



## **Legal Practice Course: Authorisation & Validation 2009**

### **Overview report**

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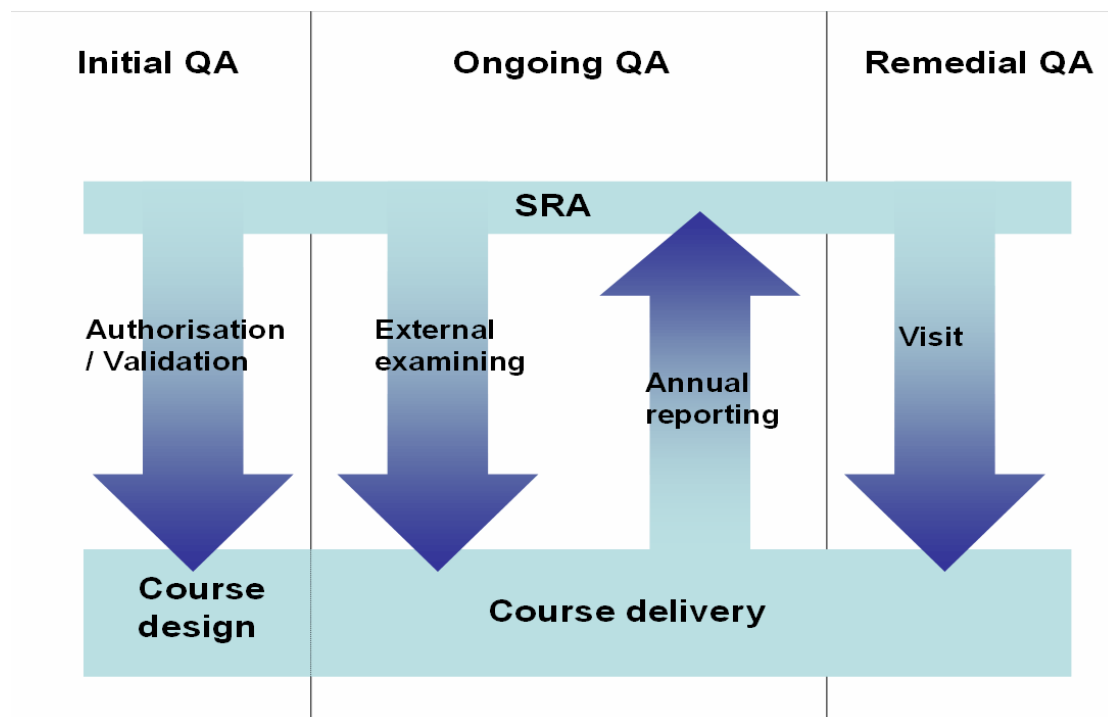
## Introduction

1. This report:
  - sets out the SRA's quality assurance framework for the new LPC, outlines the new LPC, and describes how the SRA's quality assurance measures are intended to work together;
  - gives a narrative description of the conduct of the initial quality assurance measures: the authorisation / validation events and issues that arose in the autumn 2009 round;
  - evaluates the effectiveness of the authorisation / validation events and sets out proposed changes to the process and documentation, and next steps.

### Part 1: The quality assurance framework

2. The authorisation and validation of providers for the new LPC is part of a quality assurance framework. The full framework comprises four key measures:
  - Authorisation / validation events
  - External examination
  - Annual reporting
  - Review visits.

These integrate to provide *initial, ongoing* and *remedial* quality assurance:



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3. All these are described in detail in *how the quality assurance arrangements work in practice* below. Narrative description of the authorisation / validation activities is set out in Part 2.

