>Law graduate/non law graduate</p> <p>Degree awarded by UK awarding body/Degree awarded by non UK body</p> <p>Degree classification: 1<sup>st</sup>, 2.1, 2.2, 3<sup>rd</sup>, other</p>
<p><b>Language</b></p>	<p>English spoken as a first language</p> <p>English spoken as a second or other language</p>
<p><b>Other information and data collection</b></p>	<p>In the interests of best practice a provider may chose also to collect information on, for example, religion or belief and sexuality. It is for providers to decide how to collect the required information.</p>

## **Annex 8**

### **Provisional groups within which electives should be placed – subject to additions**

Education and Training Unit

Last updated: 31 January 2008

Property (commercial and domestic)	Planning and environmental law
Employment	Social welfare law
Commercial dispute resolution	Housing
Personal litigation	Charity law
Family and children (private law)	Criminal litigation
Children (public law)	Civil litigation
Corporate finance	IT law
Insolvency	Will, probate and tax planning
Media and entertainment	Acquisitions and mergers
Banking and debt finance	Insurance law
Immigration and asylum	Advanced civil litigation and advocacy
Intellectual property	Advanced criminal litigation and advocacy
Vulnerable client law	Clinical legal education practice
Public sector organisations	

## Annex 9

### Questions and answers

#### For Legal Practice Course designers

Education and Training Unit

Last updated: 31 January 2008

**Q How long must courses last?**

A That is for the provider to determine, subject to the requirements on notional learning hours, face-to-face contact and the five year period during which all Stage 1 and Stage 2 assessments must be passed.

**Q When must Stage 1 and Stage 2 assessments take place during a combined course?**

A That is for a provider to address in its assessment strategy. However, any approach will need to be supported by an educational justification.

**Q What happens if a student takes a long break between Stages 1 and 2 such that not all assessments are completed within a five year period?**

A The student will have to start the whole course again. No assessments can be carried over.

**Q What is the minimum staff:student ratio required?**

A It is for a provider to set out the nature of the resources that it will allocate to the course and to demonstrate during the validation process and continuing quality assurance arrangements that the resources are adequate.

**Q Must all of the outcomes be assessed?**

A With the exception of the outcome that requires students to be able to reflect on their learning and identify their learning needs all of the outcomes must potentially be assessed and students must understand that this is the case. However, it is not necessary for each assessment in a subject to cover every outcome for that area.

**Q In a course that combines Stages 1 and 2 can Stage 2 assessments be taken before Stage 1 assessments?**

A Yes if such an approach is justified and is educationally sound.

**Q Must a student who is taking Stages 1 and 2 separately have passed all Stage 1 assessment before taking Stage 2 assessments?**

A No this is not a regulatory requirement – although a student might be told that this is advisable.

- Q. Are students able to start a Training Contract before they have completed Stage 2?**
- A. Yes. In fact they can start a Training Contract before they have completed – or even started – Stage 1. [The Training Regulations](#) permit this and many students simultaneously study part-time on an LPC or the academic stage of training whilst being employed in a Training Contract. The Training Contract requirements are under review and new guidance on part-time study and the completion of a training contract will be issued before new style LPCs are put forward for validation.
- Q Can distinctions and commendations be awarded to students?**
- A A provider can decide to make use of a grading or classification system. However, this should not be referred to on the transcripts issued to students.
- Q Can a postgraduate diploma be awarded to students who complete the course?**
- A It is for a provider to determine – within the provisions of the Framework for Higher Educational Qualifications and any credit framework within which it operates – the nature of any academic qualification and title to be awarded to students. The appropriate title will be determined in part by the design of the course - for example whether particular areas are taught and assessed at a higher level. Providers will need to consider how they will deal with students who complete only one of the stages with them.
- Q Does the SRA need to approve a student's request to defer taking assessments for Stage 1 or 2 or both?**
- A No. It is for providers to decide how to deal with requests for deferrals. The SRA does not require that students should be penalised if they wish to defer sitting an assessment – subject only to the requirement that all assessments are passed within five years.
- Q. Can a course combine a Graduate Diploma in Law and an LPC?**
- A. Yes, this would be an Integrated Course – see [section 9](#).
- Q. Will the SRA need to approve a student's request to move between providers?**
- A. Students are free to do Stage 1 and Stage 2 with different providers. A student who wishes to transfer during Stage 1 will need to apply to the provider with which he or she wishes to complete the course. That provider will need to map the course on which the student has started Stage 1 to the course to which they wish to transfer and decide whether to allow the transfer. However, all Stage 1 assessment must be undertaken with one provider.
- Q. Can LPC students and other students be taught together?**
- A. The requirements do not prohibit this. However, a provider would need to ensure that the quality of LPC students' learning experience was not jeopardised if this took place e.g. by confirming they had equivalent knowledge of academic law. [The Training Regulations](#) require that only students who are enrolled with the SRA and who have completed the academic stage of training can be admitted on to an LPC. A provider would need to make clear to any other students being taught alongside LPC students that they were not LPC students and that they would not be awarded an LPC.

- Q. Can a provider introduce a test to assess applicants' aptitude to undertake an LPC as part of its admission policy?**
- A. The requirements do not prohibit this.
- Q. Can a provider develop a vocational elective in an area of practice that is not obviously covered by the provisional list of elective groups included in the information pack?**
- A. Yes. The list is provisional only and it will be revised and evolve over time.
- Q. What will happen to external examiners who are currently appointed to LPC providers?**
- A. All existing external examiners will be invited to apply for appointment as an external examiner under the new scheme. If necessary, notice will be given to external examiners to terminate existing contracts for the provision of services. However, some part-time courses validated under the existing requirements may continue to run until 2011. Existing external examiners may therefore have a role within the current scheme until that time.
- Q. Can a provider just deliver Stage 2 vocational electives?**
- A. Yes. They would need to be authorised by the SRA as an LPC provider and each elective would need to be individually validated.

## Annex 10

# Requests for initial clarification of the Legal Practice Course requirements

Education and Training Unit

Last updated: 30 January 2008

The Solicitors Regulation Authority (SRA) is aware that some providers would like the SRA to clarify whether their plans for new style LPC provision will fall within the criteria for course validation. The SRA cannot make a judgement about a course unless and until a full validation application is made. However, during the initial phase of implementation of the new requirements only, it will offer some initial feedback as follows.

Providers may submit in writing the issues on which they seek clarification. These issues must be submitted to the SRA no later than **29 February 2008, addressed to the Validation and Monitoring Team Manager**. Ideally the issues will be expressed in general terms, e.g. “would it be acceptable to deliver a part-time LPC over three years or could a course follow the calendar rather than an academic year?”. The SRA will consider all of the issues raised and respond. All issues and responses will be published by 31 March 2008. The providers who raised the issues will not be identified.

The SRA will respond on a without prejudice basis; full validation applications will need to be submitted by each provider and considered by a panel in the normal way.

After this initial period providers seeking guidance will be referred to the information pack and to the published [issues and responses paper](#).

The SRA will deal with questions about the application process as they are raised.

# Annex 11

## Glossary

Education and Training Unit

Last updated: 30 January 2008

**Condonation** – the exercise of a discretion in the application of assessment regulations, whereby an assessment is passed although the required mark or grade has not been achieved. This is not to be permitted.

**Day one outcomes** – these outcomes set out what solicitors should know and be able to do at the point of admission. They are published on the SRA's website.

