



**IFF Research**

# Workforce Education and Training Arrangements in Regulated Entities

Prepared for the Solicitors Regulation Authority

By IFF Research with Professor Avrom Sherr

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**IFF Research**

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## Contents

1	Executive Summary	4
2	Introduction	7
3	Workforce profiles	11
4	Establishing competence of staff and their learning, education and training needs	14
5	Learning, Education and Training Strategies	20
6	Who manages learning, education and training?	26
7	Documenting and monitoring learning, education and training	29
8	Identifying risk and managing failures in competent legal service delivery	34
9	Conclusions	40
	Annexe 1: Preliminary qualitative research findings	43
	Annexe 2: Qualitative topic guide	55
	Annexe 3: Quantitative survey questionnaire	66



# 1 Executive Summary

- 1.1 In its Training for Tomorrow policy statement, the Solicitors Regulation Authority (SRA) outlined fundamental changes to the requirements the SRA places on legal service organisations. This has included making legal service providers ('entities'), rather than individual professionals, responsible to the regulator for education and learning; and focusing less on learning processes and more on outcomes.
- 1.2 To accompany these changes, the SRA is developing its policy for all entities to assist in the maintenance, development and implementation of effective legal education and training practices. To inform this policy, the SRA commissioned IFF Research to explore the systems used by regulated legal service providers across all entity types ('traditional' solicitors firms, and Alternative Business Structures<sup>1</sup>) to ensure their workforce, both qualified and unqualified, is maintaining a level of competence appropriate to their work and level of responsibility. This is with a view to informing decisions about whether further regulatory intervention may be needed and, if so, where the regulatory requirement might be placed.
- 1.3 The SRA specifically wished to look at qualified staff and others providing legal services; and this research does not deal with the legal education and training of trainee solicitors.

## Workforce profiles

- 1.4 Entities are most likely to report that partners and other qualified solicitors are involved in delivering legal services to clients (76% and 69% respectively). Three in ten entities report that other qualified solicitors sometimes undertake work that directly impacts on what is delivered to the client without supervision and a minority report non-qualified and support staff – paralegals, secretarial staff, administrative staff, and/or accounts or finance staff – sometimes being involved in legal service delivery to the client without supervision (fewer than one in twenty entities, in each case).
- 1.5 Smaller 'traditional' firms with up to 5 solicitors are more likely than other entity types to deliver legal services entirely using qualified staff. ABSs are polarised: they are more likely to be entirely using qualified staff; and they are also more likely to be using a workforce less than 25% of whom are qualified.

## Establishing competence of staff and their learning, education and training needs

- 1.6 Two-fifths of entities have formal written competence frameworks/lists to set out the skills that staff should be able to demonstrate at particular points in their career. Larger 'traditional' firms with 42+ solicitors are more likely to have these (eight in ten do so). Where competence frameworks are in place, they are slightly more likely to cover qualified and trainee solicitors, legal executives and paralegals (covered in over nine out of ten instances) than partners, accounts/finance staff, or secretarial staff/PAs (covered in around eight out of ten instances).
- 1.7 Nearly seven in ten entities have formal appraisals in place for staff involved in legal service delivery. The larger the entity, the more likely they are to hold appraisals. These tend to take place at least annually, and though they tend to be in place for most staff types, they are slightly less common for partners (among entities with formal appraisals, these are in place for partners in nearly eight in ten instances, compared with around nine in ten instances for other categories of staff).

<sup>1</sup> Alternative Business Structures (ABSs) are organisations that provide legal services and have some form of non-lawyer involvement either at the management level (e.g. as a partner, director or member); or as an owner (e.g. an investor or shareholder). The most high profile examples are organisations like British Telecom providing legal services, but many ABSs are very similar to 'traditional' law firms, albeit with a non-lawyer in a significant managerial or ownership role.



- 1.8 Three-quarters of entities have a process in place for identifying what learning, training and education an individual might need. This is the case for nearly all 'traditional' firms with 13+ solicitors. These processes are more likely to be informal (such as staff putting forward their own suggestions, or line managers keeping an eye on needs), than to involve any systematic analysis against competence frameworks.

### Learning, Education and Training Strategies

- 1.9 Just under half of entities have a training plan in place for the coming year, and just over half have a training budget. Among 'traditional' firms, the likelihood of having these increases with size of firm (for instance, among the largest firms with 42+ solicitors, three-quarters have a training plan and nearly all have a training budget).
- 1.10 Regarding the specific types of learning, education and training used in the past 12 months:
- Nearly all entities of all sizes/types have used external training;
  - Reflective learning, work shadowing and role stretching are less prevalent across the board;
  - External training and reflective learning aside, the smallest 'traditional' firms with up to 5 solicitors are less likely than other entities to have used all other types of learning, education and training;
  - Internal training and mentoring are more prevalent in medium-large firms with 13+ solicitors.
- 1.11 For partners, external training is both widely used and perceived to be the most effective approach, followed by discussion of cases. The pattern is similar for other qualified solicitors – although for them, ongoing supervision is also widely used and perceived to be effective. For trainee solicitors and paralegals, ongoing supervision is seen as the most effective approach by a long way; while for legal executives, there is more of a range of approaches that are used and perceived to be effective.
- 1.12 Entities that sometimes allow paralegals and legal executives to deliver aspects of legal services to the client unsupervised appear to use slightly fewer types of learning, education and training with their paralegal and legal executive staff.

### Who manages learning, education and training?

- 1.13 Overall, the Compliance Officer for Legal Practice (COLP) is most likely to be responsible for managing learning, education and training within entities, although in larger firms with 42+ solicitors a range of roles had responsibility (particularly HR/Learning and Development Managers/Directors). For the majority of entities, the COLP and the Compliance Officer for Finance and Administration (COFA) are involved in both planning and approving learning, education and training. Most (nine in ten) COLPs and COFAs had received training for their responsibilities.

### Documenting and monitoring learning, education and training

- 1.14 Nearly all entities, irrespective of type and size, keep records of learning, education and training activity. Recording the nature of the learning, education and training and the amount of time spent on it is relatively common (around nine in ten entities do each of these); including space for individuals to record what they learnt is less prevalent (under half of entities do this). Only three in ten use online recording tools.
- 1.15 Participation in external training is most likely to be documented, while mentoring, work shadowing and role stretching are least likely to be. Reflective learning and – despite its perceived effectiveness in ensuring competence for partners and other qualified solicitors – discussion of cases are the most prevalent types of learning, education and training activity that largely go unrecorded.



- 1.16 Around half of entities have a process in place for determining whether learning, education and training results in the acquisition of the desired skills. This rises to three-fifths among 'traditional' firms with 13+ solicitors.

### Identifying risk and managing failures in competent legal service delivery

- 1.17 Around a fifth of entities have identified failures in competent legal service delivery in the past 12 months. This rises to around two-fifths among ABSs, and 'traditional' firms with 13-41 or 42+ solicitors. 'Traditional' firms with 13-41 solicitors had recorded the highest mean average number of failures in this 12-month period<sup>2</sup>.
- 1.18 In general, failures in competent legal service delivery below partner level are most likely to be identified by their supervisors or line managers; while legal service delivery that was not fully competent at partner level is most likely to be identified through feedback from clients. Within mid-sized firms with 6-41 solicitors, file reviews are more prevalent as a means of identifying failures in competent delivery by both partners and staff below partner level.

### Conclusions

- 1.19 Our conclusions from this study are as follows:
- There is evidence that ongoing professional development is well integrated into the process of working as a qualified solicitor, with reasonably widespread use of a number of practices to support learning, education and training activity;
  - There is, however, considerable variation in current practice by size of organisation. Any stipulation that certain practises be employed by all entities should, therefore, consider whether such a requirement would be likely to have a disproportionate impact on smaller 'traditional' firms;
  - As staff that are not qualified as solicitors contribute to the delivery of legal services to clients in a significant minority of organisations – sometimes without supervision – there is a need for SRA policy to encompass all staff involved in delivery of legal services;
  - As some educational and training practices (such as competence frameworks and appraisals) are slightly less likely to cover partners than other staff, there may be a need to consider the application of learning, education and training to staff at partner level, particularly given that competence failures at this level are most likely to be uncovered 'after the event', via client feedback;
  - Consideration will need to be given towards whether the use of 'on-the-job'/internal learning, education and training approaches (such as work shadowing, mentoring or discussion of cases) should be documented to the same extent as participation in external training – particularly as some of the 'less recorded' learning, education and training strategies are among those perceived to be most effective for some staff grades.
  - File reviews currently play a role in the way in which firms monitor risk of delivery that is not fully competent and the recording mechanisms for this perhaps need to be taken into consideration in the new regulatory approach.
  - The intended shift towards outcomes-focussed learning, education and training will require a considerable change of approach among some entities, as systems for determining the impact of learning, education and training or prompting individuals to reflect on its outcomes are relatively uncommon.

<sup>2</sup> The survey did not attempt to capture the precise nature of these "failures" or views on how bad the "failures" cited were and therefore our comparisons re: numbers of "failures" need to be treated with a degree of caution.



## 2 Introduction

2.1 This document reports the findings from research undertaken to explore workforce education and training arrangements in providers of legal services regulated by the Solicitors Regulation Authority (SRA).

### Background

2.2 The Solicitors Regulation Authority (SRA) is the independent regulatory body for legal service providers in England and Wales. These providers are called ‘entities’ throughout this report.

2.3 The SRA is a public interest regulator committed to setting, promoting and securing the standards of behaviour and professional performance necessary to ensure that consumers receive a good standard of service and that the rule of law is upheld.

2.4 In October 2013 the SRA published its Training for Tomorrow policy statement. This outlines fundamental changes to the requirements the SRA places on legal service organisations – including making entities, rather than individual professionals, responsible to the regulator for education and learning; and focusing less on learning processes and more on outcomes.

2.5 To inform this work, the SRA commissioned IFF Research to explore the systems used by regulated legal service providers across all entity types (‘traditional’ solicitors firms, and Alternative Business Structures<sup>3</sup>) to ensure their workforce, both qualified and unqualified, is maintaining a level of competence appropriate to their work and level of responsibility. This is with a view to informing decisions about whether further regulatory intervention may be needed and, if so, where the regulatory requirement might be placed.

2.6 The SRA is particularly interested in how these systems relate to any type of employee involved in legal service delivery (i.e. if the employee’s work impacts on what is delivered to the client, even if the employee in question does not interact *directly* with clients). The SRA specifically wished to look at qualified staff and others providing legal services; and this research does not deal with the legal education and training of trainee solicitors.

2.7 The research is designed to inform the development of SRA policy for all entities to assist in the maintenance, development and implementation of effective legal education and training practices.

### Research objectives

2.8 In particular the research aims to understand:

- The types of staff involved in delivering legal services, and how LET strategies are planned and targeted across these staff types;
- How entities are using learning, education and training (LET) strategies and systems to meet regulatory requirements and business needs;
- Whether LET activity is linked to competence frameworks and/or appraisals;

<sup>3</sup> Alternative Business Structures (ABSs) are organisations that provide legal services and have some form of non-lawyer involvement either at the management level (e.g. as a partner, director or member); or as an owner (e.g. an investor or shareholder). The most high profile examples are organisations like British Telecom providing legal services, but many ABSs are very similar to ‘traditional’ law firms, albeit with a non-lawyer in a significant managerial or ownership role.



- How entities document and monitor implementation of LET, including through the use of online/electronic systems;
- The identities of staff involved in managing LET to ensure compliance; including the role of the Compliance Office for Legal Practice (COLP) and Compliance Officer for Finance and Administration (COFA) specifically, and how LET is used to support the COLP/COFA in these roles<sup>4</sup>;
- What good practice exists in the implementation and management of LET activities within entities, to ensure competence across those delivering legal services; and
- How risks to competent legal service delivery might be identified; and what action is taken in the event of non-compliance.

### Research approach

- 2.9 The research included both a quantitative telephone survey and qualitative in-depth interviews.
- 2.10 The qualitative phase was predominantly conducted first: of the 20 in-depth interviews conducted, 14 took place prior to the quantitative survey; and 6 afterwards. Conducting qualitative interviews at the outset was important in order to understand the range of approaches that entities take to the training, development and monitoring of their legal staff, and thus to inform the development of a questionnaire which covered the key issues and was framed in language which could be understood consistently. Qualitative Interviews lasted around 1 hour and were used to explore in more depth how legal service providers currently provide education and learning, and what they consider good practice.
- 2.11 IFF has conducted a wide range of studies into HR practices in different types of businesses and generally finds that business size is a very important determinant of approaches taken (a view also taken by the SRA; and borne out by the findings of previous studies in the legal services sector, such as the Legal Education and Training Review). Hence a measure of entity size was used as the main characteristic to structure the qualitative sample, while also treating ABSs separately. The sample structure was as follows:

'Traditional' firm, 1-12 solicitors	13-41 solicitors	42-170 solicitors	171+ solicitors	ABSs
6	3	3	3	5

- 2.12 The quantitative phase comprised a sample of 750 interviews, in order to allow us to obtain robust data on entities' practices regarding education, learning and training, both at the overall level and for sub-groups of organisations. Telephone interviews were conducted from 2<sup>nd</sup> to 24<sup>th</sup> April 2014. Sample for the survey was provided by the SRA.
- 2.13 As with the qualitative work, we set interviewing targets by size/type of firm using number of solicitors to structure the sample. These targets were designed to recognise to a degree the overall structure of the market and the importance in terms of volume of the smaller firms while over-sampling the larger

<sup>4</sup> COLPs and COFAs are required to be champions of risk management and compliance within a firm, and have responsibility for the firm's systems and controls. They are responsible for ensuring processes are in place to enable the firm, its managers and employees and anyone who has any interest in the firm to comply with SRA requirements. These have been introduced by the SRA as part of its move to entity-based and outcomes-focused regulation, to help ensure that firms will take responsibility for managing risks to their delivery of legal services.



firms and Alternative Business Structures (ABSs) to a level that allowed us to analyse results by size and entity type.

2.14 The data from the survey was then weighted to correct for the deliberate over-sampling of larger firms and ABSs. Weights were calculated by obtaining population data from the whole SRA database of entities. The dataset was weighted to match the actual population profile by:

- Organisation type (traditional firm vs. ABS); and
- Size.

2.15 The population counts, the breakdown of the 750 telephone interviews achieved by size and organisation type, and the profile of the sample after weights had been applied, are shown in the table below:

Entity size/type	Count of entities on SRA database	% of total	Achieved interviews	Weighted total
'Traditional' firm, 1 solicitor	3,455	31.3	79	235
'Traditional' firm, 2 – 5 solicitors	4,509	40.8	176	306
'Traditional' firm, 6 - 12 solicitors	1,650	14.9	222	112
'Traditional' firm, 13 - 41 solicitors	933	8.4	151	63
'Traditional' firm, 42 - 170 solicitors	231	2.1	50	16
'Traditional' firm, 171+ solicitors	77	0.7	17	5
ABSs	192	1.7	55	13
	<b>11,047</b>		<b>750</b>	<b>750</b>

### A note on this report

2.16 Please note that the majority of the findings detailed in this report are from the quantitative telephone survey unless otherwise stated. Some of the findings are from the qualitative in-depth interviews: these findings are clearly introduced as being from this other data collection stream.