### **Quality assurance objectives**

4. Through the process, the SRA is seeking to ensure that
  - (a) Providers' authorisation depends on the provider demonstrating their ability to support and resource:
    - the delivery of courses to allow the achievement of the LPC outcomes;
    - 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 those being trained and assessed;
    - equality of opportunity for those being trained and assessed.
  - (b) Validation of courses will depend on the provider demonstrating that their course are such that:
    - the quality of the courses 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 set in terms of course objectives and outcomes;
    - all assessments measure student achievement appropriately, in accordance with the LPC outcomes; and
    - the assessments are conducted rigorously and fairly.
5. The process is intended to quality assure LPC providers and their courses *against SRA standards*. Therefore, compliance of providers' courses with the requirements of their parent institutions or other standards was relevant, but providers' submissions must demonstrate that SRA requirements are fulfilled.

### **The new LPC in outline**

6. While continuing to represent a high and rigorous standard, the new LPC is intended to allow greater flexibility, with the potential to tailor courses to better meet the needs of both students and employers. The key changes are as follows.
  - The LPC outcomes replace the existing written standards, giving clearer guidance, more certainty and greater flexibility on the content and delivery of the course.

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- The course will 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, and the course skills, Professional Conduct and Regulation, Taxation, and Wills and Administration of Estates. Stage 2 will be made up of three vocational electives.
- Providers can become authorised to offer Stage 1, Stage 2 or both stages.

### **How the quality assurance arrangements work in practice**

7. This section describes how authorisation / validation events, external examination, providers' annual reporting and visits work together to provide initial, ongoing and remedial quality assurance.

#### *Authorisation / validation events*

8. There is an initial authorisation of providers to ensure that providers have their own systems to verify and review the quality and standards of their provision. There is also an initial validation of courses to ensure that the LPC outcomes and assessment requirements are appropriately designed into the course.
9. Authorisation / validation events follow this sequence
  - submission of applications by providers
  - consideration of applications by panel, identification by panel of any additional documents needed
  - meeting between panel and provider
  - authorisation and validation with or without conditions
  - providers' opportunity to meet conditions
  - review of providers and meeting of conditions.
10. The SRA panels which consider the applications are made up of panel members and chairs. Each panel member and chair has been individually recruited on the basis of their knowledge and understanding of current practice and developments in teaching, learning and assessment at higher education level. This includes programme design, quality assurance, equality of opportunity and diversity in an educational context and the SRA's requirements for authorisation and validation.
11. Providers may apply for authorisation only in the first instance or may apply for both authorisation and course validation in one application. Applications are required to address each of the authorisation and/or validation criteria set out in the SRA's "Criteria and evidence requirements for authorisation and validation" (Annex 5 of the LPC Information Pack) plus any supporting evidence in an indexed file.

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### *External examination*

12. External examiners are 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.
13. One external examiner will be appointed to act as the Institutional Lead Examiner for each provider. They will co-ordinate a team of external examiners for the institution. In terms of subject responsibilities, the external examiners will cover, on Stage 1, the three essential practice areas of Business Law and Practice, Property Law and Practice, and Litigation, and the course skills, Solicitors' Accounts, Professional Conduct and Regulation, Taxation, and Wills and Administration of Estates, and on Stage 2, the vocational electives.
14. Each external examiner will be required to cover all modes of provision, e.g. full and part-time courses. 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; conduct of assessments, e.g. invigilation arrangements and open book provisions; keeping of records of student achievement and the issue of student transcripts; 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, and arrangements for collecting and analysing student feedback on the quality of courses.
15. Recruitment of external examiners is currently underway – see paragraphs 50 and 53 below.

### *Annual reporting*

16. Each provider is required to submit an annual factual and evaluative report, that incorporates a summary and analysis of student feedback and student achievement.
17. The report should cover
  - the number and profile of applications received for each of its courses,
  - 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),
  - the number and profile of students who were issued with transcripts,
  - the retention rates for each course and the profile of students who withdraw,
  - the pass rates for each course and the profile of students passing and failing each assessment,

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- 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;
- 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;
- any student complaints about the provision.

The profile data collected will be categorised by gender, age, ethnicity, disability, prior educational qualifications and students' first language.

