

LPC panel members and chairs¹

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 providers² 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.

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

¹ The term panel member includes panel chairs in this document, unless otherwise stated

² 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.

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.

Five weeks before

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.

Four 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.

Three 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.

Two 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.

One week 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.

Two days 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 16th February 2009³ 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 2008 for applications received by the end of August 2008. A release date for 2009 will be agreed and published in due course. 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

³ The dates included in this pack are in respect of applications received by 31st August 2008. The pack will be reissued for applications made in 2009.

- 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*.

A provider that considers the panel's decision to be unreasonable or perverse may request a review of a panel decision within one month of the notification of the decision. The provider must set out its grounds for requesting a review of the decision. Complaints about the conduct of the panel event or the application procedure will not be considered in the context of a review – see above.

The review will be considered by the QASC or a sub-group of that sub-committee. The review may be undertaken in any manner the QASC, its chair or its sub-group thinks fit. The investigation may include telephone calls, emails and meetings.

The request for a review will normally be considered within two months of receipt of the request.

The QASC or its sub-group may:

- conclude that the panel's decision was unreasonable or perverse in light of the evidence available to the panel at the time and either amend or set aside the decision,
- conclude that the panel's decision was reasonable and uphold its decision.

In the event that the original decision is set aside a new panel will be established to consider the original submission and to reach its own decision.