**Framework for Higher Education Qualifications** – this framework is published by the Quality Assurance Agency for Higher Education (QAA). It applies to universities and colleges that have degree-awarding powers and to their use of particular qualification titles.

**Joint Academic Stage Board (JASB)** – this board advises both the SRA and the Bar Standards Board on the academic stage of the solicitors' and barristers' qualifications.

**Notional Learning Hours** – the number of hours it is expected that a typical student will need to spend in their studies in order to achieve the learning outcomes for a particular course.

**Student : teaching staff ratio** – the ratio of students to teaching staff. To calculate the ratio the number of full-time equivalent students and the number of full-time equivalent teaching staff must be taken. For example, a provider that employs 2 members of staff who teach full-time on the LPC, 4 members of staff who divide their time equally between teaching on the LPC and teaching on an undergraduate course and 3 members of staff who are each employed to teach an LPC on a third time contract should be regarded as having 5 FTE staff members. If the provider has 60 full-time students on its course, the student : teaching staff ratio would be 12:1.

## Annex 12

# References, useful links and guidance on good practice

Education and Training Unit

Last updated: 30 January 2008

- Code of practice for the assurance of academic quality and standards in higher education. The Quality Assurance Agency for Higher Education  
<http://www.qaa.ac.uk/academicinfrastructure/codeOfPractice/default.asp>
- Guidelines on the accreditation of prior learning. The Quality Assurance Agency for Higher Education  
<http://www.qaa.ac.uk/academicinfrastructure/apl/default.asp>
- The framework for higher education qualifications in England, Wales and Northern Ireland. The Quality Assurance Agency for Higher Education  
<http://www.qaa.ac.uk/academicinfrastructure/FHEQ/EWNI/default.asp>
- Equality, Diversity and the Legal Practice Course. Nina Fletcher, Law Society Strategic Research Unit, 2004  
<http://www.lawsociety.org.uk/aboutlawsociety/whatwedo/researchandtrends/archive/view=researchpubsarticle.law?PUBLICATIONID=215415>
- Disability Discrimination Act 1995 Code of Practice – 16. Code of Practice (revised) for providers of post 16 education and related services – Disability Rights Commission 2007  
<http://www.equalityhumanrights.com/en/Pages/default.aspx>  
<http://www.equalityhumanrights.com/en/publicationsandresources/Disability/Pages/Education.aspx>
- Code of Practice for Trade Organisations & Qualifications Bodies – Disability Rights Commission 2004  
<http://www.equalityhumanrights.com/en/Pages/default.aspx>  
<http://www.equalityhumanrights.com/en/publicationsandresources/Disability/Pages/Employment.aspx>
- Solicitors Regulation Authority  
[sra.org.uk](http://sra.org.uk)

## **Annex 13**

### **LPC Outcomes**

Download [LPC Outcomes](#) (PDF 114 KB).

## Annex 14

### Clarification of the LPC requirements

#### Issues and responses paper

The information pack setting out the LPC requirements to be used from 2009 was published in January 2008. The SRA anticipated that clarification might be sought on aspects of the requirements. It therefore invited questions to be submitted by 29<sup>th</sup> February. The questions received are set out below together with the SRA's answers. Some of the questions have been edited so that the provider asking the question is not identifiable, others have been omitted to avoid duplication.

The SRA will adopt a similar approach to answering any further questions that are raised, i.e. it will publish the questions (on an anonymous basis) and the answers.

#### Completion of the academic stage

**Q.** [Paragraph 2.5](#) states that students must have completed their academic stage of training before starting an LPC. Does this prevent students from studying any part of the LPC during the academic stage? If students cannot take any part of the LPC (including any elective or any exempting course related to part of the LPC core subjects) before satisfying the academic stage, then presumably it will not be possible for students to study electives before completion of the academic stage or to take exempting courses before completion of the academic stage. In particular, will this prevent universities from offering modules at undergraduate level which can double as LPC electives or exempting courses?

**A.** Paragraph 2.5 makes it clear that the requirement that students must pass the academic stage of training before they start an LPC does not apply to students completing an Exempting Law Degree or an Integrated Course. In all other cases the academic stage of training must be completed before a student starts an LPC.

The question refers to 'exempting courses'. The SRA Board has agreed in principle that in the future, students should be entitled to apply for an exemption from the requirement to *attend* parts of an LPC, although they would still be required to pass *all* LPC assessments. The details of such an exemption policy have not been finalised. However, it is not envisaged that such a policy would result in students enrolling on an LPC before they had completed their academic stage of training.

#### Admission of students on to an LPC

**Q.** One of the stated conditions for validation is "To admit to their courses only students who meet the SRA's requirements for entry to an LPC." What will those requirements be? How does this affect a student wishing to take a Stage 2 elective prior to studying Stage 1? Is this a further indication that a student will not be able to study any part of the LPC prior to completion of the academic stage of legal education?

**A.** The current requirements concern enrolment with the SRA as a student member, during which character and suitability issues are addressed, and confirmation that the student has completed the academic stage of training. It is anticipated that, although the detailed nature of the requirements might vary in the future, any pre-entry requirements to the LPC will focus on these two issues.

The LPC must be started after completion of the academic stage—see answer above.

## Transcripts

**Q.** Regarding the recording of the assessment of taxation on students' transcripts, could this simply be e.g. a statement that taxation was assessed mainly within the context of Business Law and Practice, or would it have to be more specific to refer to all the other areas where it is assessed, albeit not in as much depth e.g. Property Law and Practice. Similarly, would it be appropriate, without more, to include a simple statement about Wills and Administration of Estates to say e.g. that the subject "was used as the context for the assessment of the skill of ..."?

**A.** The transcript must make clear that the student has been assessed against all of the learning outcomes and whether or not they demonstrated the required standard. The format suggested above would be satisfactory.

**Q.** As a general point, should transcripts show all of a student's attempts, thereby providing a full assessment history for that student? This will probably be of more use to potential employers than just seeing the final attempt. Employers will more easily be able to distinguish between a student who has failed one assessment narrowly, and someone who has failed five or six assessments, in some cases more than once, and with very low marks in the unsuccessful attempts.

**A.** The transcript must show how many attempts at each assessment the student had. It is not necessary to show the mark for each of the failed assessments. This will allow an employer to see whether a student has completed the LPC after multiple attempts in a range of assessments or whether, for example, they had to re-sit in just one area. The aim is to strike a balance between the availability of information that will provide a picture of each student's performance on an LPC and the risk that transcripts will provide so much information that they will not be readily accessible and will not, therefore, be used.

**Q.** Can the SRA confirm that the LPC transcript (or, preferably, the exempting certificate issued by the SRA) will show the number of the successful attempt at any exempting course and the date of the successful attempt at the assessment in the exempting course, so that students who have taken multiple attempts at passing these can be identified by potential employers. In addition, and more importantly, can the SRA confirm that a student will not be able to rely on an exempting course unless that student has passed the assessment by the third attempt at the latest. In other words, a student should not be able to rely on an exempting course where the student has taken four, five, or more attempts to pass the assessment, because this would be inconsistent with the requirements imposed in respect of LPC assessments.

**A.** As it is proposed that any exemptions will relate to the requirement to attend a part of a course but not to the requirement to pass an LPC assessment this issue will not arise. The normal transcripts requirements will apply to all students.

