

Training trainee solicitors

Modular training contract guidelines

Education and Training Unit
Version 1

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Introduction

The aim of the modular training contract is for two or more organisations to provide training as a consortium. It has been designed for firms and other organisations that want to take trainees but are unable, on their own, to provide three areas of law and/or contentious and non-contentious experience.

The Solicitors Regulation Authority (SRA) welcomes initiatives from consortiums and will do what it can to assist in setting up modular training contract schemes. However, the SRA wants to ensure that schemes are manageable and that the employment and training issues have been considered thoroughly beforehand. Consortium proposals should be submitted to the SRA for consideration and approval. The Training Contracts Team would be happy to give guidance, and can be contacted by telephone on 0870 606 2555.

The guidelines below provide a framework for operating a modular training contract, and should assist consortiums in developing their proposals.

Supervision and care

The SRA wants to ensure that trainees are supervised effectively and cared for – no matter which organisation they are working in. It is essential to ensure that there are clear lines of responsibility for the overall care and supervision of the trainee.

Parent training establishment

It would be preferable if all the organisations in the consortium were authorised in their own right to take trainees. However, one of the organisations would be the “parent” training establishment, and this organisation must be authorised to take trainees.

The “parent” training establishment would nominate a training principal to take primary responsibility for the trainees throughout the training contract. The training principal would oversee the training, ensuring that it met the training requirements and ensuring that pastoral care arrangements were in place for the trainees. In each organisation, the trainees would have subject supervisors, who would oversee their work in that subject area.

The training contracts would be registered with the “parent” training establishment, but would need to be amended to reflect the consortium arrangements.

Pilot schemes

It is important to ensure that a modular training contract, while it may be structured in a different way, is comparable to a standard training contract. It will need to offer as rich an experience as a standard training contract, and the same quality of training and supervision.

The SRA suggests that, in the first instance, the consortium run a pilot scheme. The pilot scheme would be evaluated and monitored by the consortium and the SRA – so that any problems could be resolved and good practice could be used for the future.

Example model

This model is an example of how a modular training contract could operate, but the SRA is happy to consider other options.

The model comprises a consortium of three organisations, offering three different areas of law. There would be three trainees; each trainee would start at a different member of the consortium; after six months, they would move on to the next, spending the final six months back where they started. In this type of rotation, it would be easier to monitor the trainees' progress, and the trainees would know exactly when and where they would move and the sort of work they would be doing.

Consortium agreement

Before recruiting the trainees, the members of the consortium need to agree on a range of issues and draw up a formal agreement to regulate their relationship.

The consortium agreement needs to include the following:

1. the details of the consortium members and who is responsible for what
2. how the consortium will co-operate and co-ordinate the trainee's training
3. the financial arrangements, including contributions to the training costs, payment of salary, authorisation, registration and Professional Skills Course (PSC) fees
4. the safeguards for the trainees in the event of any of the consortium members being unable to continue in the role for example due to ill health or financial problems. In these circumstances, the SRA would expect the other members of the consortium to take over this responsibility.
5. the mechanisms for dealing with queries and for resolving problems and disputes. The training principal and supervisors should meet regularly to discuss any issues and ensure that the system is working satisfactorily.
6. the recruitment and selection procedures, including short-listing, interviewing and equal opportunities monitoring
7. a timetable and training plan identifying the subject areas, the timing for each 'seat' and the arrangements for attending the PSC and taking holidays. It is important to ensure that the timetable is adhered to ensuring certainty for the trainees and avoiding problems between the consortium members.
8. the induction programme. There should be a joint induction at the start of the training contract, covering the particular aspects of the modular training contract, so that everyone understands the scheme, how it will work and the mechanisms for resolving problems. There should also be a short induction at the start of each seat.
9. the supervision arrangements for each organisation
10. the timing and organisation of the appraisals and informal performance reviews. It is suggested that supervisors review the trainees' training record once a month and appraise the trainees, with the training principal, every six months.

The modular training contract

The modular training contract would be entered into by each trainee and the consortium, but the “parent” training establishment primarily undertakes responsibility for the training.

The modular training contract should be as close to the standard training contract in terms of form and content as possible. Amendments should relate only to the modular nature of the training contract and the final form is subject to approval by the SRA.

Confidentiality

Client confidentiality is an issue that the consortium would have to resolve with the trainees, possibly by a confidentiality clause in the training contract and as part of induction and professional conduct training. Trainees would need to understand the importance of maintaining client confidentiality at all times and that they should not discuss client matters undertaken in one organisation at another.

The confidentiality of the participating organisations’ business arrangements, such as financial information, would need to be addressed with the trainees both in the training contract and induction training.

Applications to the SRA

Any proposed modular training contract scheme would need to be approved by the SRA. A consortium must ensure, when making an application, that all of the issues are addressed, and should submit the following information to the Training Contracts Team, The Solicitors Regulation Authority, Education and Training Unit, Ipsley Court Redditch B98 0TD:

1. the names, full addresses and contact numbers of the consortium
2. full details of the “parent” training establishment with the name of the training principal
3. if the “parent” training establishment is authorised to take trainees, the date of the authorisation, or if the “parent” training establishment is not authorised, an application for authorisation to take trainees
4. details of whether the other consortium members are authorised to take trainees, including the date of authorisation and the name of the training principal
5. a copy of the consortium agreement
6. a copy of the training contract
7. details of the supervisors at each of the member organisations, ie name, job title, legal experience, eg number of years qualified, subject area
8. recruitment and selection procedures
9. practice areas of work to be provided to the trainees
10. a timetable and training plan, to include proposed start date of the training contract, the dates the trainees will move and where, arrangements for attending the PSC, annual leave and appraisals
11. the induction programme
12. pastoral care arrangements
13. systems for performance review and appraisals
14. confidentiality provisions
15. the consortium liaison systems
16. mechanisms for resolving problems and disputes