2.17 Where we comment on differences between types of respondent in the telephone survey findings, these are always statistically significant, unless stated otherwise (that is we can be 95% confident<sup>5</sup> that these are 'real' differences in views between different types of respondent, rather than these apparent differences simply being due to margins of error in the data).

2.18 This study only covers the employer view (we do not know from this study how LET approaches are received by staff and we have no empirical measure of the impact that they have on their competence). Similarly, assumptions regarding what constitutes 'good practice' are reliant on employer/researcher judgement.

<sup>5</sup> We can be confident that if we conducted the survey 100 times, on 95 occasions out of 100 these would be found to be 'real' differences between different groups of respondents.



2.19 This report covers the following:

- Chapter 3 explores the profile of staff employed by entities, including the proportion of these who are involved in delivering legal services and who work unsupervised. This is to provide context in terms of: whether LET activities are planned and targeted across all staff types involved in legal service delivery; and the types of staff that further regulatory intervention might need to address;
- Chapter 4 examines practices and systems that entities use to meet regulatory requirements, by establishing, and ensuring, the competence of the staff they recruit and employ. The chapter details the presence of competence frameworks and appraisals, as well as how LET needs are identified; and whether this is perceived as integral to business objectives;
- Chapter 5 examines the existence of training plans and budgets; as well as which learning strategies are used; how these are targeted across different staff types; and which learning strategies are deemed to be most effective;
- Chapter 6 looks at the staff managing LET and the role of the COLP and COFA (including how LET is used to support the COLP and COFA in their roles);
- Chapter 7 describes the approaches to documenting and monitoring LET activities within entities (including through the use of online/electronic systems);
- Chapter 8 explores the approaches to identifying risk in competent legal service delivery; and what action is taken in the event of non-compliance;
- Chapter 9 draws conclusions from the quantitative and qualitative strands of research, to help inform SRA thinking about best practice in terms of LET; including whether further regulatory intervention may be needed and, if so, where the regulatory requirement might be placed.

2.20 The topic guide used for the qualitative interviews and the survey questionnaire are included in an annex to this report.



### 3 Workforce profiles

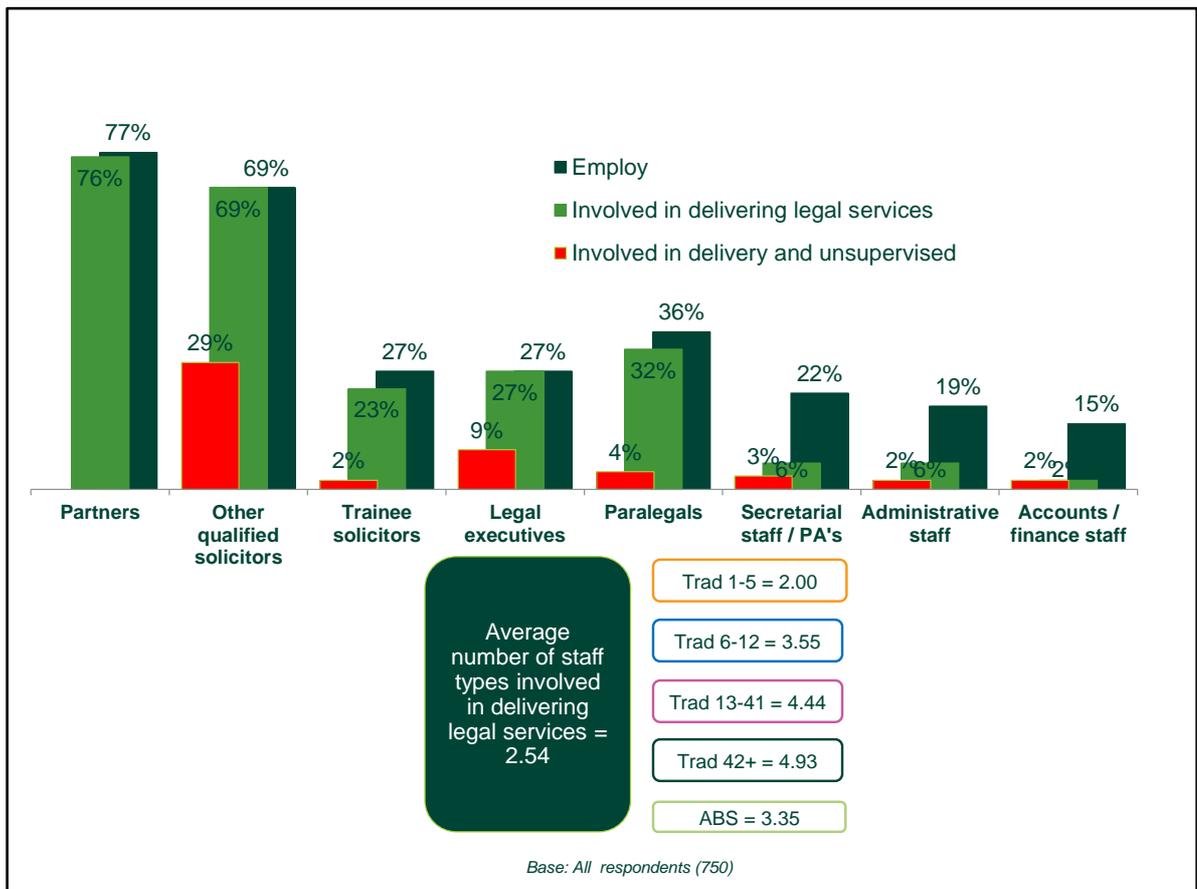
- 3.1 This section explores the profile of staff employed by entities, including the proportion of those staff who are involved in delivering legal services, and the proportions who work unsupervised in delivering legal services to the client. This is to provide context in terms of: whether LET activities are planned and targeted across all staff types involved in legal service delivery; and the types of staff that further regulatory intervention might need to address.
- 3.2 Within this section we cover the following questions that were asked of entities:
- What categories of staff they normally employ;
  - How many of each staff type they employ;
  - Which staff types are involved in delivering legal services to clients; and
  - Which staff types do work that impacts on clients, without supervision.
- 3.3 Figure 3.1 details the proportion of entities that employ each staff type, the proportion who involve each staff type in delivering legal services (including the average number of staff types involved in delivery) and the proportion of firms in which each staff type are involved in delivering some services to clients without supervision<sup>66</sup>. The main “staff types” identified by the entities were: partners, other qualified solicitors, trainee solicitors, legal executives, paralegals, secretarial staff/PAs, administrative staff and accounts/finance staff. It is worth noting that in firms where staff deliver some services unsupervised this does not mean that all their work is unsupervised.

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<sup>66</sup> Partners are included here as a “staff type” and as “employed” by the entity although it is acknowledged that equity partners will actually be the owners and employers as well as working on client matters. For partner level “staff”, entities were not asked whether they undertake any work that impacts on clients, without supervision.



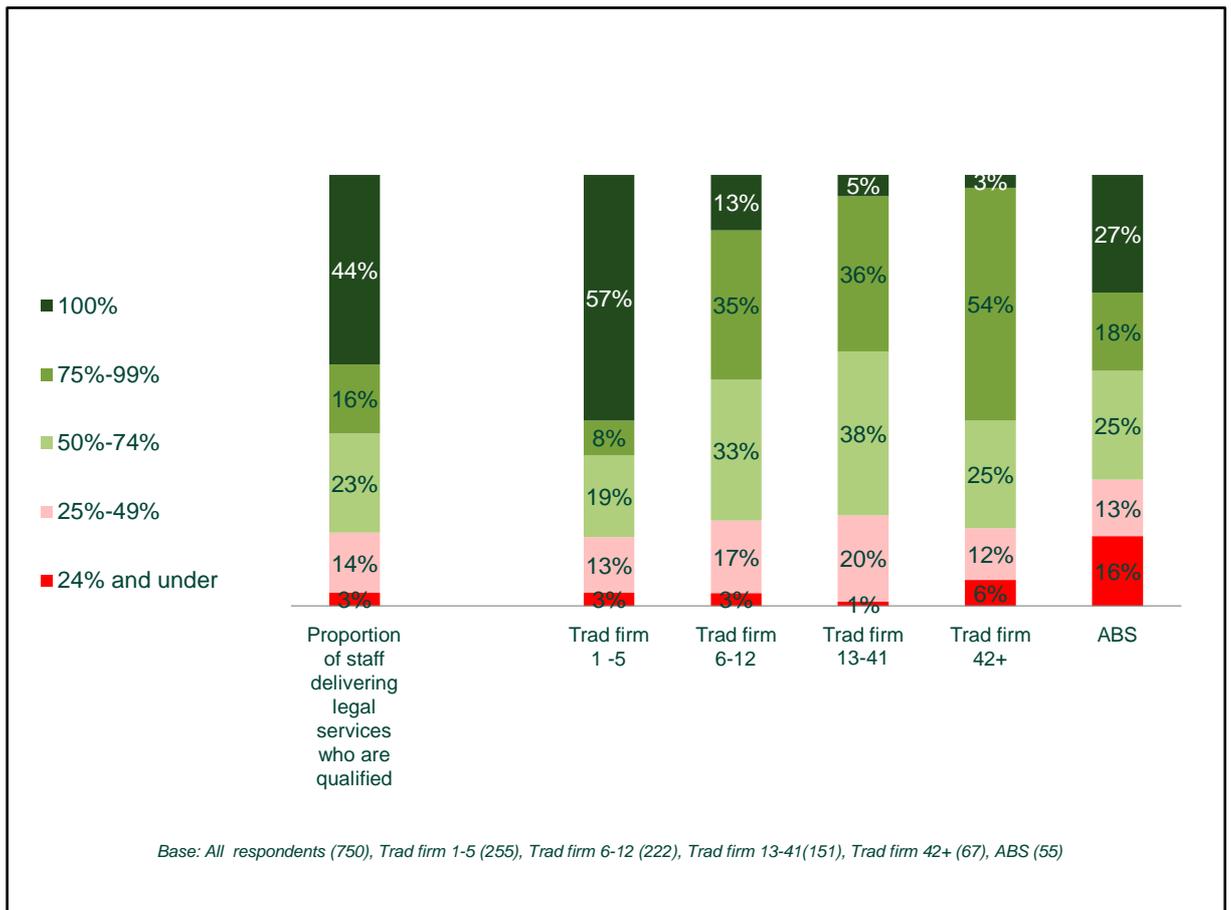
**Figure 3.1: Profile of staff, by whether they are involved in delivering legal services and whether unsupervised**



- 3.4 Entities are most likely to report that partners and other qualified solicitors are involved in delivering legal services to clients (76% and 69% respectively – the lighter green bar).
- 3.5 Three in ten (29%) entities report that other qualified solicitors undertake some work that directly impacts on what is delivered to the client without supervision (shown as the red bar). A minority of entities report non-qualified and support staff being involved in legal service delivery to the client without supervision (4% of entities report using paralegals in client delivery, 3% report using secretarial staff, 2% administrative staff, and 2% accounts or finance staff).
- 3.6 Overall the average number of staff types involved in delivering legal services is 2.54. As would be expected, the larger the organisation the more staff types involved. For instance, for ‘traditional’ firms with 1-5 solicitors the average number of staff types involved in delivering legal services was 2.0 and for ‘traditional’ firms with 42 or more solicitors the average was 4.93.
- 3.7 Figure 3.2 displays the proportion of staff delivering legal services who are qualified solicitors; both overall and for the different entity types.



**Figure 3.2: Profile of staff by proportion of qualified solicitors**



3.8 Smaller ‘traditional’ firms and ABSs are more likely to deliver legal services using entirely qualified staff (57% and 27% respectively reported that 100% of staff delivering legal services are qualified solicitors). ABSs are also more polarised in terms of the proportion using qualified solicitors to deliver legal services: as well as being more likely to deliver using a workforce in which 100% are qualified solicitors, ABSs are also relatively more likely to deliver legal services using a workforce where less than 25% are qualified (16% report this to be the case). It is possible that this research is identifying two different strands within ABSs: those who are very similar to traditional firms, and those who are more innovative developments.

3.9 This analysis shows clearly that delivery of legal services by qualified solicitors accounts for only part of the service that clients receive, particularly in larger entities.



## 4 Establishing competence of staff and their learning, education and training needs

- 4.1 This chapter explores the practices and systems that entities use to meet regulatory requirements, by establishing, and ensuring, the competence of the staff they recruit and employ. It explores the role of competence frameworks and appraisals, as well as how the learning, education and training needs of staff are identified, and whether this is perceived as integral to business objectives (as well as being a regulatory requirement).

### The role of recruitment

- 4.2 Within the qualitative in-depth interviews we explored the role of recruitment processes in establishing the competence of staff. For most entities, the recruitment process itself is used as a means of assessing new recruits' competence, with there tending to be no formal assessment of competence at induction, once staff have actually been appointed.
- 4.3 What is looked for/required when recruiting varies across the different staff types.
- 4.4 Partners tend to have progressed through the entity from more junior roles. For other qualified solicitors, entities look for academic qualifications; strength in specialism; client handling; and a 'good fit' personality. For most, this is informed by succession planning. Entities may also look to recruit individuals for qualified solicitor posts who are already known to them personally. For both partners and other qualified solicitors, therefore, entities are tending to appoint known quantities in order to manage risk.
- 4.5 For trainee solicitors, there is typically a need for a law degree, Graduate Diploma in Law (GDL) conversion or Legal Practice Course (LPC); but soft skills and 'good fit' personality are also important – once again this is informed by succession planning.

*“When we are looking at trainee solicitors, we always judge people on whether we think they are a partner of the future and that is absolutely vital.”*

**171+ solicitors, Traditional Law Firm**

- 4.6 For legal executives and paralegals entities tend to have less stringent requirements. When recruiting for roles at this level there is a tension between the desire for ambitious individuals and/or legal expertise versus the 'fear' that the too-ambitious / qualified may not wish to stay within the role for long enough to meet the entities' needs.