**Q.** It is envisaged that providers, in addition to the provision of a transcript, may also grant an award that may contain a grade or classification. It is noted that that this must not be included in the transcript. Whilst it is accepted that the individual awards of particular providers are of no concern to the SRA, it could be very confusing to students and employers if there is a “free for all” and therefore a large variation in the labels and/or thresholds for individual institutions. Will the SRA consider any further guidance to providers in this eventuality?

**A.** There is a risk that confusion will arise if different providers adopt different approaches. However, we are aware that different providers will be working within their own award regulations. Approaches to the recognition of credit awarded by another provider is one of the aspects that might differ between providers – e.g. a student who completes all Stage 2 electives with one provider might or might not be given credit towards an overall institutional award and their performance at Stage 1 might or might not be taken into account when a grade or classification is determined. There is a risk that any SRA guidance will be in line with some institutional approaches and out of line with others. The SRA will therefore encourage employers and others to use the more detailed transcripts to understand how a student performed on their LPC and it will highlight the difficulties of relying on a grade or classification.

## **Professional conduct and regulation assessment**

**Q.** Should the percentage mark to be shown on the Stage 1 transcript for Professional Conduct and Regulation be the mark obtained in the discrete assessment, i.e. ignoring the marks obtained in the PCR questions contained in the core assessments?

**A.** Yes.

**Q.** Do the PCR questions in the core practice assessments have to be hidden or “unflagged” as is the case under the current LPC assessment requirements? The Information Pack does not specify that the PCR questions have to be hidden.

**A.** That is for the provider to determine in the context of their assessment strategy.

**Q.** It is stated that students cannot pass Professional Conduct and Regulation unless they pass the discrete assessment and that there is no aggregation of the marks of the questions drawn from the core practice assessments and the mark in the discrete paper. Can the SRA confirm therefore that the only significance of the PCR questions within the 3 core assessments is the effect that the students’ marks in those questions will have on the students’ overall marks in those 3 core assessments. In other words, the marks of the PCR questions in the core assessments will not have a bearing on the overall result in PCR (this is determined wholly by the mark in the discrete assessment).

**A.** Yes

**Q.** With respect to the assessment of Professional Conduct and Regulation the marks are not to be aggregated: a student must pass the discrete assessment in order to pass the subject. Assuming 100 marks are allocated to the module in PCR, with 60 marks allocated to the discrete assessment and 40 marks to the core examinations, if a student obtains 40 marks in the discrete assessment but only 10 marks from the core examinations does this result in the student passing or failing the module for the purposes of the assessment regulations? Must the student also obtain more than half the marks allocated to the core examinations in order to pass the module?

**A.** The PC&R outcomes are to be assessed in two ways:

1. by way of a discrete assessment and
2. in the context of each of the three core practice areas assessments; at least 5% of the total core practice area assessment marks must be allocated to PC&R questions.

The marks are not to be aggregated. To pass PC&R a student must obtain the pass mark (50%) in the discrete assessment. This mark will not be enhanced or reduced in light of performance in the PC&R elements of the core practice area assessments.

**Q.** Are we right in assuming that the 5% in each of the core areas is just there to ensure that PC is included in the assessments and that the students don't have to 'pass' this element?

**A.** Yes

## **Wills and Administration of Estates (WAE)**

**Q.** Where WAE is being assessed in the context of another subject assessment, does it need to be made clear in the LPC Assessment Regulations that the WAE outcomes must be met in order for a student to obtain an award of competent?

**A.** Yes, the WAE outcomes must be met in order to obtain an award of competent. An example regulation for the assessment of WAE is as follows:

"Wills and Administration of Estates shall be assessed once during the course in the context of the X skills assessment. A separate result for Wills and Administration of Estates of competent/not yet competent will be recorded on the student's transcript. The prescribed pass mark of at least 50% is required in order to obtain an award of competent and a student will not be able to pass Stage 1 of the Legal Practice Course until this has been achieved."

## **Skills assessments**

**Q.** If a combined assessment is set in, say, Practical Legal Research and Legal Writing, and a student fails one or other of the skills in that assessment, will that student be required to re-sit an assessment in the failed skill alone or can s/he be required to re-sit a further combined assessment including the skill that the student has already passed?

Further, if a student is permitted to re-sit a combined skills assessment when s/he has already passed one of the skills concerned, will the student carry this pass forward to the re-sit assessment so that s/he is only required to pass the element previously failed?

Similar issues arise in relation to skills assessments combined with core practice area assessments and we would also ask for guidance on these issues.

**A.** The assessment requirements included in the information pack state that:

Providers' assessment strategies and assessment criteria must address the implications for students where skills assessments are combined with other skills or core practice area assessments.

Where one assessment is designed to assess two different skills, or a skill and a core practice area, the assessment must be designed and marked in such a way that the aspects can be disaggregated for the purpose of the assessment outcome and for the information recorded on the transcript. This will allow for a student to be re-assessed in just one of the aspects. However, the re-assessment will need to be recorded on the transcript as the second or third attempt. It will not be necessary for students to re-take an integrated assessment if they failed just one aspect of the assessment.

In line with paragraph 4.14 of the Information Pack, where a student is reassessed in a subject they have previously passed, it is the later mark that will be recorded on the transcript.

## Five-year completion period

**Q.** [\(4.16\)](#) This paragraph states that if a student embarks on Stage 2 before passing all Stage 1 assessments then all assessments must be passed within five years of the first attempt at the first assessment. If it is possible for students to take Stage 2 electives as part of their degree or other pre-Stage 1 studies, they will need to be made aware that the clock will start ticking from the date of their first assessment in that Stage 2 elective. This could have a serious impact on a student who takes a Stage 2 elective in, say, the second year of a 4 year law and languages degree. What if that student then takes a year out between the degree and the LPC? The student would be left with very little time from the 5 year period in which to pass all Stage 1 and the remaining Stage 2 assessments. Due to the significant limitation this places on the usefulness of taking Stage 2 electives as part of the academic stage, should there simply be a prohibition on taking Stage 2 electives prior to completion of the academic stage? We think this would provide far more certainty and clarity for all stakeholders (students, law schools, LPC providers, employers, careers advisors).

**A.** See the answer to questions above. A student who is given an exemption from the requirement to attend a full LPC will still need to pass all LPC assessments. The clock will start ticking from the time they attempt their first LPC assessment.

**Q.** Please can the SRA clarify that the five-year time limit will also apply to exempting courses. If a student takes an exempting course and then seeks an exemption from the SRA from studying part of Stage 1 of the LPC, it is only fair that the time limit applicable to that student should be five years from the date of the first attempt at the

assessment in that exempting course. In other words, the student should not be allowed a longer period of time in which to complete the LPC than would apply to a student who is not relying on an exemption. So, if a student took an exempting course in Property Law and Practice, and sat the first assessment in this in June 2010, but did not enrol on an LPC until 2013, then the time period for completion of the LPC should run until 2015, not 2018, if the student wished to continue to rely on the exemption from Property Law and Practice. Also, if the student has not passed the other parts of the LPC by 2015, then should the student be allowed the opportunity to extend the time period to 2018 by re-studying and being re-assessed in Property Law and Practice before 2018?