18. The reports should also include student feedback, and each provider's evaluation of

- the extent to which the learning outcomes are being achieved by students and any differentiation within the student profile.
- the effectiveness of the curriculum in relation to the learning outcomes.
- the effectiveness of the assessments in relation to the learning outcomes.
- external examiners' feedback and reports and the action taken in response.
- student feedback and complaints and the action taken in response.
- staff feedback and the action taken in response.
- the influence of the student profile on course design, support needs, retention and achievement.

#### *Visits*

19. Where there is evidence that the quality and/or standards of provision may be at risk, the SRA has the ability to visit the provider. Risk indicators will include

- 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.

## **Part 2: The 2008/2009 authorisation and validation events**

### **The process – narrative description and observations**

20. Authorisation and validation events took place between 22 October and 10 December 2008. 18 events took place of which 2 were authorisation only and the remainder included validation of one or more providers' courses.

#### *Written submissions - general observations*

21. Written submissions varied greatly in respect of both the level of detail provided and the organisation of material. Points of particular note are -
- it is the responsibility of the provider to marshal their documentation and evidence to demonstrate fulfilment of the SRA criteria for authorisation and validation. Therefore, Panels found those submissions that followed the structure in Annex 5 of the LPC Information Pack particularly helpful.
  - Panels appreciated those submissions that were fully indexed and included systematic page and paragraph numbering.
  - some submissions included reference to past terminology, and
  - some included disappointing typing and grammatical errors.

#### *Evidence requirements*

22. In line with the quality assurance aim set out above, Panels' expectations of the evidence contained in written submissions were that
- providers should evidence statements made in support of their application. Unsupported assertions about the quality of courses, the level of their resources etc did not assist the Panels.
  - existing providers should not assume that the Panel will be aware of, for example, previous LPC monitoring reports or external examiner reports. If specific points need to be evidenced then the relevant extracts from these reports should be included in the written submission.
  - Panel members only considered the documentation submitted by the provider. The intention was that documentation should, in itself, enable the Panel members to make a decision, with the meeting being for the purpose of clarification and confirmation. Late submission of materials is only accepted if requested by the Panel, not at the instigation of providers. No additional information is accepted on the day of the meeting. The LPC Information Pack will be amended to make this fully clear.
  - Panels found it helpful to see documentation that shows how the SRA's learning outcomes have been mapped into their course(s) and how the required notional learning and face-to-face hours have been incorporated into the course design.

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### *Completeness of materials*

23. Some written submissions
- had not been through the institution's internal validation process,
  - were not fully complete – effectively 'works in progress',
  - included 'fall back' positions in case the Panel was not satisfied with their proposals
  - did not include, or included only in draft, LPC Assessment Regulations.
24. Effective quality assurance should be based on final and complete materials. Providers should also not include 'fall back' positions in the event that they consider that the Panel will not accept what is being proposed.

### *Attendance at events*

25. The upper limit of 8 representatives from the provider has worked well and smaller teams have been able to deal well with the Panels' questions. With prior agreement larger teams have been allowed where there is justification for this. Providers were not however disadvantaged if they brought fewer than 8 representatives.
26. Some providers limited themselves to members of the LPC team, others have included colleagues from central university departments who have been able to deal with issues arising with, for example, quality assurance arrangements and resource allocation.

### *Timescales for events*

27. Overall the timescales for the scheduling and preparation for Panel events worked well. The timescale for providers to submit further information requested by the Panel will however be extended from 2 days to one week.

### **Requirements and issues**

28. Generally, providers have demonstrated a clear understanding of the SRA's requirements for the new LPC. The only areas where clarity and understanding were sometimes lacking were as follows.

### *Student attendance requirements*

29. Providers were expected to include in their submissions information about steps to ensure that the professional nature of the course is designed into the course requirements. Some providers have, mistakenly, taken the view that they are not able to have an attendance requirement, because the SRA does not specifically require this. Many providers have built an attendance requirement into their course documentation. However, the SRA has recognised that different course designs require different requirements (e.g. to accommodate participation in e-learning sessions) and it has not, therefore, imposed a standard requirement on all providers.