*“It's nice to have bright, articulate people who...are ambitious, but...you need people who are happy to do the admin role... It's trying to get the right balance.”*

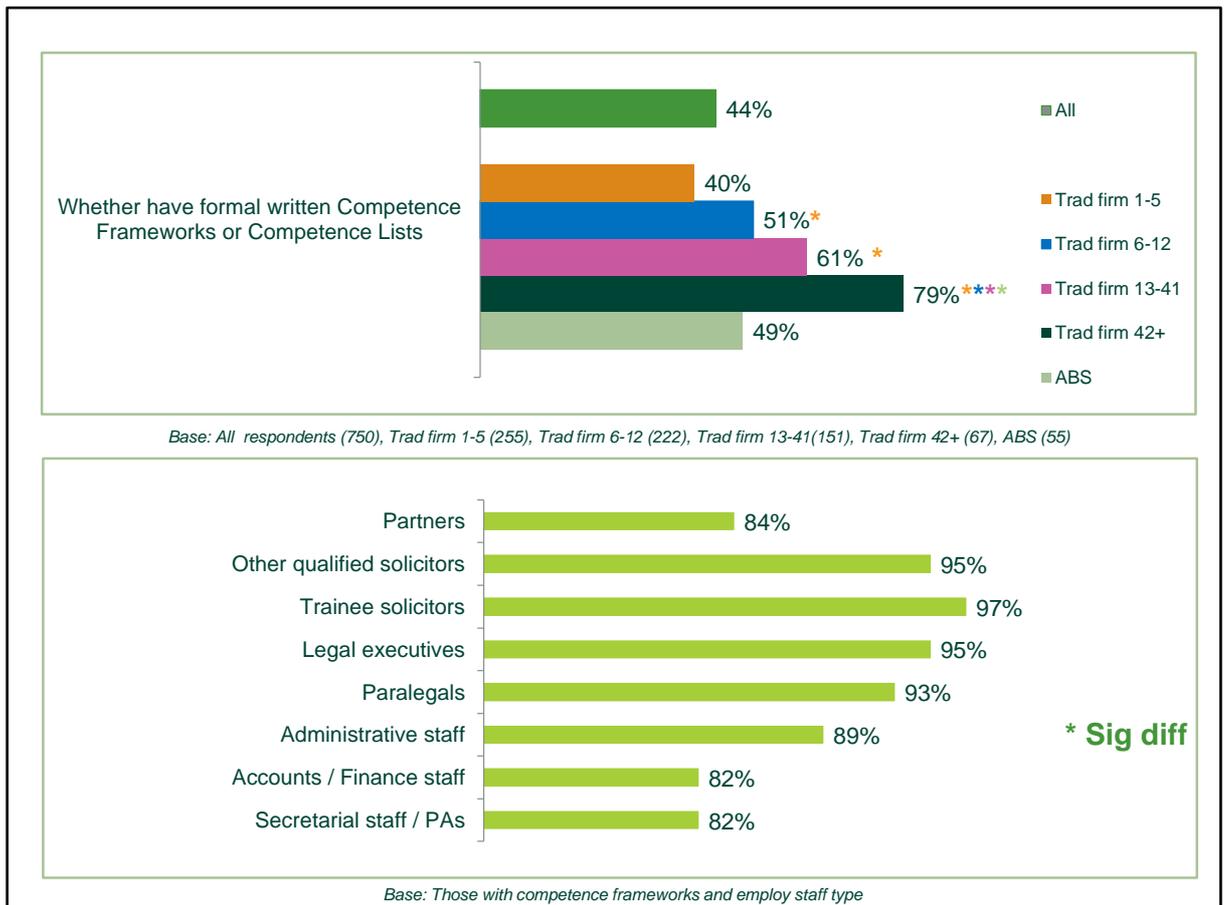
**13-41 solicitors, Traditional Law Firm**



### Competence frameworks

- 4.7 During the quantitative telephone interviews we asked whether entities had competence frameworks or lists giving the skills staff should be able to demonstrate at particular points in their career. Where these were in place, we also asked which categories of staff these competence frameworks or lists are applied to.
- 4.8 As shown in Figure 4.1, larger 'traditional' firms are more likely to have formal written Competence Frameworks / Lists (79% of those with 42+ solicitors reported having these). Competence Frameworks / Lists are most commonly in place for solicitors, both qualified and trainee (95% and 97% respectively), legal executives (95%) and paralegals (93%). Where entities are using Competence Frameworks they are slightly less likely to be used for partners (and also for support staff).
- 4.9 Sole practitioners are far less likely to have Competence Frameworks in place (20%) than firms with more than one solicitor (55%). Nevertheless, this figure is considerably higher if based on sole practitioners with other members of staff (35%). Less than one in ten (7%) sole practitioners with no other staff have Competence Frameworks in place.

**Figure 4.1: Use of Competence Frameworks or Competence Lists within regulated entities**



4.10 The qualitative interviews cast additional light on the precise nature of the Competence Frameworks / Lists that are in place within entities.

4.11 Smaller entities tend to be less structured in their approach. The skills / competences are not formally recorded but held in the minds of those recruiting / appraising.

*“I haven’t written them down! We have process-mapped everything else, but not the skills and competencies.”*

**1-12 solicitors, ABS**

4.12 However, many of both the smaller and larger entities had skills / competences contained within job descriptions. These tend to be stored electronically / online and are used to inform both recruitment and appraisals.

*“Each role has a job description and that obviously lists key criteria that we are looking for...we have those in mind when we are recruiting and refer back to those.”*

**13-41 solicitors, Traditional Law Firm**

4.13 Within some larger entities, separate competence frameworks that are often extremely detailed and differ for specific staff types / levels. These tend to be stored / shared electronically and in hard copy.

*“Under each competency there will be a level – trainee, associates and beyond – and there are a list of ways they can demonstrate these in their role. So there are headline competences with specifics on how they can be broken down.”*

**171+ solicitors, Traditional Law Firm**

4.14 Most entities reported that the skills / competences were broadly consistent throughout a staff level / type. Only a few of the entities interviewed in the qualitative research reported that there is tailoring by specialism / department.

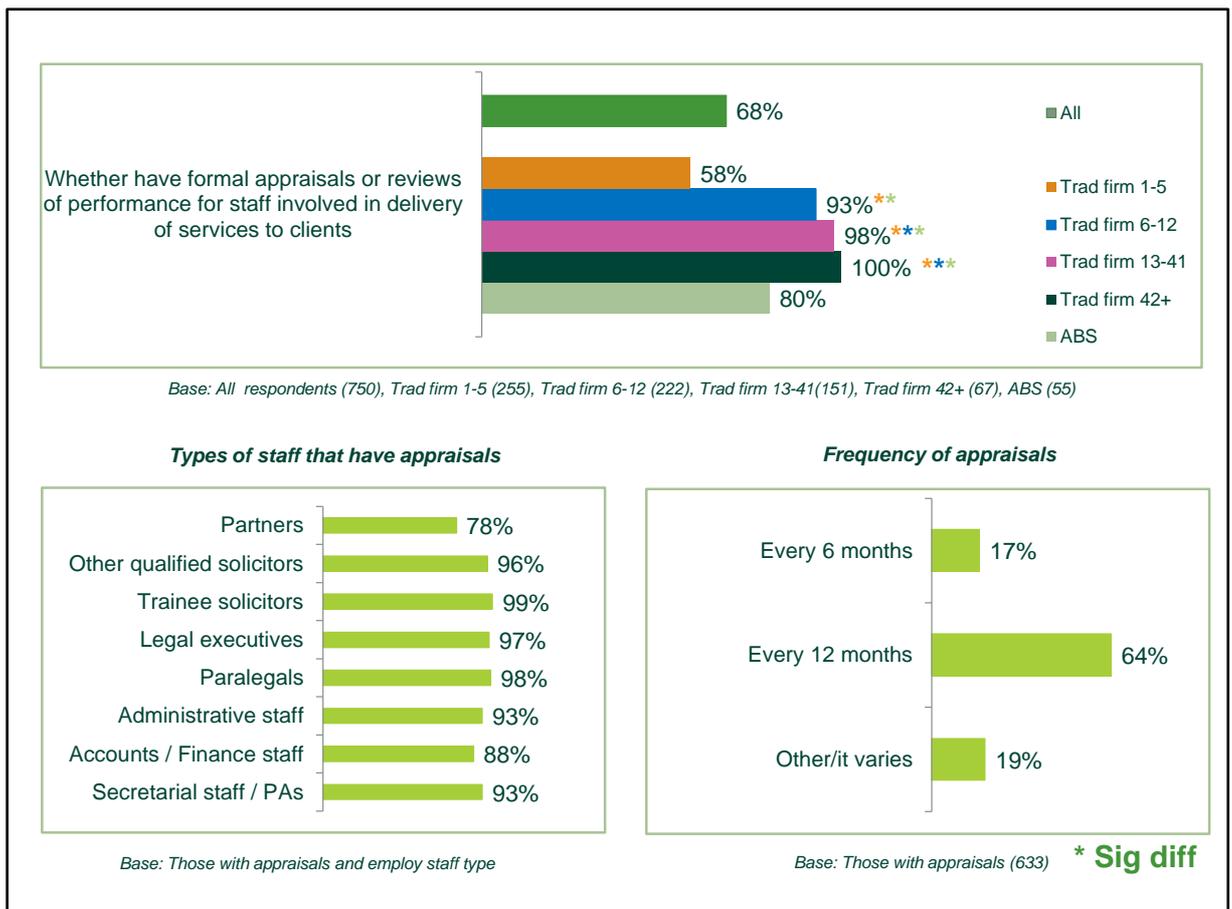
4.15 Competences are mostly developed internally using the experience and knowledge that exists within an entity. However, within the qualitative interviews there was one instance of a larger entity using an external consultant that ran staff focus groups and interviews when developing their competence frameworks.



## Appraisals

- 4.16 Entities were asked whether they have formal appraisals or performance reviews for staff involved in legal service delivery to clients, and, where these were in place, which categories of staff these apply to and how regularly they take place.
- 4.17 As shown in Figure 4.2, size of firm correlates with likelihood to have formal appraisals. The larger the firm the more likely they are to have appraisals or reviews of performance for staff involved in delivery of service to clients. All (100%) 'traditional' firms with 42 or more solicitors have formal appraisals in comparison with 58% of 'traditional' firms with 1-5 solicitors. Less than half of (49%) sole practitioners who employ other staff hold appraisals for staff involved in legal service delivery.
- 4.18 Appraisals are commonly in place for the majority of staff types, although with lower levels reported for partners (78% of entities reported having appraisals in place for partners; compared with between 88% and 99% of entities for other categories of staff).
- 4.19 For the majority of entities with appraisals these take place at least every 12 months (17% every 6 months and 64% every 12 months).

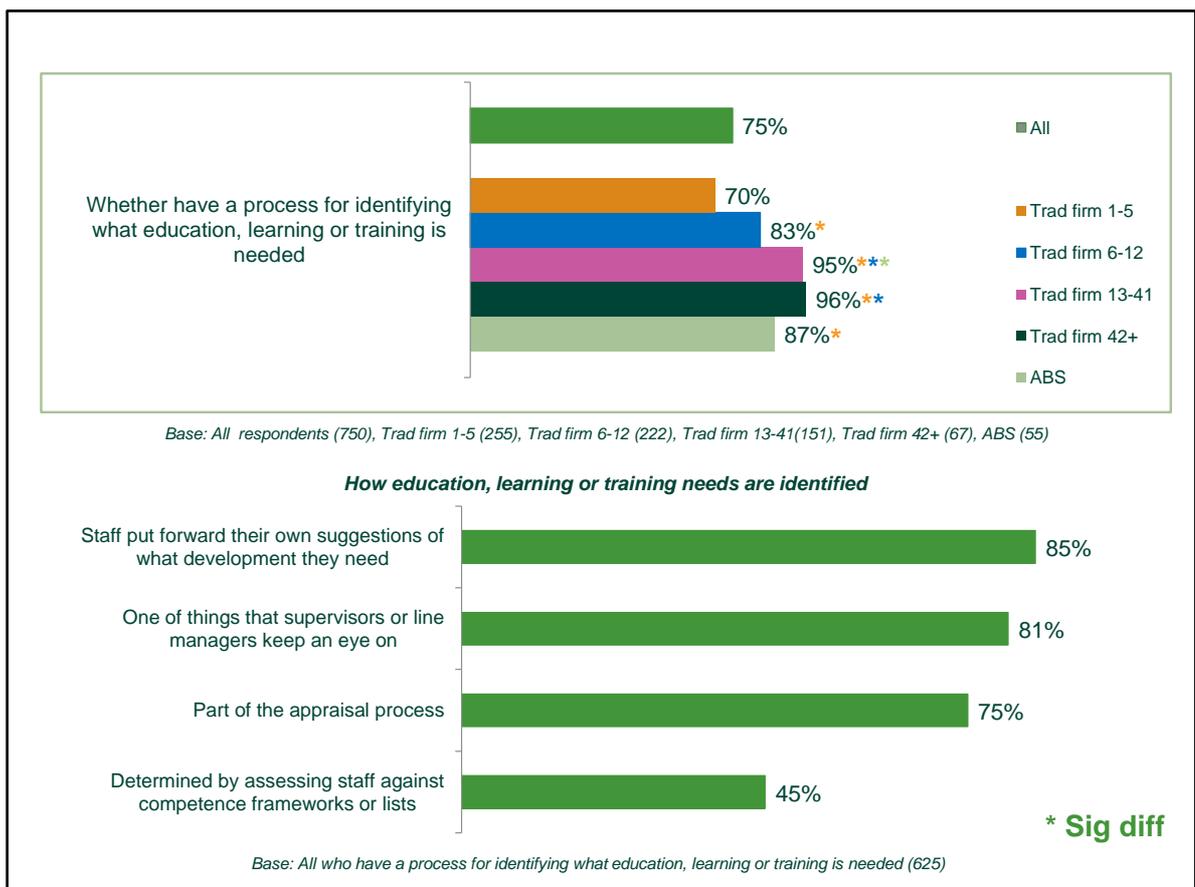
**Figure 4.2: Whether regulated entities have appraisals / reviews, for which staff types and how frequent these are**



Process for identifying Learning, Education and Training needs

- 4.20 Entities were asked whether they have a process in place for identifying what learning, education and training members of staff might need, and, where this was in place, how it operates.
- 4.21 Overall three-quarters (75%) of entities have a process in place for identifying what learning, education and training members of staff might need – substantially higher than for all UK workplaces<sup>7</sup>. The proportion of traditional firms with 1-5 solicitors with a process in place (70%) is significantly lower than other entity types: almost all firms with 13+ solicitors have a process for identifying training needs (figure 4.3)
- 4.22 Firms with more than one solicitor are far more likely to have a process for identifying needs than sole practitioners (83% vs. 58%), although these processes are more common amongst sole practitioners with other members of staff (70%).
- 4.23 For those with processes for identifying training needs, these were more likely to be informal methods such as staff putting forward their own suggestions of what development they need (85%) or supervisors and line managers keeping an eye on potential needs (81%), rather than systematic analysis against competence frameworks (45%).

**Figure 4.3: Whether regulated entities have a process for identifying LET needs and how these needs are identified**



<sup>7</sup> The 2013 Employer Skills Survey (ESS) shows that 51% of UK workplaces have training needs assessments. This survey of 91,000 employers is site-based, but this is reasonable comparator since the majority (76%) of entities surveyed are single-site. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/303494/evidence-report-81-ukces-employer-skills-survey-13-full-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303494/evidence-report-81-ukces-employer-skills-survey-13-full-report.pdf)



## Role of LET practices and systems in wider business objectives

- 4.24 In the qualitative interviews, respondents were asked how important these LET practices and systems are to their business; and in what ways they help to meet business objectives. The consensus was that respondents considered LET to be essential to their business, as it ensures fee-earners keep up to date in an ever-changing sector and thus provide a competent service to clients. Ultimately, ensuring competent delivery is perceived to create market advantage.