**A.** See the answer to question above.

**Q.** Is there an inherent problem with stipulating a simple five-year time limit from the date of the first assessment? Does this fail to take account of changes to the dates of specific assessments within a given assessment period? If, say, an assessment period is the first and second weeks of December each year, in 2010 a given assessment (say in Solicitors' Accounts) might be on the Monday of the first week, but in 2015 it might be on the Friday of the second week, which will be more than 5 years after the date of the first assessment taken by the student. Does the five-year time limit need to take into account variations in the dates of assessments and of assessment periods?

**A.** It will be for the student to ensure they attempt an assessment within the five-year time limit. If variations to the five-year limit are allowed, unhelpful elements of discretion, inconsistency and uncertainty will be introduced. The five-year rule is more generous than the current approach.

**Q.** Under paragraph [4.21](#) the five-year period is stipulated to run from the date of the first assessment. Will providers be required by the SRA to stipulate the date of the first assessment on the relevant transcript?

**A.** Yes. The SRA will make that a requirement.

**Q.** Is a definition required for the passing of an assessment to enable students to determine compliance with paragraph 4.21. Will this be the date of sitting the relevant assessment or the date of publication of results?

**A.** The date to be used is the date the assessment was attempted, not the publication of results—see paragraph [4.21](#). It should be clear whether or not a student has passed an assessment and further definition should not be necessary. It has already been confirmed that where the assessment is in two parts a student must attempt both parts of the assessments in one assessment period; one part cannot be 'carried over' to a later assessment period.

**Q.** Does the SRA retain the power to, in exceptional circumstances, to waive the five-year course completion limit?

**A.** No, the SRA has not written into these requirements the ability to waive the five-year limit in exceptional circumstances. The five year rule is more generous than the current approach and if waivers are permitted then unhelpful elements of discretion, inconsistency and uncertainty may be introduced (as previously stated in the question above)."

## Assessment regulations

**Q.** Does the SRA intend to publish model assessment regulations based on the outcomes and the standard model of a Stage 1 and Stage 2 LPC for use in validation?

**A.** No. Providers will need to draft their own assessment regulations in accordance with the SRA's assessment requirements.

**Q.** The assessment guidance states that the Core Practice assessments may be split into two parts. Each part may take place on different days but should be within the same "period of assessment". What is meant by "period of assessment"? In particular, we note that Business Accounts is now treated as part of BLP. At the moment we teach Business Accounts early in the course and assess it in November. The BLP assessment is in March. Will we be able to continue to do this?

**A.** A period of assessment, as defined in the current LPC guidance, is 'a block of time which is given over to assessment and during which there is no scheduled teaching. The duration of time may vary...'. Assessing some of the BLP outcomes in November and others in March would not satisfy the requirement that core practice areas are assessed during one assessment period. Business accounts have been integrated into the BLP to ensure business accounts are understood in context.

## On which law should students be assessed?

**Q.** Should the requirement that students be assessed on the law and practice at the time of the assessment be more clearly drafted? Although the intention behind the requirement is to ensure that students keep up to date where there is a gap between their studies and their (re-sit) assessments, the requirement as drafted would also impact on current year students. As drafted, the requirement would mean that current year students would be assessed on any change in the law which had come into force during the revision period between the end of teaching and an assessment held only days later. The new law would not have been taught during the course, and the assessment paper would have been prepared weeks before, based on the old (but then current) law. There are also practical difficulties with some re-sits—it is not normal for students taking August or September re-sits to have to deal with any new law brought in after the course has been delivered—again, the assessments will have been written weeks or months in advance, and tutors may not be available during the summer months to (a) amend the paper and (b) provide any updates on the law to the re-sit students. It is usually only when the course is delivered again the following academic year that the new law is covered. Could the requirement be re-formulated to reflect the practicalities of the fact that courses are usually only updated on the next occasion when they are delivered?

**A.** Wherever possible current law should be taught and assessed. If changes are anticipated students should be alerted to their significance and, if appropriate, to the implementation timetable. The SRA accepts that the scenario set out in the question can very occasionally arise, in which case it might not be possible to update materials and assessments in time.

## Supervised assessments

**Q.** According to the Information Pack, Practical Legal Research and other skills must be assessed “under supervised conditions”. Is this intended? Currently, there is no requirement to assess PLR under supervised conditions because this could inhibit the students’ ability to make full use of relevant sources and because a time-constrained supervised assessment does not necessarily best reflect the trainee’s experience in practice when given a piece of research.

**A.** In the light of feedback from providers it has been agreed that assessments that cover skills outcomes alone need not be supervised. However, assessments that combine skills and either a core practice area or Professional Conduct and Regulation must be supervised. Arrangements for assessments will need to be submitted as part of a course validation application. A provider needs to include as part of its application a range of information about its assessment methodologies, including

- the rationale for the choice and range of assessment methods,
- arrangements to safeguard the security and integrity of the assessment process,
- safeguards in place to avoid instances of academic misconduct.

Specific consideration will need to be given to these issues where assessments are not supervised. If skills assessments are supervised, safeguards against academic misconduct will more easily put in place.

## Concessions

**Q.** Paragraphs [4.23](#) – 4.25 dealing with the “fit to sit” policy anticipate that providers will “gain confirmation from students at the start of each assessment that there are no reasons why they should not sit the assessment at that time ...”. We currently operate a “fit to sit” policy and students are warned in their Handbook that presenting themselves for an assessment means that they accept that they are fit to sit. This warning can be reinforced by a statement on individual examination papers. Will this be sufficient under the new regime? It is considered that obtaining formal confirmations from students at the commencement of an examination would be at the very least disruptive and indeed unworkable with large cohorts.

**A.** All students must know that by attempting an assessment they are confirming that there are no reasons why they should not attempt the assessment or why they would subsequently request a concession. (Of course something might arise during the assessment that will change that position, and this is to be provided for). Providers might adopt different approaches to ensuring that students have this understanding. Publishing a statement in a handbook alone might not ensure that students know that this is the position. However, repeating the statement on each assessment paper would appear to be a reasonable approach. Providers might also wish to obtain from each student written confirmation that they understand the position. Providers need to be confident that they can defend their position against any complaint made by a student that they did not understand the implications of attempting an assessment.

The SRA has not used the terminology 'fit to sit' in the information pack. Care needs to be taken to distinguish between requests for reasonable adjustments that are made as a result of disability or because of a temporary impairment, and requests for concessions. 'Fit to sit' terminology might cause confusion.

## Language of assessment

**Q.** "Assessments must be in the English or Welsh language only." Currently, we provide written assessments in Welsh if requested by students. There is no equivalent requirement for oral assessments, although we have been exploring this question already with the SRA. Does this sentence introduce a SRA requirement to offer oral assessments (Advocacy; Interviewing and Advising) in Welsh?

**A.** The SRA will not require providers to offer oral assessment in Welsh. Providers will need to determine whether they are under any statutory obligation to make such an option available to students. Where a provider offers assessment in Welsh, the SRA will expect the provider to have regard to the Quality Assurance Agency for Higher Education's publication: Guidelines for higher education institutions in Wales for effective practice in examining and assessing in a language other than the language of tuition

## Validation and variations to courses

**Q.** In what circumstances will a meeting be held between the SRA panel and the provider? [Paragraph 6.8](#) implies that a validation meeting will take place only if additional information is requested by the SRA panel.

**A.** It is intended that meetings between the SRA panel and the provider will be held for all authorisation applications and for initial validation applications. However, for subsequent validation applications, e.g. to introduce one new elective based on a previously approved model, a meeting might be unnecessary.