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### *Assessment of Wills and Administration of Estates outcomes*

30. All providers recognised the need to assess the Wills and Administration of Estates outcomes. However, some had not provided for students to be required to demonstrate achievement of these outcomes in order to pass stage 1 of the LPC. Paragraph 3.3 in the information pack addresses this point. Further details are set out at paragraphs 33, 34 and 46 below.

### *Providers' understanding of the role of SRA external examiners*

31. The role of external examiners does not include the formal opportunity for providers to use them as second markers. This is made clear in the information pack and providers are asked to bear this in mind when considering their assessment and marking arrangements. The information pack will be amended in due course to explain further the continuing role of external examiners going forward.

### **Compliance with authorisation and/or validated conditions of approval**

32. A number of applications were accepted subject to conditions. Providers had until Monday, 16 February 2009 to satisfy the conditions and submit the final versions of their LPC Assessment Regulations. All providers made submissions by this date and they were considered on 24 February. In general the conditions were fulfilled, but one issue should be noted, as follows.
33. A number of the LPC Assessment Regulations submitted did not fully deal with the assessment of Wills and Administration of Estates. Although providers recognised the need to assess the outcomes, many had not built into their regulations the need for students to demonstrate they had achieved the outcomes in order to pass Stage 1 of the course.
34. If Wills and Administration of Estates is assessed in the context of a skills assessment this will need to be recorded on the student's transcript. The regulations need to make it clear that students will be required to show competence in both elements of the assessment and they need to make it explicit as to how failure will be dealt with.

### **Part 3: Evaluation and actions**

#### **General evaluation of the process**

35. Panel members met on 25 February 2009 to review the process. The Panel members discussed the following questions:
- Did the process ensure that there was true quality assurance of the new LPC providers/courses? The consensus view was Yes.
  - Where there any significant gaps or failures in respect of this quality assurance? The consensus view was No (but see the points of detail set out at paragraphs 40-49 below).

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- Was the scope and level of detail in the LPC Information Pack at the correct level? The consensus view was Yes (but see the points of detail set out at paragraphs 40-49 below).
- Was the level of guidance in the Information Pack sufficient? The consensus view was that (subject to the changes to the Information Pack set out at paragraphs 39-49 below) no additional guidance was needed, but that providers needed to read the whole Information Pack carefully. This could be explained to providers in communications about the 2009/10 authorisation / validation round.

The general conclusions to be drawn from the Panel's meeting are as follows.

#### *Authorisation*

36. The process was effective in terms of requiring authorised providers to demonstrate their ability to support and resource courses, assessment, students' learning experience and equality and diversity standards, as set out in paragraph 4(a) above. The Panels were confident that the process has secured the SRA's requirements and standards.

#### *Validation*

37. The process was effective in terms of ensuring courses will develop students to achieve and demonstrate the LPC learning outcomes, ensure the standard of course objectives and outcomes, and assess students appropriately and with rigour and fairness, as set out in paragraph 4(b) above. The Panels were confident that the process has secured the SRA's requirements and standards.

#### **Changes required**

38. The meeting of the LPC Panel members on 25 February 2009 discussed changes to the materials and the process. In addition, changes to the process have been considered within the office.
39. The following amendments to the LPC Information Pack and other documentation are proposed. These address
- evidence base used by the Panels (Information Pack para 2.12)
  - supervision of assessments (Information Pack para 4.8)
  - external examiners and conflict of interests (Information Pack 5.12)
  - appeal process (Information Pack para 6.12)
  - assessment of Wills and Administration of Estates (Information Pack Annex 14)
  - five-year completion period (Information Pack Annex 14)
  - Professional Skills Course (Information Pack Annex 14)

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- Panel members' handbook
- Timetable changes

*Evidence base used by Panels - Page 7 – paragraph 2.12*

40. The paragraph currently reads:

“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. However, the SRA already has access to a range of information about the structure and resources of existing providers that will be able to form part of the evidence base when applications for authorisation and validation are considered.”