*“I think it should be treated with exactly the same importance as getting new client work in. The standards that you operate will give you a market advantage.”*

**1-12 solicitors, ABS**

*“You are on a continual learning journey...the most important thing of all is the quality of the service we deliver to our clients. You can’t deliver a quality service without being innovative, without being on the ball, and top of the game. The only way we are going to do that effectively is through good quality training and learning. The principal focus should be on client delivery. Training and learning...is a means to an end, not the other way round.”*

**13-41 solicitors, Traditional Law Firm**

*It’s part of squaring the circle, not just an optional extra you can chuck out. It’s culturally embedded. You can’t change their character but you can move them on a phase where they can recognise where their weaknesses are and address them when they’re dealing with clients.*

**171+ solicitors, ABS**

- 4.25 Some felt that, for the entity to succeed, LET practices needed to be applied to all staff, irrespective of role, as the performance of all types of staff could affect the entity’s commercial performance.

*“Treat everybody with same level of importance as you’re all working for the firm’s success. Hierarchy and status does not help the firm to move forward altogether. If you neglect one element you have damage ‘like a puncture in your tyre’.”*

**13-41 solicitors, Traditional Law Firm**

- 4.26 Effective LET was also considered to be important to business objectives through the attraction and retention of staff.

*“The business is all about the people delivering the service so you need to make sure you have the best people delivering the best service. Training keeps them up to date, develops their skills and hopefully improves the service we deliver.”*

**41-170 solicitors, Traditional Law Firm**



## 5 Learning, Education and Training Strategies

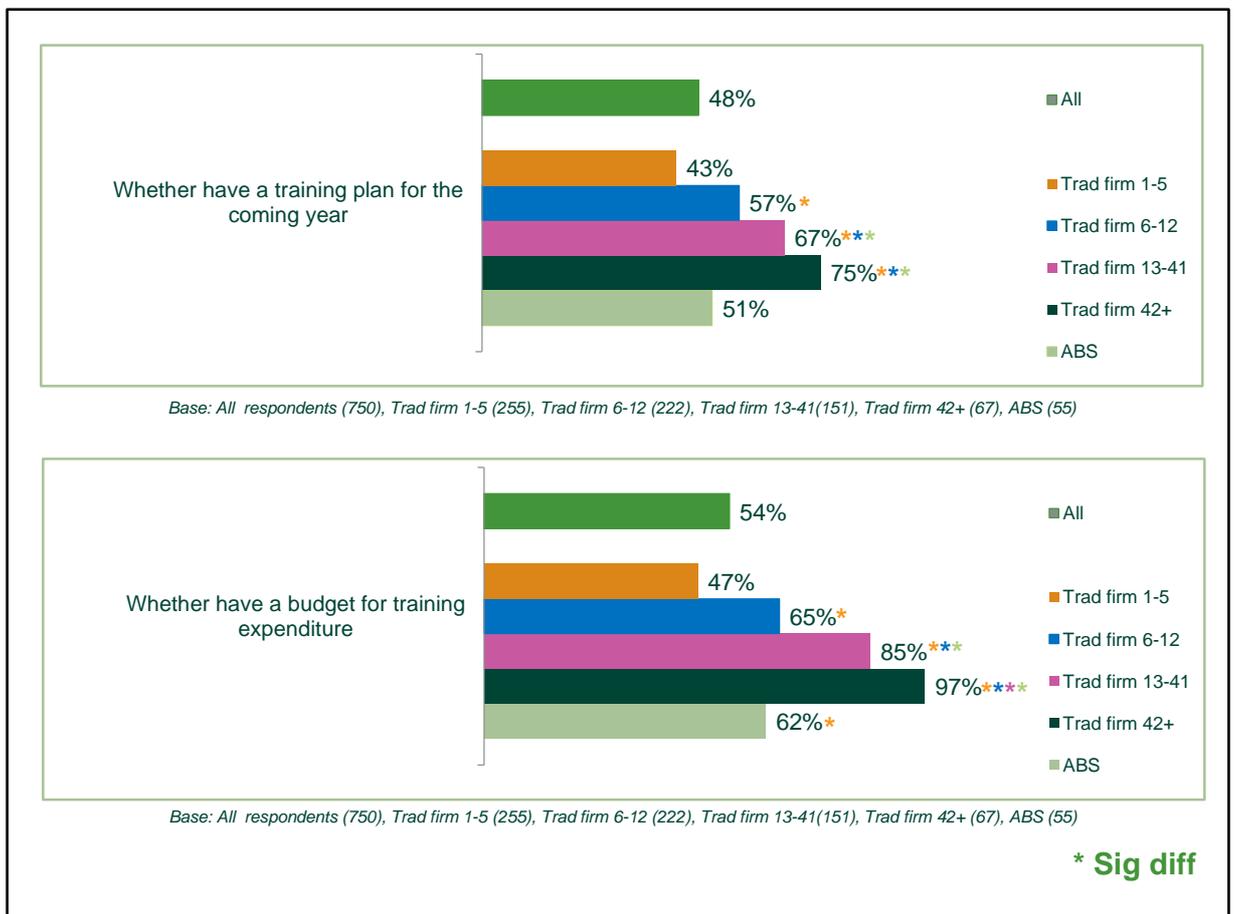
5.1 This chapter explores the presence of training plans and budgets, the learning, education and training strategies that entities use, how LET strategies are targeted across specific staff types, and which are perceived to be the most effective strategies for each type of staff.

### Training plans and budget

5.2 Entities were asked whether they have in place a training plan that specifies in advance the level and type of training that staff will need in the coming year; and/or a budget for training expenditure.

5.3 Overall around half of firms had a training plan in place for the coming year (48%) and / or had a budget for training expenditure (54%). These figures are higher than those found for all UK workplaces – substantially so in relation to training budgets<sup>8</sup>. Larger firms are most likely to have a training plan in place for the coming year and a training budget (75% report having a training plan and 97% a training budget, among traditional firms with 42 or more solicitors – figure 5.1).

**Figure 5.1: Whether regulated entities have training plans for the coming year and budgets in place for training expenditure**



<sup>8</sup> The 2013 Employer Skills Survey (ESS) shows that 44% of UK workplaces have a training plan and 30% a training budget. This survey of 91,000 employers is site-based, but this is reasonable comparator since the majority (76%) of entities surveyed are single-site.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/303494/evidence-report-81-ukces-employer-skills-survey-13-full-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303494/evidence-report-81-ukces-employer-skills-survey-13-full-report.pdf)

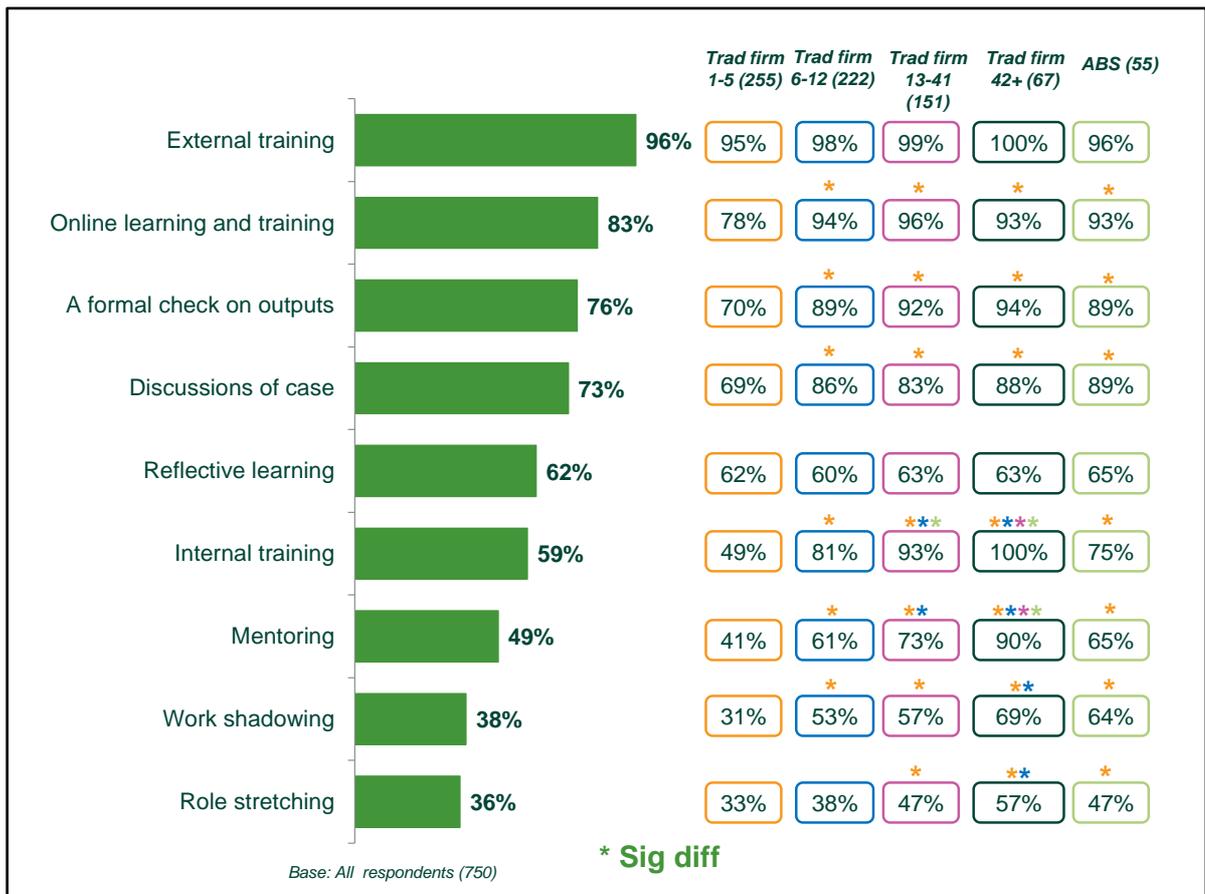


5.4 Compared with sole practitioners, firms with more than one solicitor are significantly more likely to have a training plan (55% vs. 32%) and / or a training budget (59% vs. 44%). There are no significant differences between sole practitioners working alone and those who employ other members of staff.

Learning, education and training strategies used

5.5 We prompted entities with a list of learning, education and training strategies and asked which, if any, they had used to aid the development of any of their staff in the preceding 12 months. The results are shown in figure 5.2.

**Figure 5.2: Learning, education and training strategies used by regulated entities in past 12 months**



5.6 Overall this shows that a wide range of strategies are used to ensure that staff have the skills required of them and that the more traditional approaches that are most likely to be considered for meeting CPD targets (such as external training) only account for some of the development activity that is in place.

5.7 In addition Figure 5.2 shows that:

- The majority (96%) of entities had used external training within the last 12 months, with little variation across the entity types.
- Training delivered online is an important part of the overall LET picture.
- Smaller 'traditional' firms with 1-5 solicitors have similar engagement with external training and reflective learning as other entity types, but are less likely to have engaged with the remaining learning, training and education strategies.



- Compared with other strategies, the use of reflective learning, work shadowing and role stretching is consistently less prevalent across all entity types (but these strategies are still used in a significant minority of firms).
- The use of internal training and mentoring are most prevalent in medium-large ‘traditional’ firms (with 13 or more solicitors).

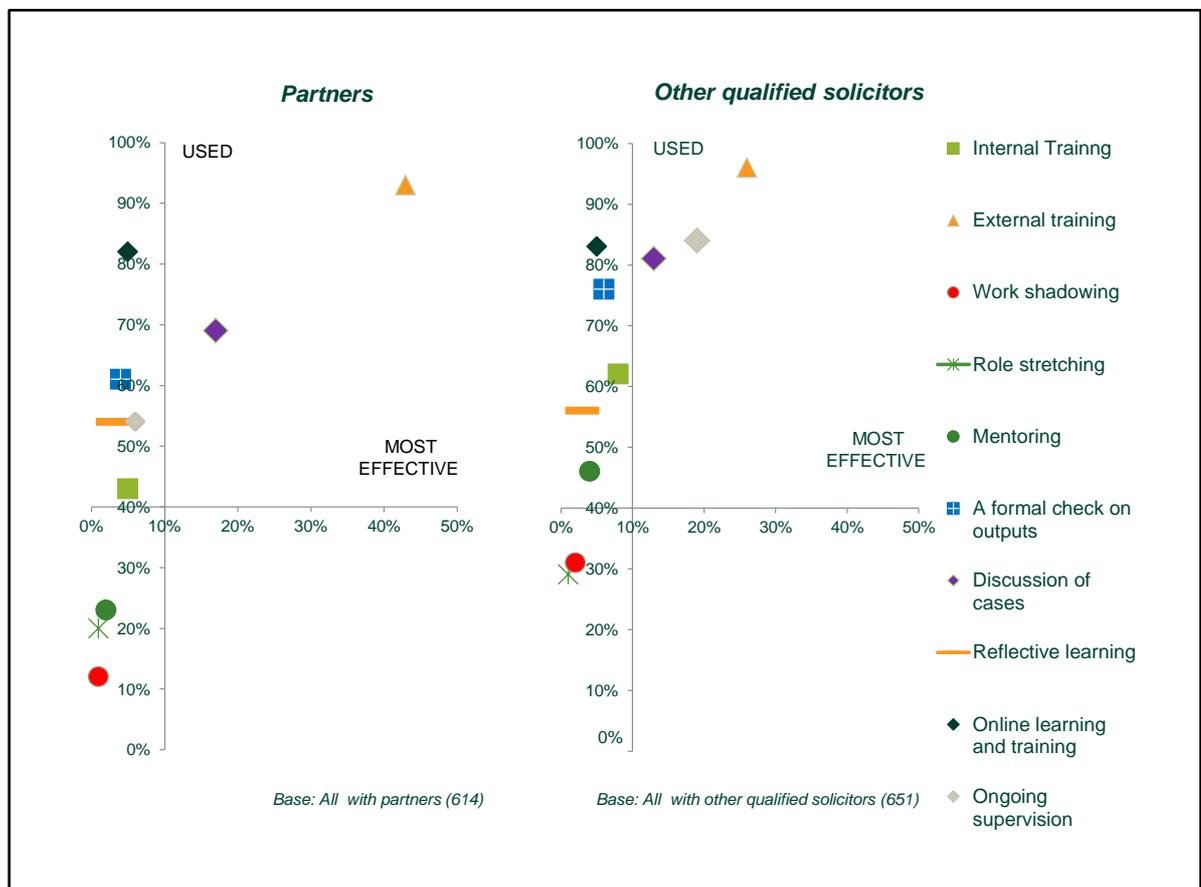
5.8 Entities were prompted with the same list of learning, education and training strategies as well as the staff types they employ and asked:

- Which strategies they use for each type of staff; and
- Which one strategy they think is the most effective for ensuring competent legal service delivery for staff at that level.