**Q.** Regarding the information to be provided to the SRA, [annex 5](#) of the information pack contains information required for validation of additional vocational electives. Could you confirm whether this information, relating to outcomes for each elective, must be provided as part of an initial validation application for an LPC covering both stages 1 and 2? Page 21 of the [Outcomes](#) document seems to suggest that this is the case, but I wasn't quite sure given the reference to additional electives in the information pack.

**A.** It is anticipated that providers will seek validation for some electives when they first apply for authorisation and validation. However, they might wish to extend their range of electives over time. The Information Pack sets out the information a provider will need to submit if it seeks validation of additional electives after its initial authorisation/validation applications have been considered.

**Q.** We are considering seeking authorisation to provide LPCs and validation to run a part-time course from September 2009. We will seek validation for our full-time course in 2010. Will we need to go through two authorisation exercises?

**A.** No. If successful, you would be authorised to provide LPCs from September 2009. Subsequent applications for validation to provide different LPCs, made during the authorisation period, would be for validation of further courses only.

**Q.** Is it necessary to obtain formal approval for a variation where changes have to be made to a course's syllabus due to changes in the law or procedure? Often major changes are made to the law which materially affect the emphasis placed on different aspects of the syllabus. It would seem disproportionate to require a formal variation application in these circumstances.

**A.** It will not be necessary to obtain formal approval for a variation simply because the law has changed but the course design and assessments are unaltered. The fact that changes to a course have been made to accommodate a change in the law should be recorded in the provider's annual report to the SRA.

## Learning outcomes

**Q.** Does element 2 under the BLP heading in the [Outcomes](#) document ("advise on steps to protect the assets of a business") relate to insolvency matters? As insolvency is dealt with under point 8, is it meant to refer to insolvency, or insurance, or something else?

**A.** This is a general point that goes beyond insolvency that would need to be addressed in the context of the business scenarios being considered. It will cover necessary registrations, filings etc. for the business as a going concern.

**Q.** We are uncomfortable with some of the Learning Outcomes e.g. 'have a grasp of' - this is not measurable, I don't think. At our University validation we will have to amend some of the Learning Outcomes as a result. Will this be ok?

**A.** There is reference to 'grasp of' in the taxation learning outcomes. This term has been used to make clear that the topic can be dealt with at a general level. The learning outcomes in the taxation section set out in detail what students should understand and be able to do on completion of the LPC. To ensure consistency providers must adopt the LPC learning outcomes in full.

**Q.** Although the [document](#) overall says that the skills can be taught/assessed across the cores—the Learning Outcomes for Interviewing & Advising also make reference to the Writing outcomes. Does this mean that the Interviewing and Advising skill must have a writing element?

**A.** Element 2 of Interviewing and Advising requires students to be able accurately to record an interview and where appropriate to confirm instructions in accordance with the outcomes for Writing. It is therefore likely that there will a writing element to Interviewing and Advising.

## External examining

**Q.** We were surprised by the stipulation that external examiners will not mark or change the marks awarded to individual students. This is part and parcel of the LPC external examiner's current role, and part of the role of external examiners generally.

Can the SRA be satisfied on the one hand that this will ensure the rigour of the award (where the external examiner disagrees that a student should pass) and, on the other hand, ensure fairness to individual students (where the external examiner considers that a failed student should pass)?

**A.** External examiners will normally only see a sample of marked scripts. It can be unfair on students if external examiners are permitted to change marks of the sample that they see – a student’s marks might be increased or reduced as a result - whereas a student whose script is not included in the sample will not be the subject of any advantageous or disadvantageous changes.

If an external examiner has concerns about a mark awarded to an individual student or wider concerns about the examining arrangements and marking standards these should be raised with the institution and discussed at the examination board that the external examiner will attend. Marks might be changed as a result.

A provider should not expect to use an external examiner as a marker.

**Q.** Regarding the duties of external examiners, will external examiners be required to visit a single provider up to six times a year, or to visit two providers up to three times a year?

**A.** It is anticipated that an external examiner will visit each institution to which he or she is appointed on up to three occasions each year. Once to meet with staff and students, once to attend the examination board and, at least during their first year of appointment, once for familiarisation/induction to the particular provider and its programme(s).

**Q.** In [paragraph 5.6](#), for providers delivering the same course at a number of centres, “the same external examiners may be appointed to cover all centres”. The word “may” suggests some discretion. Is this likely to be on the part of the SRA, the provider or as a result of discussions between the two?

**A.** The SRA will appoint external examiners and decisions on appointments will rest with the SRA. However, the appropriate approach would be decided following discussion with the provider.

## Electives

**Q.** We deliver one of our electives in conjunction with tutor practitioners from a firm of solicitors. All of the teaching is provided by the team from the firm and those tutors write the draft assessment paper and undertake the first marking of the students’ scripts. However, the firm team liaises with the LPC team, and one member of staff in particular, regarding aspects of delivery and assessment. Also, that member of staff (who is experienced in that area of law and practice) reviews and amends the draft assessment paper prior to submission to the external examiner, and second marks students’ scripts before sending relevant scripts to the external examiner. The external examiner in each case then liaises with the member of staff. Can the SRA confirm that this is not an arrangement whereby separate authorisation and validation will be needed for the elective subject.

**A.** In this case the SRA would consider that the provider rather than the firm is responsible for the course and the assessment. It is assumed, in giving this answer,

that the provider's examination board would ultimately be responsible for any award. As such, the firm would not need to be separately authorised. The arrangements would, of course, need to be considered during the validation of the elective.

**Q.** Regarding the elective groupings, what is the status of elective subjects that fall into more than one group? For example, our Private Client elective covers "Vulnerable client law" as well as "Wills, probate and tax planning". How will such electives affect the requirement that students "will be required to complete electives from at least two different groups"? In addition, is it possible to clarify what the elective group "Personal litigation" refers to – should this be "Personal injury litigation"?

**A.** The elective groups are reasonably broad. Overlap is inevitable. The aim of the grouping is simply to ensure that students, particularly those who choose to take their electives with different providers, do not follow three electives that cover broadly the same practice area. When an elective is validated it will be put into one of the elective groups—the provider will be asked to indicate into which of the groups it should be placed, or whether it is so innovative a new group should be formed to accommodate it. Personal litigation could include personal injury and medical negligence litigation.

**Q.** We currently offer a validated elective in Business leases, Competition Law and a separate elective in Advanced Commercial law. Presumably these could still be delivered under the scheme for Vocational electives even though not specifically mentioned on the provisional list?

**A.** Yes. The list is provisional only. There is no intention to close down opportunities for students to follow a wide range of practice areas through their elective choices. New elective groups will be added over time.

## **Elective assessments**

**Q.** We are considering offering electives based on clinical experience and advocacy. It would not be feasible to assess either of these on the basis of a three hour 'examination'. Will we be able to vary the assessment vehicle for such electives?

**A.** The assessment requirements included within the information pack do not require assessments to take the form of examinations. Other forms of supervised assessments are permitted. Providers will need to include their assessment strategies in their validation applications and to detail how each element of their course will be assessed.

## **Notional learning hours**

**Q.** Notional learning hours in higher education are normally apportioned on the basis of 40 hours study per week. The GDL requires 1620 study hours (including examination periods) over 36 weeks. This gives an average weekly study time of 45 hours per week (significantly higher than the 40 hours generally used in higher education). The LPC requires 1400 notional learning hours (excluding summative assessment periods). On this basis we calculate that the shortest period in which

Stage I could be delivered in 27.5 weeks (plus summative revision and assessments). Is this correct?