41. We have removed the last sentence as, during the first phase of the LPC authorisation and validation process, Panel members were not provided with any additional information from the SRA about the structure and resources of existing providers. The evidence base therefore consisted only of the documentation submitted by the provider. This will also provide a level playing field for new providers.

*Supervision of assessments - Page 18 – paragraph 4.8*

42. The paragraph currently reads:

4.8 Each of the five Course Skills of Practical Legal Research, Writing, Drafting, Interviewing and Advising and Advocacy shall be assessed once, under supervised conditions.

43. Following feedback from providers and clarification of this issue, as outlined in Annex 14 of the LPC information pack (Page 82), the paragraph now reads:

“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.”

*External examiners and conflict of interests*

44. An enquiry from a provider has led to further consideration of the issues around external examiners and conflicts of interests. We have modified section 6.5 of the Information Pack to state that the SRA will aim to avoid potential conflicts where an external examiner has received any fee from a provider, and that providers should bear the SRA's approach to conflict in mind when considering their own appointments. Paragraph 5.12 of the Information Pack now reads:-

“When allocating external examiners to providers the SRA will aim to avoid potential conflicts such as:

- allocating an external examiner who has worked for, received a fee from, or studied with, a provider within the previous five years;

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- a team of external examiners in which there are more than two external examiners who are employed by the same provider or other organisation;
- reciprocal external examining between courses or departments in two institutions.”

*Appeal process - Page 33 – paragraph 6.12*

45. 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.

*Assessment of Wills and Administration of Estates (Annex 14)*

46. A new section has been inserted on “Wills and Administration of Estates”:

**Q.** Where Wills and Administration of Estates (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.”

*Five-year completion period (Annex 14)*

47. A new question and answer has been added to the section on the “Five-year completion 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).”

*Professional Skills Course (Annex 14)*

48. A new section has been inserted on the “Professional Skills Course”:

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

**A.** Yes”

*Panel members’ handbook*

49. No changes were felt to be necessary to the templates and reports. The content of the Panel members’ handbook is also unchanged except that

- the section on reviews and appeals has been amended to be consistent with the suggested wording in paragraph 45 above.
- the Handbook has been incorporated into the Information Pack as Annex 15.
- the 5-week notification period set out in the Handbook has been removed and the schedule of events agreed in advance.

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### *Timescale changes*

50. References in the Information Pack (and the Panel member's Handbook which will form Annex 15 of the Pack) to timescales has been amended, wherever necessary, in line with timescale set out below. Additionally, timescales for providers' submission of further information requested by panels has been extended as described in paragraph 27 above.

### **Next steps**

#### *Timescales for 2009/2010*

51. The timescale for 2009/2010 should be

External examiner recruitment	Closing 20 March
Notifications to providers for submissions	April 2009
Publication on SRA website of this report	April 2009
External examiner selection	April 2009
LPC Forum (see below)	7 May 2009
External examiner training	July 2009
Submission deadline	31 August 2009
Authorisation / validation events	Sept-Nov 2009
Completion of reports	December 2009
Communication to providers	18 December 2009
Updating of SRA website	January 2010
Compliance with conditions	February 2010
Final communications to providers	28 February 2010

See paragraph 49 above regard agreement of the schedule of events and the removal of the 5-week notification period.

#### *Communication with providers*

52. Communications with providers will mirror the timetable above, allowing them to complete their elements of the 2009/2010 process on time. In addition to the publication of this report on the SRA website, it is also proposed to send a copy of the report to all providers authorised in 2008/2009 and prospective providers for 2009 / 2010.

#### *Information for students*

53. A template has been agreed with the SRA web team to enable the SRA to provide objective course information to students on all LPC options. These obligations are set out in the Information Pack at 8.2 and include
- LPC options provided by each provider, and key features of the courses
  - Student numbers
  - Entry requirements
  - Qualifications awarded

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- Details of staff, learning resources and pastoral support.

*External examiners*

54. Following recruitment and selection of external examiners, training events will take place during July 2009 to ensure that all examiners are able to begin their duties in September 2009.