5.9 Figures 5.3 to 5.5 show the learning, education and training strategies used compared with the one strategy that was perceived to be most effective for the different levels of staff. On the Y axis is plotted the proportion of entities using each practice at all while on the X axis is plotted the proportion stating that the approach is the most effective route to ensure competent delivery. The LET strategies appearing in the top right quadrant are those that are both commonly used and felt to be most effective by a large proportion of entities.

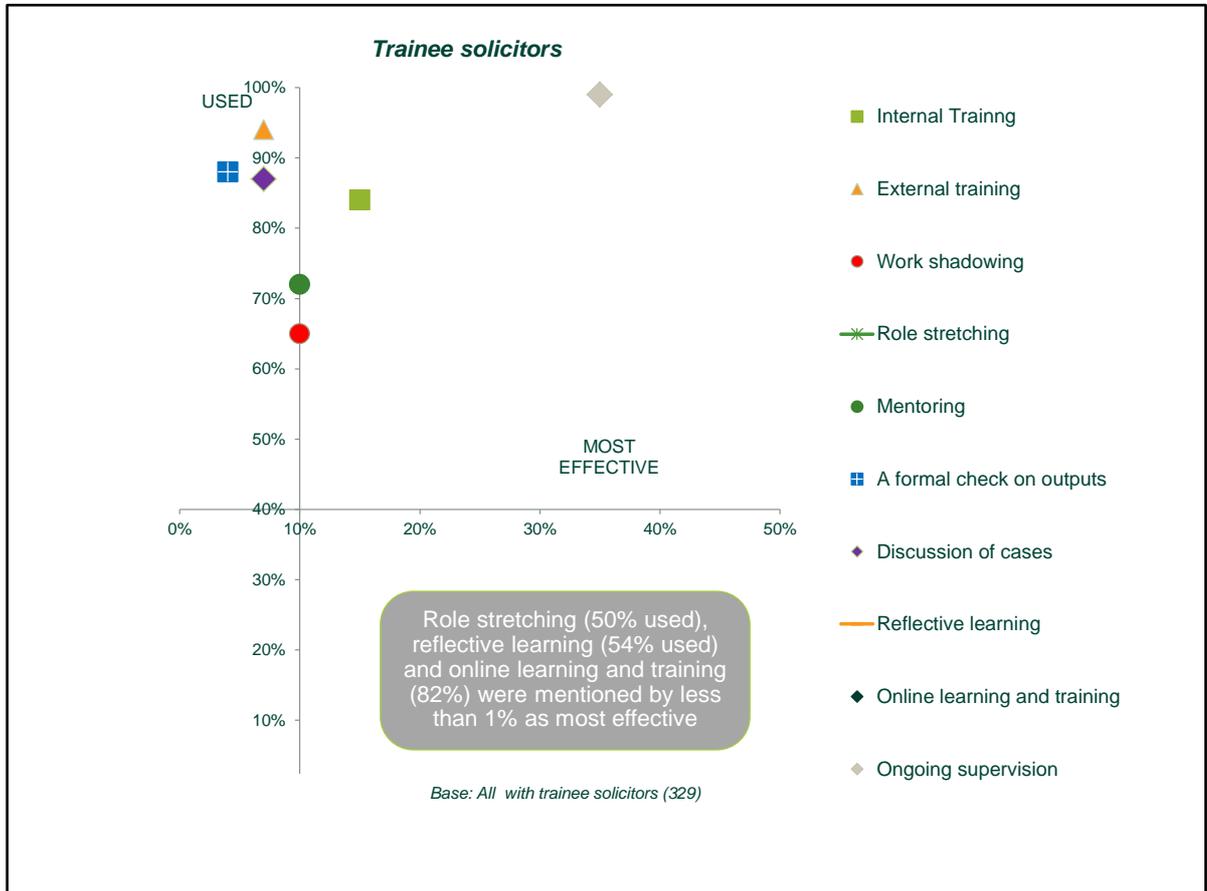
5.10 For both partners and other qualified solicitors, external training and discussion of cases are both widely used and commonly seen as the most effective approach. For other qualified solicitors ongoing supervision is also commonly felt to be the most effective approach for ensuring competent delivery of legal services (figure 5.3).

**Figure 5.3: Strategies used vs. most effective – partners and other qualified solicitors**



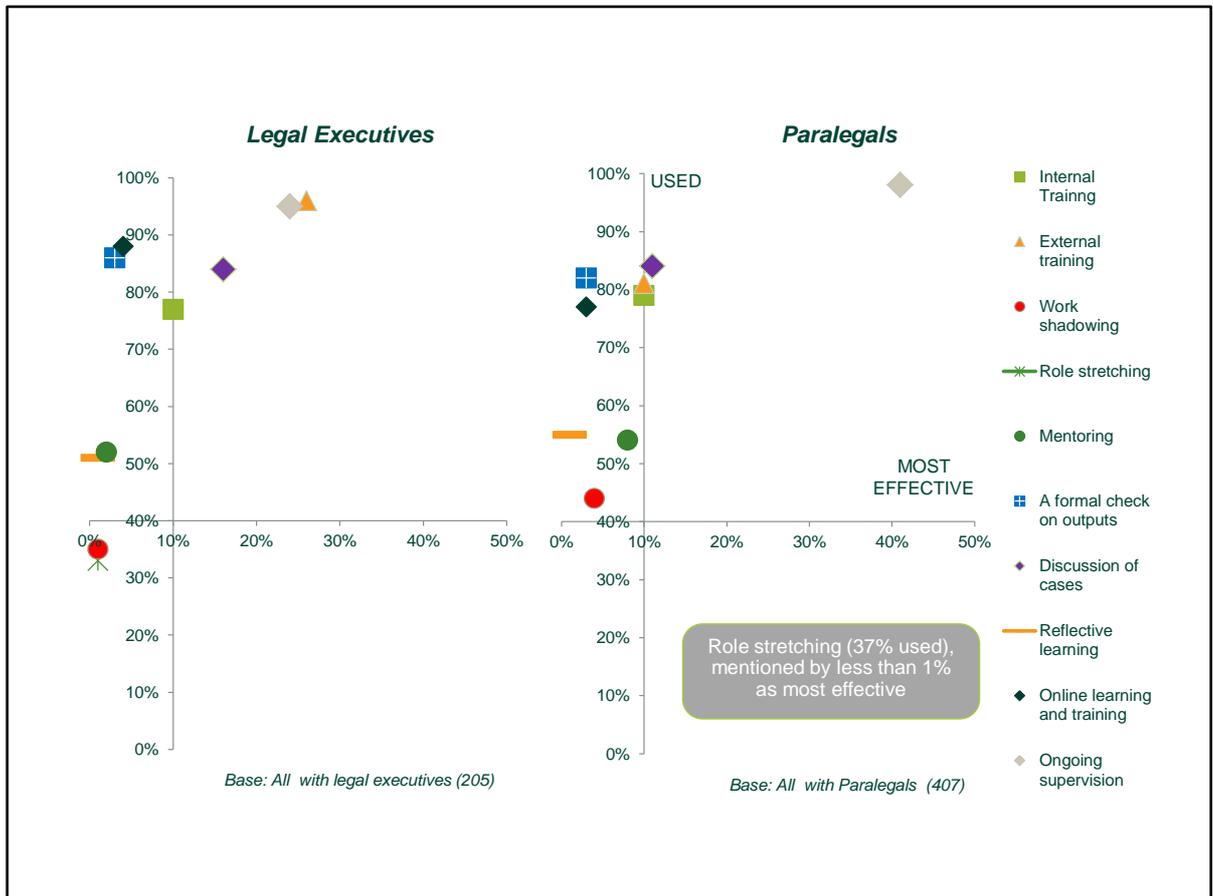
5.11 For trainee solicitors, ongoing supervision, external training, a formal check on outputs and discussion of cases are widely used. However, ongoing supervision is far more likely to be seen as the most effective approach for trainee solicitors by some way in comparison with these other learning, education and training strategies (figure 5.4).

**Figure 5.4: Strategies used vs. most effective – trainee solicitors**



5.12 Figure 5.5 shows the strategies used versus those found to be most effective for both legal executives and paralegals. For paralegals, ongoing supervision is by far the most likely approach to be both used and seen as most effective. For legal executives, more of a range in approaches is seen as most effective (external training, ongoing supervision, and discussion of cases – although the first two of these are somewhat ahead of discussion of cases, in perceived effectiveness for legal executives).

**Figure 5.5: Strategies used vs. most effective – legal executives and paralegals**



Types of learning, education and training used for supervised vs. unsupervised staff

- 5.13 By comparing the data on learning, education and training strategies used, against the data on which levels of staff deliver legal services with and without supervision, we can explore whether staff who are unsupervised in delivering legal services (at least some of the time) receive different learning, education or training.
- 5.14 Paralegals and legal executives who are sometimes unsupervised appear to receive slightly fewer types of learning, education and training than supervised paralegals and legal executives (summarised in figure 5.6). This could be, in effect, a vote of confidence in these individuals (i.e. they have sufficient skills to sometimes work unsupervised and to not need as many types of training). It could also be that the area of work in which they are involved does not need continuing training and, once trained, they need only minimal supervision or continuing education. However, this could also show an unwillingness to invest in the learning, education and training of these staff.

**Figure 5.6: Differences in types of learning, education and training used for supervised vs. unsupervised staff**



## 6 Who manages learning, education and training?

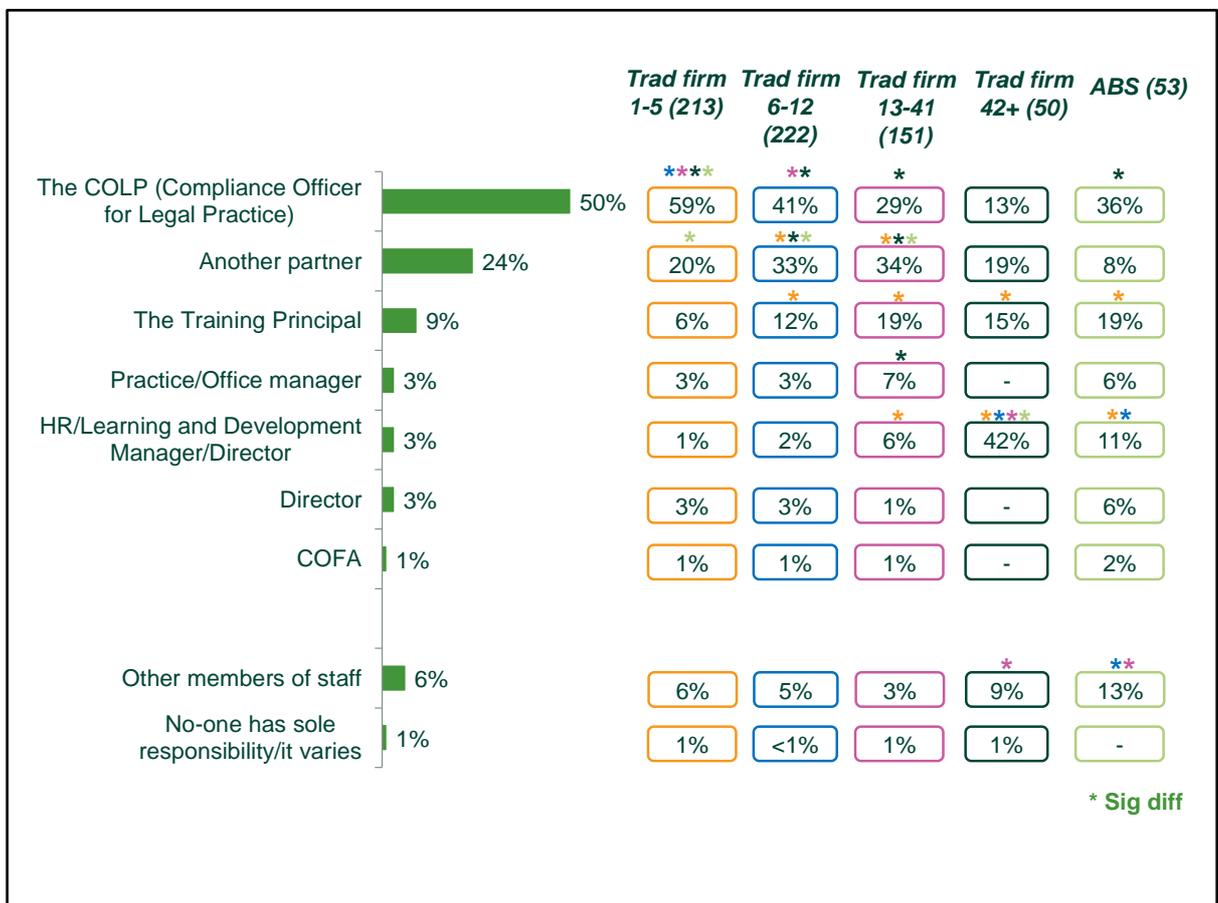
6.1 This chapter looks at the staff responsible for managing learning, education and training activities and the role of the COLP (Compliance Officer for Legal Practice) and COFA (Compliance Officer for Finance and Administration) within legal entities. It also explores how LET is used to support the COLP and COFA in these roles.

### Overall responsibility for learning, education and training activities

6.2 Entities were asked who has ultimate responsibility for overseeing the learning, education and training activities within their organisations.

6.3 Overall the COLP is most likely to be responsible for education and training activities (50% - figure 6.1).

**Figure 6.1: Staff members most likely to hold overall responsibility for learning, education and training**



6.4 The COLP having overall responsibility is particularly prevalent in the smaller firms, with 59% of 'traditional' firms with 1-5 solicitors saying this, in comparison with 13% of traditional firms with 42 or more solicitors.

6.5 For mid-size firms ('traditional' firms with 6-41 solicitors), overall responsibility for learning, education and training is nearly equally likely to be held by the COLP or another partner.



6.6 In larger firms more of a range of roles hold overall responsibility for learning, education and training. ‘Traditional’ firms with 42 or more solicitors were significantly more likely to mention HR/Learning and Development Managers/Directors (42% of ‘traditional’ firms with 42+ solicitors, only 3% of entities overall).