**A.** The SRA has not published the shortest period over which an LPC can be provided. The validation criteria include the requirements that

- the learning outcomes and the specific SRA requirements underpin and are fully incorporated into the design of the course and
- the course will provide a coherent learning experience for students and will enable diligent students to achieve and demonstrate the learning outcomes.

Validation panels will look for evidence that

- the teaching and learning strategy and the design of the course have been informed by some or all of the following: experience, staff expertise, accepted good practice, student feedback, an understanding of professional requirements and external input.

Such evidence will be looked for when the validation panel considers the length of time over which a course is to be delivered.

The Learning Outcomes require that by the end of an LPC students should be able to

- reflect on their learning and identify their learning needs.

This is the only outcome that need not be summatively assessed during the course. Validation panels will therefore need to give particular consideration to how a course is designed and structured to ensure that students achieve this outcome.

A provider that wishes to deliver a course that will involve a greater number of weekly notional learning hours than is typical for higher education would need to demonstrate to the satisfaction of the validation panel that the validation criteria have been satisfied and that the quality of the student experience will be monitored and evaluated.

**Q.** The Notional Study Hours totalling 1100 attributed to Stage 1 of the new LPC can give rise to a student workload of 60 hours per week or more, particularly if the course design has contact hours that are close to the set minimum of 110. Is this what the SRA intended? Does the SRA have a view on the maximum weekly number of study hours that students can be expected to undertake?

**A.** The student workload per week will depend on the number of weeks over which the course is structured. That is for providers to determine, but see the answer to the previous question.

**Q.** In respect of the notional learning hours can we be given some guidance on what could possibly be "double counting". This is particularly relevant to the skills where they are taught in the context of, say, one of the core areas. If, for instance, we teach 1.5 hours of drafting within the context of PLP does that count as 1.5 hours of drafting, 1.5 hours of PLP or 1.5 hours of each?

**A.** There should be no 'double counting'. Drafting would normally be taught in a practice context. If a provider decides to use one of the core practice areas as the

context - a reasonable choice as it will give students an opportunity to enhance and reflect on their understanding of that core practice area - the time will be allocated to the drafting requirement. This is a logical position; if a provider decides to teach drafting in the context of a field of practice that is not covered on the LPC, the time allocation would have to be given to the skill and the skill alone.

It is expected that providers will not seek to stick rigidly to the minimum allocation of notional learning hours when designing their courses.

## **Class contact**

**Q.** Is there a maximum number of students that can be taught in an interactive learning group? We assume that 18 would be acceptable, but what about, say, 48?

**A.** The SRA has not set a maximum group size number. A provider will need to demonstrate to the validation panel how the validation criteria will be satisfied by its approach to interactive group learning. It will also need to publish information about the maximum number of students there will be in the different types of teaching and learning sessions included in the course. The information will also be published by the SRA and applicants will be encouraged to use this information when making their LPC applications.

## **Attendance requirements**

**Q.** Are there any attendance requirements? For example, could all weekly class contact on a full-time course be confined to a single day?

**A.** The SRA has not set requirements regarding the pattern of required attendance. Again, the validation criteria that concern the incorporation of the learning outcomes, the coherence of the learning experience and the ability of students to achieve the learning outcomes are the key requirements to consider when addressing this question. Validation panels will look for evidence that the approach has been informed by good practice, experience, student feedback etc.

## **The award**

**Q.** If a student attends one provider for Stage 1, and then goes on to study the electives at three other providers, will the SRA keep a central record of that student's progress? If not, who will be responsible?

**A.** The provider will issue transcripts to students recording their progress. Transcripts will be issued for Stage 1 and for each of the three electives. As now, providers will notify the SRA of students who have attended, passed and failed their courses. This will enable the SRA to maintain a record of a student's progress.

## **Fees**

**Q.** The fees information in the information pack refers to a fee of £5,500 for an authorisation application and initial validation application plus other course validation

applications submitted at the same time etc. Is it correct to assume that this fee covers an authorisation application and validation applications for a number of different LPCs made at the same time?

**A.** Yes

## **Training contract issues**

**Q.** If a student decides to leave a programme at the end of Stage 1, will all the time subsequently spent in a Training Contract count in full towards qualification in circumstances where the student is simultaneously pursuing a part-time programme for Stage 2 whilst working full-time in the office?

**A.** Current guidance on part-time study training contracts provides for trainees simultaneously working in a training contract and studying part-time on an LPC to be given only half credit towards their training contract time requirement. In due course, the SRA intends to move the training contract away from a time-based requirement in favour of a competence-focused work-based learning requirement. Pending the outcome of the work-based learning pilot, the SRA will review current guidance to accommodate the opportunity for students to follow the model suggested in the question.

## **Transition**

**Q.** Has the SRA considered the possibility of permitting current part-time year 2 students the option to transfer to the new regime in appropriate circumstances, e.g. where all give their written consent and the assessments and programme learning outcomes are at least equivalent? Whilst it is accepted that the norm would be for part-time students to complete the course for which they originally enrolled, there may well be a demand for the “new” qualification particularly where the “old” and “new” courses are virtually the same.

**A.** This will not be permitted. A student wishing to move to the new scheme would be required to start afresh. To allow such movement would risk confusion for students, providers and employers. A student who wishes to undertake a new style LPC should defer starting the course until 2009/2010. Students already on part-time course will be due to complete their course before new style courses are available.

## **Professional Skills Course**

**Q.** For the new LPC, will students just have to complete Stage 1 before they start the PSC which must be undertaken during the training contract?

**A.** Yes”

May 2009



## LPC panel members and chairs<sup>4</sup> – Information Pack

### Background

In January 2008 the Solicitors Regulation Authority (SRA) published information on the Legal Practice Courses that must be provided from 2010 and that can be made available from 2009.

The arrangements provide for panels appointed by the SRA to consider applications for organisations seeking authorisation to be LPC providers<sup>5</sup> and/or validation of specific LPCs.

This pack sets out how the panels will work; it should be referred to by panel members as they undertake their role. The information will also help organisations know what to expect from the authorisation/validation process which has been developed to reflect the SRA's regulatory role and the authorisation/validation criteria.

### Overview of the process

Providers seeking authorisation/validation must submit written applications that address each of the authorisation/validation criteria in turn. The criteria and the evidence the panels will look for when they consider whether the criteria are met are set out in the information pack previously published. Providers must submit to the SRA five copies of their applications.

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<sup>4</sup> The term panel member includes panel chairs in this document, unless otherwise stated

<sup>5</sup> The term 'provider' is used in this document to describe organisations that are seeking authorisation to become LPC providers and/or validation of specific courses, whether or not they are currently involved with LPC provision.

The authorisation/validation process is based on the premise that providers will include in their written submissions all of the evidence needed to decide whether the proposals satisfy the published criteria. It should, therefore, be possible to complete the authorisation/validation process on a 'paper' basis alone. However, meetings between the panels and the providers submitting applications have been built into the process. This is to allow any issues on which the panel needs final clarification to be addressed with the provider. Arrangements for the meetings are detailed in this pack.

Providers will be told in advance the aspects of their application on which the panel will focus during the meetings. Such advance notice will help providers decide who should attend the panel meeting and prepare for the event. However, panels will not be prevented from raising issues concerning other aspects of the applications during the meetings. Providers will not be asked to present their proposals to the panel. They will instead be asked to respond to the panel's questions.

