

Dealing with a refusal to confirm qualifying work experience

30 November 2021

This is advice for candidates who may have had difficulties getting their qualifying work experience (QWE) confirmed on how to resolve the situation. It also tells you when you should contact us.

What we expect from solicitors when confirming QWE

We have guidance [<https://www.sra.org.uk/solicitors/guidance/colps-confirming-qualifying-work-experience/>] to help solicitors and Compliance Officers for Legal Practice (COLP) we regulate understand what confirming QWE means.

We expect solicitors and COLPs to comply with our Principles [<https://www.sra.org.uk/solicitors/standards-regulations/principles/>] and Code of Conduct for Solicitors [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>] to act honestly, fairly at all times and not to abuse their position by taking unfair advantage when confirming QWE. For example, they should not refuse to confirm it because they may not want to employ you as a solicitor once you have qualified.

We have also outlined what good practice looks like from law firms providing QWE placements [<https://www.sra.org.uk/solicitors/guidance/meeting-standards-good-qualifying-work-experience/>], for example, that arrangements should be in place to confirm QWE if it meets our criteria.

What to do if a solicitor or COLP refuses to confirm QWE

You may want to consider the following:

- Collate any documentation available if the person or organisation has agreed to confirm your QWE in the past.
- Make sure that you have shown them how you meet some or all of the competences in our Statement of Solicitor Competence [<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>]. The organisation may have a record keeping system to help you do this, if not, use our training template [<https://www.sra.org.uk/trainees/qualifying-work-experience/qualifying-work-experience-candidates/qwe-training-template/>] to help you do this.



- Share our guidance for solicitor's and COLPs confirming QWE [<https://www.sra.org.uk/solicitors/guidance/colps-confirming-qualifying-work-experience/>] and our expectations for firms [<https://www.sra.org.uk/solicitors/guidance/meeting-standards-good-qualifying-work-experience/>] with the solicitor or COLP. This may help remove any misunderstanding around what is being confirmed and its purpose, for example, that confirming QWE does not mean assessing your competence.
- Set up a meeting with the solicitor or COLP or email them to talk through why they will not confirm your QWE. At the meeting or in the email:
 - Explain how you have met some or all of the competences in our statement of solicitor competence
 - Seek clarification on the grounds for refusal. You may want to refer to our guidance if appropriate.
 - Remain respectful.
- Think about inviting someone who can help explain or show how you have met some or all of the competences. This might be a line manager or supervisor if they are not the person confirming your QWE.
- Be prepared to rectify any issues that may be raised by the solicitor or COLP confirming your QWE. For example, providing more detailed evidence of how some or all of the competences were met.

You may want to consider whether another solicitor or COLP within your organisation can confirm your QWE. That person would need to review the work you have done during the relevant period of work experience and received feedback from the person or persons supervising your work.

Claiming QWE retrospectively

These steps also apply if you are looking to claim QWE from a previous employer or organisation. We have information that explain how you can do this [<https://www.sra.org.uk/trainees/qualifying-work-experience/qualifying-work-experience-candidates/using-past-jobs-or-roles-as-qualifying-work-experience/>].

We expect solicitors and COLPs to take reasonable and proportionate steps to confirm QWE retrospectively. However, it may be legitimate for them not to confirm it. For example, if it is not possible to confirm details of your period of work experience because employment records do not exist.

What if a solicitor or COLP still refuses to confirm

If after your discussions, and doing any further actions asked for, they continue to refuse, please contact our Professional Ethics team

[<https://www.sra.org.uk/contact-us/>] .

You will need to show us that you have taken steps to resolve the situation before you contacted us.

What we can do someone refuses to confirm QWE

We will only contact the solicitor or COLP with your consent. If you are in an organisation we regulate, we may contact them to remind them of their regulatory obligations when confirming QWE.

If the solicitor or COLP has agreed to confirm your QWE in the past and is now refusing without good reason, then we may remind them of their duty not to take unfair advantage.

If you are in an organisation we do not regulate, for example in a legal team at an insurer, we may contact the solicitor who you have said is responsible for confirming your QWE or the nominated external solicitor to remind them of their duty to confirm QWE where you have met our requirements.

What if I have left the firm due to bullying and do not want to make further contact?

You may want to consider seeking legal advice regarding employment issues as soon as possible. We would suggest you start by contacting the Solicitors Assistance Scheme [<http://www.thesas.org.uk/>] who offer an hour of advice free of charge.

You may also want to make a complaint [<https://www.sra.org.uk/contactus>] to us about the solicitor, COLP or law firm if you think there has been misconduct such as bullying. You should send us copies of all the evidence you have if you do this.

We may approach the law firm directly, depending on the circumstances, regarding the confirmation of your QWE.