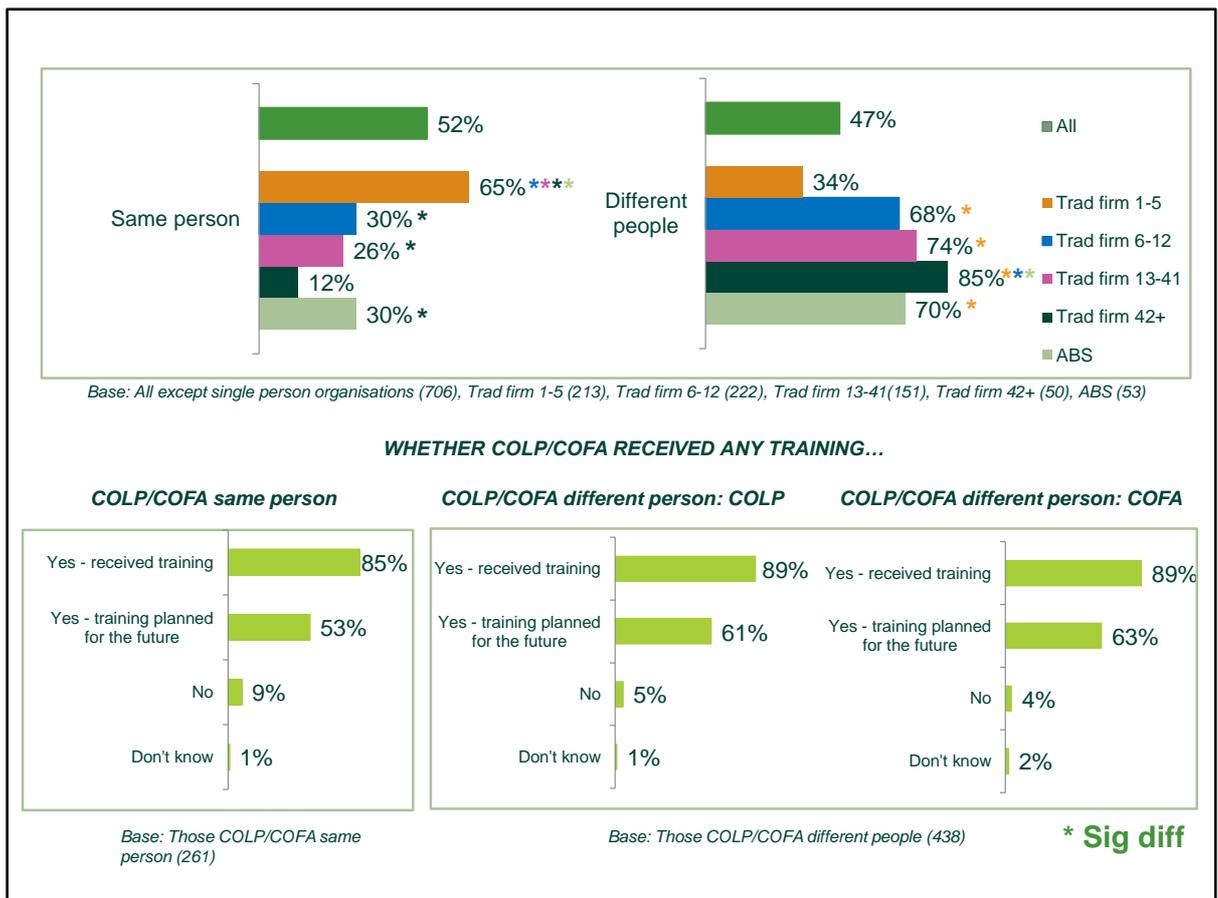
**COLP and COFA responsibilities**

6.7 Entities were asked whether the COLP & COFA roles within the entity were held by the same person or different people, and whether this individual or these individuals had received any training, or had any training planned for the future to prepare them for these roles.

6.8 As might be expected, within smaller firms COLP and COFA positions are likely to be held by the same person and within larger firms they are more likely to be different people (figure 6.2).

6.9 The majority of entities responded that the COLP/COFA had received training for the role regardless of whether the COLP/COFA roles were held by the same or different people. Over half reported that they had training planned for their COLP/COFA for the future. The level of investment in training for these individuals is encouraging given that the role was introduced relatively recently.

**Figure 6.2: Proportion of firms where COLP and COFA are same person / different people and whether they receive training for their role(s)**





## 7 Documenting and monitoring learning, education and training

7.1 This chapter describes the approaches to documenting and monitoring learning, training and education used within entities, including the use of online/electronic systems.

7.2 Entities were asked questions about:

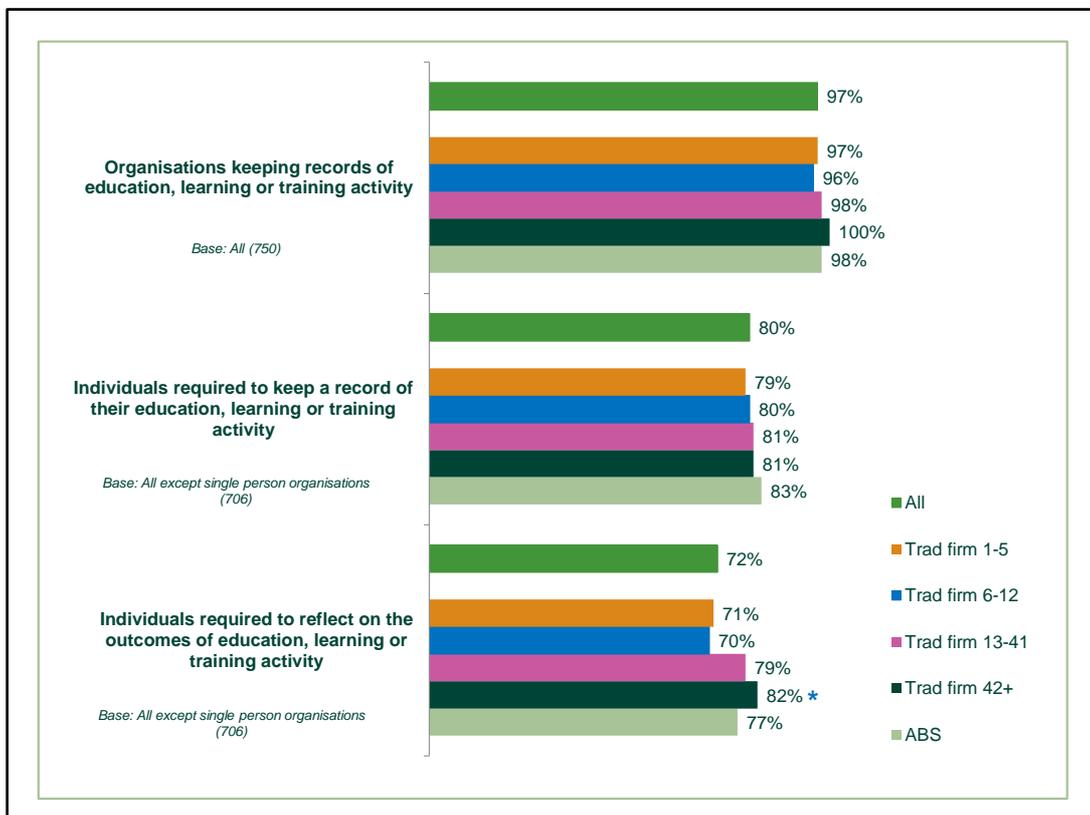
- Their practices for recording LET;
- The extent that individuals are required to record any activities themselves;
- The use of online tools to record learning, education and training activity; and
- The content of LET records, including the degree to which they record previously mentioned strategies.

### Whether records kept

7.3 Almost all entities (97%) keep records of LET activity – four-fifths (80%) require employees to keep a record of this themselves, and just under three quarters (72%) ensure individuals reflect on the outcomes of LET (figure 7.1).

7.4 Larger entities are more likely to require individual employees to reflect on the outcomes of LET. Four-fifths (82%) of ‘traditional’ firms with 42 or more solicitors require individuals to reflect on outcomes of LET, compared to seven in ten ‘traditional firms’ with 6-12 solicitors (70%). Despite these variations, the majority of entities of all sizes do have these systems in place.

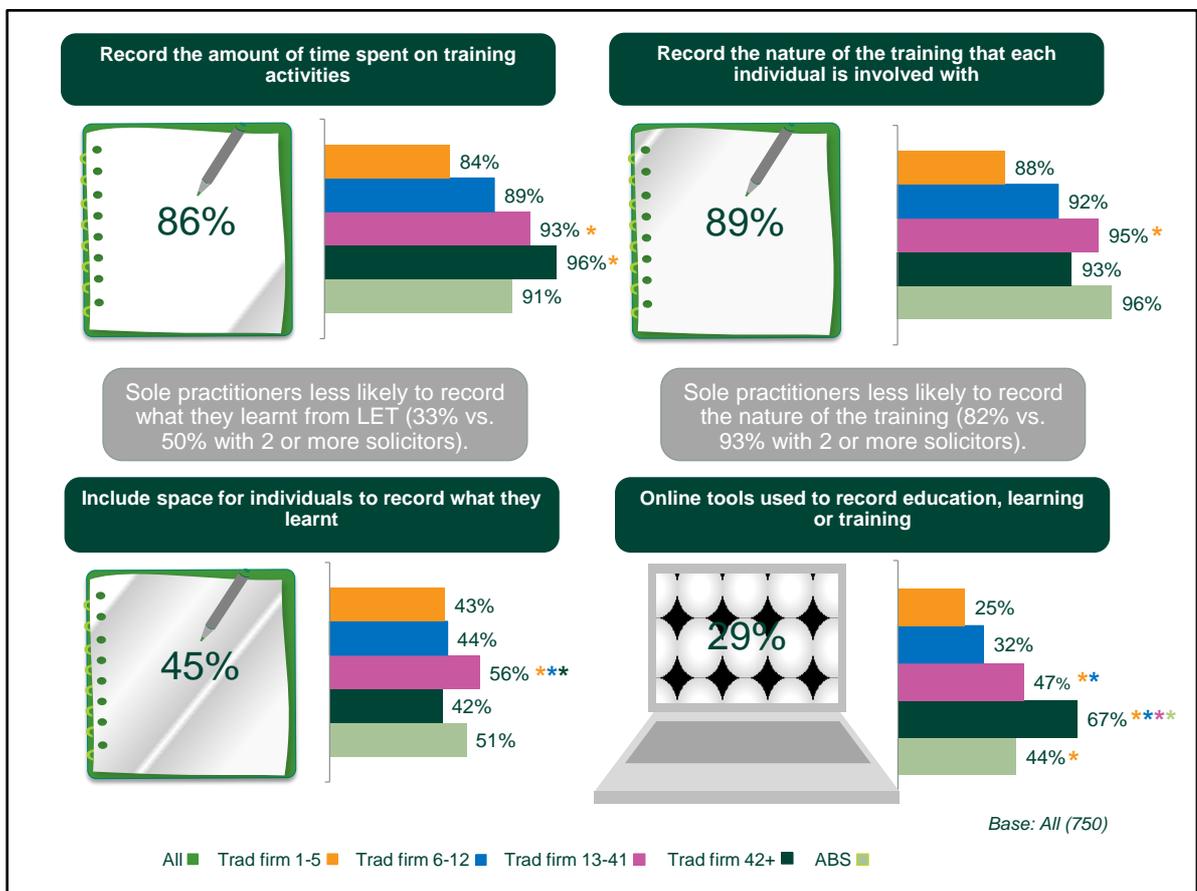
**Figure 7.1: Records of learning, education or training kept by regulated entities**



Nature and content of records kept

- 7.5 The vast majority of entities that keep records, record the amount of time spent on LET (86%) and the nature of LET participated in (89%).
- 7.6 Under half of entities include space for individuals to record what they have learnt from their LET activity in these records. However, ‘traditional’ firms with 13-41 solicitors are significantly more likely than other sized ‘traditional’ firms to include this, with 56% doing so.
- 7.7 Sole practitioners are far less likely to include space for individuals to record what they learnt from their LET (33% vs. 50% of entities with 2 or more solicitors). While recording the nature of training is still very common amongst sole practitioners (82%), firms with 2 or more solicitors are also significantly more likely to do this (93%).

Figure 7.2: Content of records kept of learning, education or training



- 7.8 Three in ten entities (29%) stated that they used online tools to record LET activity, though for traditional firms, the likelihood of using online tools correlated directly with the size of the entity.
- 7.9 Two-thirds (67%) of the largest ‘traditional’ firms (those with 42+ solicitors) use online tools to record LET activity, making them significantly more likely than any other sized firms to do so.
- 7.10 In contrast, only a quarter (25%) of ‘traditional’ firms with 1-5 solicitors use online tools to record LET activity. Firms with one solicitor, but employing other members of staff, are least likely of all to use online tools to record this activity (16%).



- 7.11 Entities using online tools were prompted for the types of online tool they use to record LET activity. The most widely used are tools which are bespoke, used by around two-thirds (64%) of entities using online tools of some description. More commonly, these bespoke tools are developed externally (used by 41% of these firms) rather than internally (used by 29% of these firms).
- 7.12 Just over a third (35%) of these firms purchase 'off the shelf packages' to record LET, while one in ten of these firms (9%) spontaneously mentioned using The Law Society's free online tools to record LET activity.<sup>9</sup>