Provision has been made for the panels to request in advance of the meetings supplementary documentation to clarify any aspects of the application. This should be unnecessary if providers have fully prepared and presented their applications; the timetable does not therefore allow for providers to prepare lengthy additional documentation in response to requests from the panels.

The decisions of all panels and on all applications will be notified to respective providers on the same day, after all applications have been considered. Panels will not give their decision or any feedback to providers at the meetings.

### **Panel composition**

Each panel will comprise at least three members but not more than five, including the chair. The size of the panel may be increased to five to consider more complex applications, for example where multiple courses have been put forward for validation.

The SRA will provisionally allocate panel members to each panel and set a date for the panel event. The SRA will take into account panel members' availability and conflicts of interest when allocating individuals to panels.

The provider will be given the names of the provisional panel. Any objections made by providers to the proposed panel membership will need to be specific. The SRA will consider whether the objection is reasonable and, if appropriate, revise the provisional membership. The SRA will normally let any panel member to which a provider has objected know the reasons for the objection. Objections on the grounds that the panel member is employed by a 'competitor' will not be regarded by the SRA as a reasonable objection. LPC providers operate in a national market. With the exception of the chairs, most panel members work for, or have a connection with, an LPC provider, enabling the process to operate on a peer review basis, as widely used within higher education.

The SRA will allocate to each panel an adviser on the authorisation/validation process and a secretary who will record the outcome of the panel event. The adviser and secretary will be employed by the SRA. Their role is to support the panel. They may contribute to the panel's discussions but decisions will be taken by the panel alone.

If a panel member or panel chair is unable at short notice to attend the panel event, for example due to illness, responsibilities within the panel will provisionally be reallocated and the provider asked to confirm whether it wishes the event to proceed.

The SRA may arrange for its Board or Committee members to observe the validation/authorisation process, including meetings with providers' representatives. Observers will not contribute to panel discussions about an application or play any part in the decision-making process. Any observers will be required to respect the confidentiality of the process.

### **Contact between panel members, panel chairs, providers and the SRA**

Panel members must not make contact with a provider to seek or share information about its application or in connection with its application more generally. Panel members must not disclose any information about the provisional or actual decisions taken in respect of an application.

Providers are not expected to make contact with any panel member. Panel members should report to the SRA any attempts by a provider to make contact with them in connection with the authorisation/validation process or an application.

Initial comments on a submission must be made to the SRA only (panel members will be given a named contact and email address) by the required deadline. Panel members will individually identify any aspects of the application on which they think clarification is required from the provider and the aspects of the application on which they suggest the panel meeting should concentrate. Once all initial comments have been received, all panel members will be emailed together as agreement is reached on the issues to be raised with the provider at the panel event.

### **Timetable**

To help with planning and to ensure consistency of approach for all providers, the following timetable will be adopted for the scheduling and preparation for panel events.

#### **In advance of**

**the panel event**      Provider notified of date and venue of panel event and composition of panel. Panel members to be told of their provisional allocation to the panel.

#### **Five weeks before**

**the panel event**      Provider to raise any objections to the panel membership and to provide a provisional indication of its representatives at the panel meeting. Documentation distributed to panel members.

### **Four weeks before**

**the panel event** Panel members to identify individually if any further information is needed from the provider to clarify any aspect of its submission and the areas of the submission on which they recommend the panel should concentrate at the event. Panel members will send their views to the SRA only. Following receipt of all individual submissions, the SRA, in consultation with the panel chair, will circulate to the panel as a whole a proposed list of any further information to be required from the provider and the aspects of the submission on which it is proposed the meeting with the provider's representatives should concentrate.

### **Three weeks before**

**the panel event** Panel to agree the nature of further information (if any) the provider is required to submit in advance of the panel event, the areas on which the meeting with the provider's representatives will concentrate and on which specific aspects of the submission each individual panel member will lead during the meeting

### **Two weeks before**

**the panel event** Provider to be given the list of any further information required and why and advised of the main areas the panel wishes to explore at the event, with a reminder that this is indicative only and that the panel may explore any aspects of the submission during the event.

### **One week before**

**the panel event** Provider to confirm the names of its representatives who will attend the panel meeting and to submit by email any further information requested.

### **Indicative agenda for panel events**

Panel events will be scheduled to last for either a half or a full day (c.4 or c. 8 hours). Where half day events are scheduled, a panel will normally consider submissions from one provider in the morning, and submissions from a second provider in the afternoon. Longer events will be scheduled where there are multiple course validation submissions to consider or where a site visit is required. Shorter events will be scheduled if appropriate, for example to consider an authorisation application only, and that does not require a visit.

The agenda for the events will follow a standard format, however the timings given below for each element of the events are indicative. Shorter meetings may be appropriate for providers who have fully evidenced in their submissions that their proposals meet all of the criteria.

**Private meeting of the panel** (up to 1 hour) to confirm the extent to which any supplementary evidence requested by the panel has clarified aspects of the application, to finalise the agenda for the meeting and to confirm which panel member will lead on each issue.

#### **Meeting with the provider's representatives** (up to 2 hours)

- Introduction by the panel chair
- Introduction of other panel members and the provider's representatives
- Exploration of issues, both those notified to the provider in advance and any other issues the panel wishes to explore
- Close by panel chair

**Private meeting of the panel** (c.1 hour) to agree the decision(s). If, exceptionally, the panel is unable to complete the process within the time available to it, arrangements will be made for it to re-convene or to finalise its decision by email.

#### **Providers' representatives**

Providers will need to decide who should attend the panel meetings on its behalf. Providers will be encouraged to identify the most appropriate people to represent them at the panel meetings and to reflect on their provisional decision once the panel has indicated the areas of the submission on which it intends to concentrate during the meeting. Normally providers should not be represented by more than eight people. For some providers a smaller team might be appropriate.

A provider who wishes to be represented by a larger team should seek agreement from the SRA. Exceptionally, a larger team may be necessary where a provider is putting multiple courses forward for validation or where a collaborative arrangement is being considered.

#### **Additional documentation**

Additional documentation will not be accepted from a provider by the panel at the meeting. Panels will only consider documentation supplementary to that included in a provider's original submission where it has been submitted in response to a request from the panel and in advance of the panel event. Similarly, providers will not be invited to make presentations to the panel or to give demonstrations of their proposals.

## **Location**

The SRA will arrange the venue for the events. Where possible events will take place at locations that are in reasonable proximity to the providers whose applications are being considered.

## **Visits to providers**

Normally an authorisation/validation decision will only require a site visit if the provider has not previously been authorised to deliver LPCs or if a provider has moved premises or intends to expand significantly the size of its provision. If more than one site is to be used for LPC provision visits may be undertaken by individual panel members. Providers will be notified if a visit is to take place, advised of the proposed format of the visit and asked to provide a meeting room for the panel event.

## **Decisions**

The panels will decide, for each application for authorisation to become an LPC provider and for each application for course validation, whether the application should be:

- Accepted without conditions
- Accepted subject to conditions
- Refused

Applications will only be accepted subject to conditions if the panel is confident that the provider can satisfy the conditions within a reasonable time period. Unless there are specific reasons why the period for satisfaction of any conditions needs to be extended, a standard period will be set for all providers, so that all providers will need to demonstrate by 15 February 2010 that any conditions have been satisfied.