### Recording of learning strategies

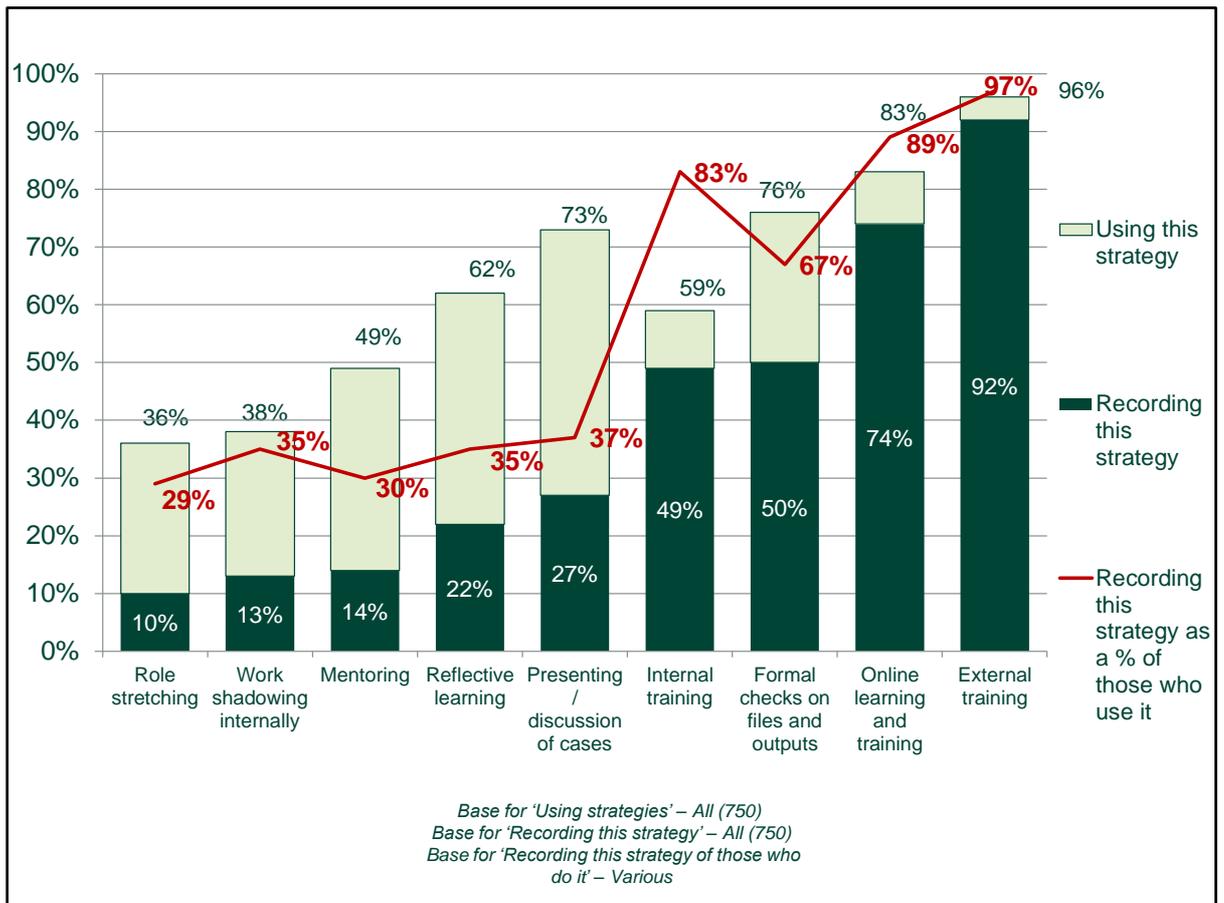
- 7.13 Entities were also asked which of the learning strategies they kept records for, out of those they previously mentioned undertaking (discussed in chapter 5). This information is shown in Figure 7.3 overleaf. In the figure, the light green bars show the proportions of entities using each LET strategy (matching those shown in Figure 5.2), the dark green bars show the proportions of entities both using and recording use of each strategy and the red figures/line show this number expressed as a proportion of all using each strategy.
- 7.14 External training is the most commonly recorded learning strategy, with nine out of ten entities keeping records of this activity (92%, the dark green bar). Nearly all of these firms using external training record its use (97%, shown as the red line). This is likely to reflect the fact that these records are currently used as evidence of meeting CPD requirements.
- 7.15 Where they are used, online learning and training and internal training activities are generally recorded (89% and 83% of firms using these strategies record them).
- 7.16 However there are some strategies that are relatively commonly used to ensure staff have the required skills that are quite unlikely to be formally recorded. Presenting and discussion of cases and reflective learning are the most prevalent LET types that tend to go unrecorded. Almost three quarters use presenting and discussion of cases as a LET strategy (73%, shown as the pale green bar), yet less than two fifths (37%) of those using it, also record it. Similarly, the majority (62%) of entities undertake reflective learning, yet just over a third of firms (35%) record this activity.
- 7.17 Other more 'on the job' strategies such as work shadowing and role stretching are similarly relatively unlikely to be recorded but these practices are slightly less widespread.

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<sup>9</sup> The Law Society was coded from 'Other' responses, while the other types mentioned here were prompted pre-codes.



Figure 7.3: Used strategies vs. those recorded

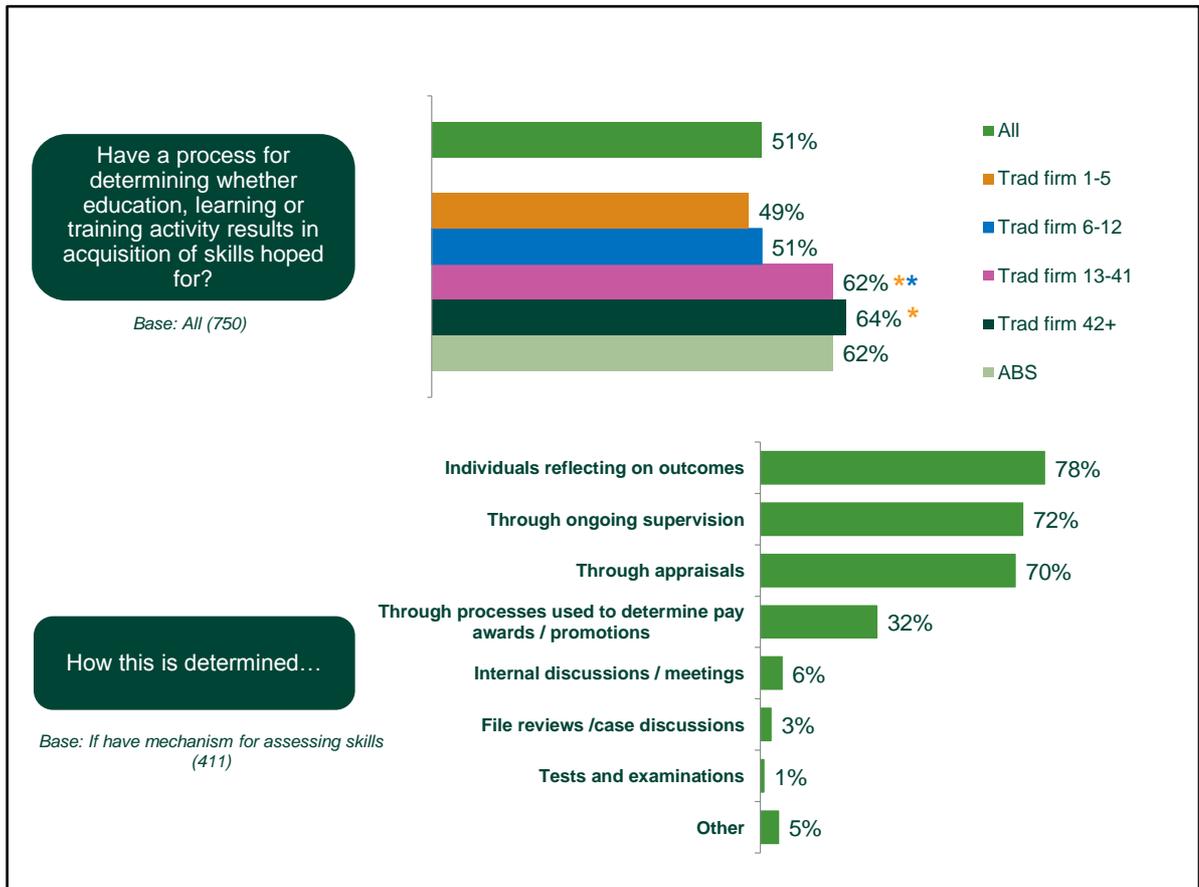


### Determining the impact of learning, education or training activity

- 7.18 Entities were asked how they determine whether LET activity has resulted in the acquisition of skills they were hoping for.
- 7.19 Only around half of firms (51%) have a process in place for determining the outcomes of LET which perhaps indicates that an 'outcomes-focussed' approach to LET is not yet commonplace.
- 7.20 Once again, larger firms were more likely to have a process in place - three in five (62%) 'traditional' firms with 13-41 solicitors and 64% of firms with 42 or more solicitors do so compared to around half (49%) of 'traditional' firms with 1-5 solicitors.
- 7.21 Most commonly, the outcomes are determined through individual reflection (used by 78% of those with a mechanism for doing this), followed by ongoing supervision of staff (72%) and through the appraisal process (70%).
- 7.22 Entities with 2 or more solicitors were far more likely to determine the outcomes of LET through the appraisal process (85% vs. 29% of sole practitioners), through ongoing supervision (89% vs. 29%) and through processes used to determine pay awards or promotions (39% vs. 11%).



**Figure 7.4: Whether regulated entities have a process for identifying learning, education or training needs and what these processes are**



## 8 Identifying risk and managing failures in competent legal service delivery

8.1 This chapter explores approaches to identifying risk in legal service delivery, and action taken in the event of non-compliance.

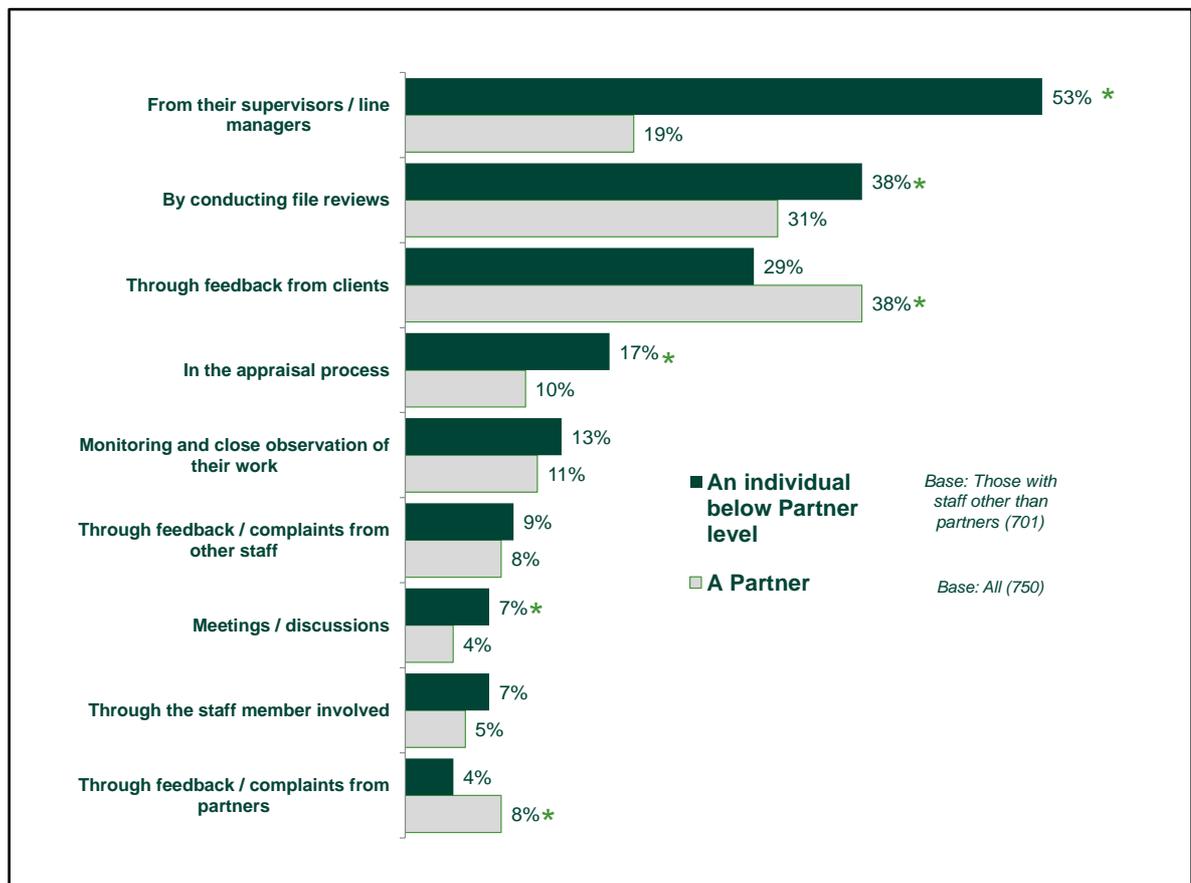
8.2 Entities were asked:

- How legal service delivery that was not fully competent was likely to come to their attention, for both partners and staff below partner level;
- Whether their firm had identified any failures in competent legal service delivery in the past 12 months, and – if so – how many; and
- What happens when competence issues have been identified.

### Identifying failures in competent legal service delivery

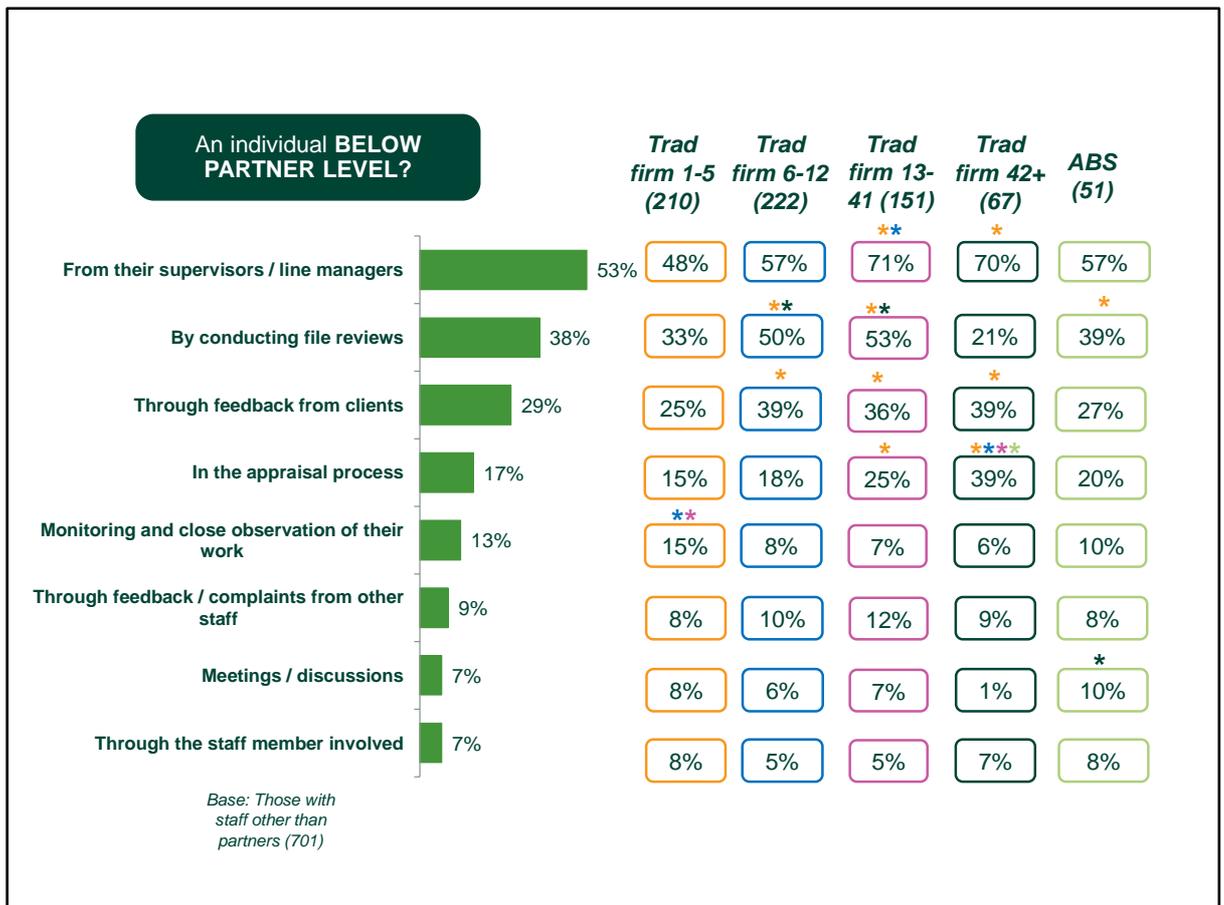
8.3 Entities report that legal service delivery that was not fully competent from an individual below partner level is most likely to be brought to attention by their supervisors (53%); while for partners it is most likely to come from client feedback (38% - figure 8.1).