The panel will not make recommendations about ways by which the proposed courses could be enhanced.

## **Notification of decisions**

All providers will be notified of the outcome of their applications at the same time. This will allow any inconsistencies in approach to be identified and addressed before decisions are released and ensure that providers are not disadvantaged because of the point in the programme at which their application was considered. The SRA is aiming to release all decisions by the end of December 2009 for applications received by the end of August 2009. There will be no indication of the decision given at the panel event and no communication with providers about the decision during

the period between the date of the panel event and the date on which all results will be released.

### **Publication of decisions**

Once providers have been notified, the SRA will publish a list of providers that have been authorised to provide LPCs. It will not publish a list of validated courses. The SRA will direct enquirers to providers' websites.

Where acceptance of a course validation application is subject to conditions a provider must describe its courses as 'Accepted by the SRA subject to the SRA confirming that conditions have been satisfactorily fulfilled'.

### **Panel members' obligations and conduct**

#### **Conflicts of interest**

Panel members must declare to the SRA, and not be involved with any panel considering an application from any provider

- with which they have worked or studied (in a full-time, part-time or advisory capacity) within the previous 5 years
- for which they act or have acted as an external examiner within the previous 5 years
- at which their partner or a close family member is or has been employed (in a full-time, part-time or advisory capacity) or has studied within the previous 5 years

Panel members are also asked to inform the SRA of any providers with which they might have, or be seen to have, a conflict of interest that falls outside the categories listed above. This might include, for example, providers to which they have applied for employment. Such a declaration might avoid a provider raising an objection to the provisional panel composition.

Panel members must advise the SRA if their circumstances change such that a new potential conflict of interest arises.

#### **Confidentiality**

It is essential that panel members respect the confidentiality of the documentation submitted in support of an application, of the panel's discussions and of the decisions taken in respect of any authorisation/validation application.

Panel members must:

- Use information acquired when acting as a panel member only for the purpose of carrying out their role as a panel member
- Not make copies of any documentation submitted in support of an application (they may print information submitted electronically)
- Maintain the security of the information, taking particular care when transporting documentation and when using emails
- Return to the SRA or destroy all documentation supplied to them or generated in the course of considering applications – this applies to paper and electronic copies – at the end of the process and confirm to the SRA that this has been done
- Not discuss an application with anyone apart from members of the particular panel considering the application and the panel's advisor and secretary
- Take reasonable steps to prevent others from accessing information (both electronic and hard copy) submitted in support of, or generated whilst considering, an application
- Not talk to journalists or other third parties about the process. Any journalists seeking information must be referred to the SRA Press Office
- Alert the SRA to any concerns about breach of confidentiality or any other concerns about the integrity of the process

## **Conduct**

Panel members must act in a professional manner and be objective and courteous when they undertake the role. They must not do anything to bring the authorisation/validation process into disrepute.

## **Procedure for complaints about the conduct of an LPC authorisation event**

### **Introduction**

A provider may submit a complaint about the conduct of an LPC authorisation/validation event where, in the opinion of the provider, the process was not conducted according to the procedure set out in the Information Pack or where any part of the process was not conducted in a professional manner.

### **Procedure**

A formal complaint should be made in writing to the SRA's Education and Training Unit's Policy Manager within 5 working days of the event.

The complaint must include:

- The date and venue of the panel event
- The nature of the complaint
- Supporting evidence signed by the member(s) of the provider's representatives at the event

- An indication of the desired outcome of the instigation of the complaints procedure, including whether the provider requests that any decision made by the panel should be withheld from publication pending the investigation of the complaint

A complaint received outside the time frame will not be considered.

The Policy Manager or his/her nominee will acknowledge receipt of the complaint within 5 working days.

## **Investigation**

If the complaint concerns the conduct of one or more members of the panel, or any other individual involved with the process the Policy Manager or his/her nominee will inform them of the complaint and ask them to respond to the Policy Manager or his/her nominee by a given date.

If the complaint concerns any other aspect of the event or process the Policy Manager or his/her nominee may invite a maximum of 2 representatives from the complainant provider to a meeting to discuss the issues, normally within 20 working days of the receipt of the complaint. The Policy Manager may also discuss the complaint with panel members and invite them to the meeting,

The Policy Manager or his/her nominee may investigate the complaint in any manner he or she thinks fit. The investigation may include telephone calls, emails and meetings.

The investigation should normally be completed within 25 working days of the receipt of the complaint. If the investigation takes longer than this the Policy Manager or his/her nominee must write to the complainant provider setting out the reasons for the delay and providing a reasonable time period within which a final decision can be expected.

Within the time frame the Policy Manager or his/her nominee must prepare and provide a hard copy of a report setting out the nature of their investigations and their findings.

## **Results of an investigation**

The Policy Manager or his/her nominee may:

- Reject the complaint because
  - the complaint has been brought out of time; or
  - the investigation has concluded that the complaint was unfounded
- Uphold the complaint and determine a proportionate remedy which may include conducting a new event.

A complainant who is not satisfied at the end of the complaints procedure should inform the Policy Manager or his/her nominee of this by letter giving the reasons for the dissatisfaction within 6 working days of receiving the report. The letter will be referred to the SRA's Quality Assurance Sub Committee (QASC) when it next meets

(unless the next meeting of the Sub Committee is less than 5 working days away in which case it shall be to the following Sub Committee).

The QASC will consider the complaint with reference to

- The original complaint; and/or
- The manner in which the complaint was investigated; and/or
- The report completed following the investigation; and/or
- Any response to the report submitted by the complainant provider

The QASC may

- Confirm that the original investigation was properly conducted and uphold the outcome of the investigation
- Decide that the original complaint was not properly investigated and either:
  - Require a fresh investigation of the original complaint
  - Uphold the complaint and order that a fresh authorisation/validation event takes place
  - Uphold the complaint and reach a solution which seems reasonable to the Quality Assurance Sub Committee but which stops short of requiring a new event.

The complainant will be informed by the Policy Manager or his/her nominee of the decision of the Quality Assurance Sub Committee within 6 working days of the meeting of the Sub Committee.

### **Review of decisions**

Any request for a review of a panel decision must be made by a provider under the provisions of *The monitoring of courses regulations 1991*.

Providers may make a formal appeal against a panel decision and request a review where the provider considers that the panel's decision is either unreasonable or perverse.

- The appeal submission, together with the required fee, must be made in writing to the SRA within one month of receiving notification of the original decision.
- The appeal will be considered by a sub-group of the SRA's Quality Assurance Sub-Committee (QASC). The QASC sub-group will consider:
  - In its submission, the provider must set out the grounds for appealing and any evidence to support its submission. For example, a decision may be unreasonable if the panel did not take properly into account either a piece of evidence or documentation, or oral evidence given by the provider at the meeting.

- Relevant original authorisation/validation documentation re-submitted by the provider (no additional documentation can be added). Not necessarily all the documentation is required; only that relevant to the appeal.
- Complaints about the conduct of the Panel event or the application procedure will not be considered in the context of an appeal. The procedure for such complaints is set out in the Panel members' Handbook which has been incorporated into the Information Pack.
- The Sub-Committee will decide whether or not the appeal should be upheld. Where the Sub-Committee upholds an appeal, a fresh panel will be constituted with members who were not involved in the original application. That panel will consider the matter de novo."