**Figure 8.1: Approaches to identifying legal service delivery that was not fully competent by an individual below partner level vs. an individual at partner level**



- 8.4 Legal service delivery by individuals below partner level that is not fully competent is significantly more likely to come to the attention of medium-sized traditional firms by conducting file reviews. Around half (52%) of traditional firms with 6-41 solicitors spot delivery that is not fully competent this way, in contrast with a third (33%) of smaller traditional firms (1-5 solicitors) and a fifth (21%) of the larger traditional firms (41+ solicitors – figure 7.2).
- 8.5 The smallest traditional firms (1-5 solicitors) are more likely than any other firm to spot failures in competent legal service delivery by staff below partner level through monitoring and close observation of their work (15%).
- 8.6 Entities with 2 or more solicitors are significantly more likely than sole practitioners to report failures in competent legal service delivery by an individual below partner level being brought to their attention through their supervisor or line manager (cited by 56% of those with 2+ solicitors, vs. 39% of sole practitioners); by conducting file reviews (41% vs. 21%); through feedback from clients (33% vs. 16%); and through feedback or complaints from other staff (cited by 11% of those with 2+ solicitors, and not cited by sole practitioners at all).

**Figure 8.2: Approaches to identifying failures in competent delivery by an individual below partner level by organisation type/size**

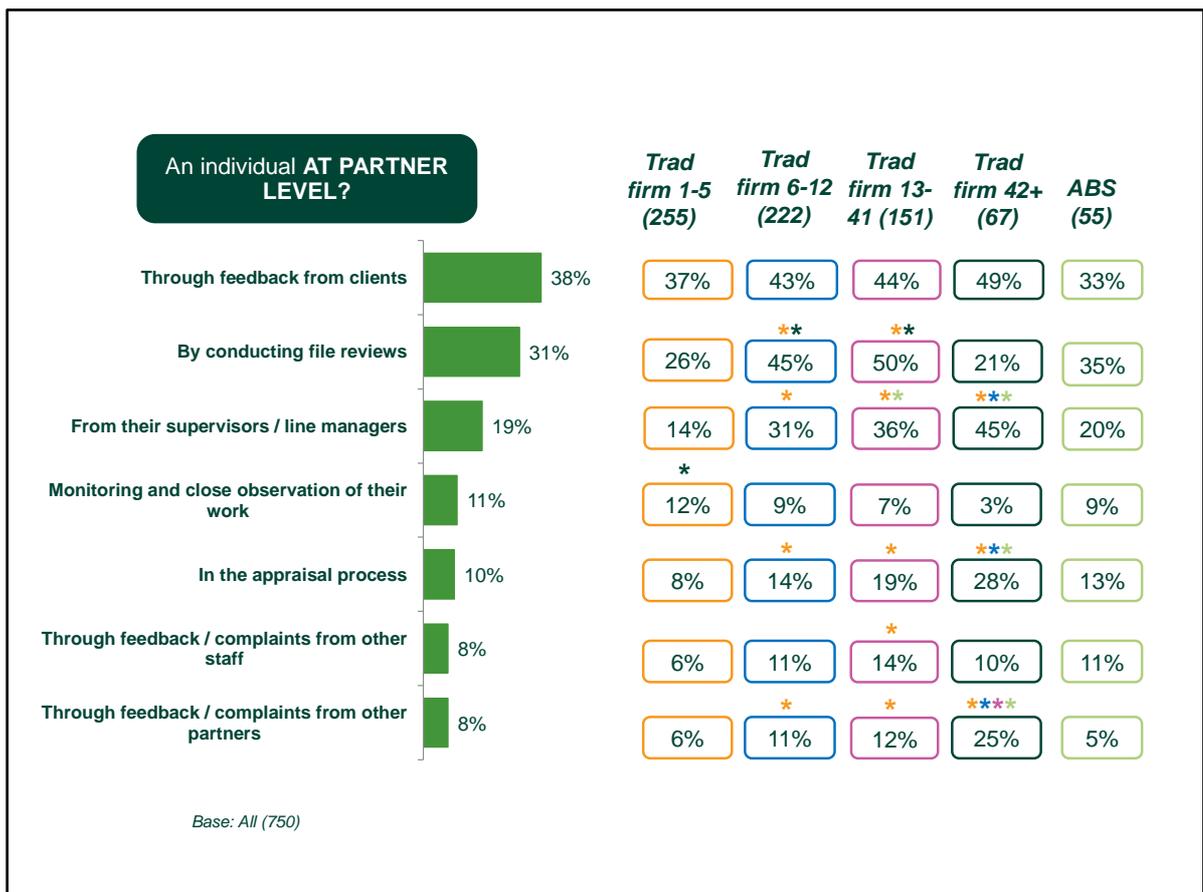


- 8.7 Although not a means of *identifying* delivery that is not fully competent, around two in five (39%) larger 'traditional' firms (42+ solicitors) report using appraisals to raise/address failures in competent delivery, making them significantly more likely than any other sized firm/type of entity to do so.



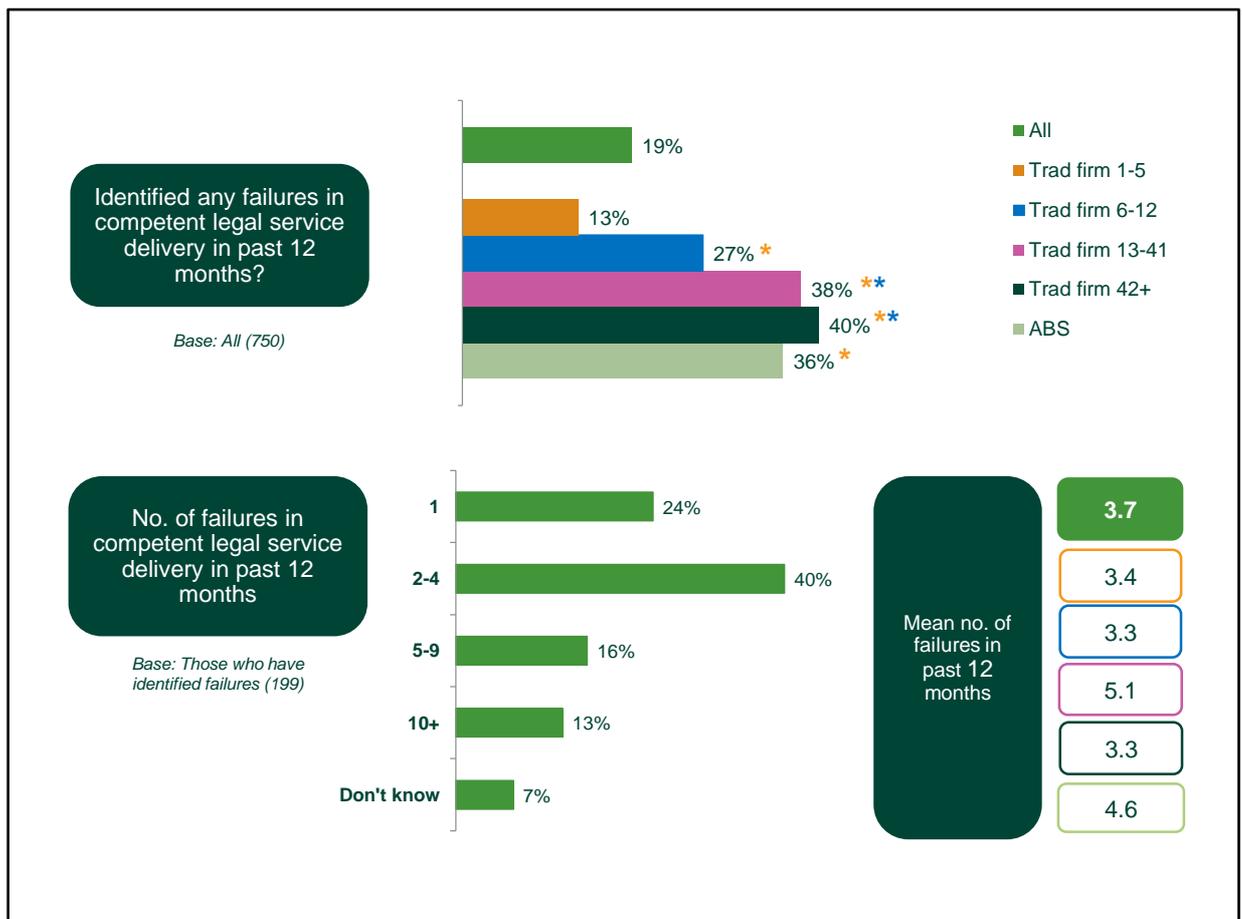
- 8.8 Larger 'traditional' firms (42+ solicitors) are significantly more likely than other entity sizes/types to identify failures in competent delivery at partner level through feedback from other partners (25%), supervisors (45%), or via appraisals (28% - figure 8.3).
- 8.9 File reviews are once again more prevalent amongst medium-sized traditional firms. Just under half (46%) of traditional firms with 6-41 solicitors spot failures in competent delivery by partners by conducting file reviews, compared with a quarter (26%) of smaller traditional firms (1-5 solicitors) and a fifth (21%) of larger traditional firms (41+ solicitors).
- 8.10 The smallest traditional firms (1-5 solicitors) are significantly more likely than larger firms (42+ solicitors) to spot failures in competent legal service delivery by partners through monitoring and close observation of their work (12% vs. 3%).
- 8.11 Entities with 2 or more solicitors are significantly more likely than sole practitioners to report failures in competent legal service delivery by an individual at partner level being brought to their attention through conducting file reviews (cited by 38% of those with 2+ solicitors, vs. 15% of sole practitioners); through their supervisor or line manager (26% vs. 4%); through the appraisal process (13% vs. 5%); and through feedback or complaints from other partners (10% vs. 3%).

**Figure 8.3: Approaches to identifying failures in competent delivery by an individual at partner level by organisation type/size**



- 8.13 Around a fifth of entities (19%) stated that they had identified failures in competent legal service delivery in the preceding 12 months (figure 8.4).
- 8.14 The larger the firm, the more likely they were to identify competency failures. The smallest ‘traditional’ firms (1-5 solicitors) were significantly less likely than all other sized ‘traditional’ firms and ABSs to have identified failures, with only 15% having done so.
- 8.15 Although the largest firms (41+ solicitors) were most likely to have identified any competency failures (40%), perhaps due to their high volume of work, the number of these failures in the past 12 months was relatively low (mean of 3.3 failures).
- 8.16 On the other hand, the mid-sized traditional firms (13-41 solicitors) were almost as likely to have identified any failures (38%), yet also had a higher average number of failures in the preceding 12 months (mean of 5.1 failures). This could indicate that this type of firm is a particular risk in terms of being able to provide a competent legal service.
- 8.17 Of those entities which had identified competency failures, the majority (64%) had identified no more than four failures. Nevertheless, around one in eight (13%) stated that they had identified ten or more failures in competent legal service delivery in the preceding 12 months<sup>10</sup>.

**Figure 8.4: Proportion of firms identifying failures in competent legal service delivery in the past year, how many, and the mean number of competency failures.**



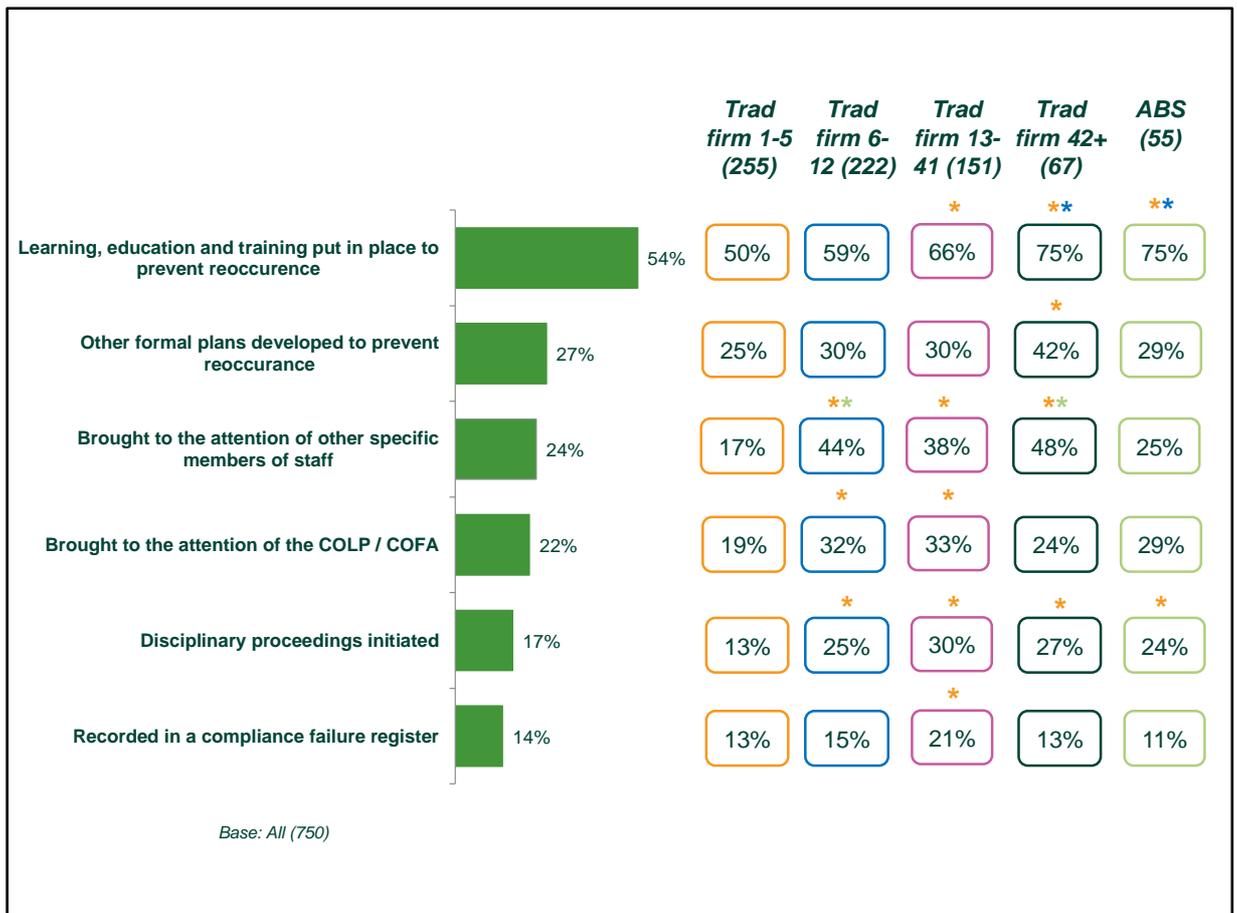
<sup>10</sup> The survey did not attempt to capture the precise nature of these “failures” or views on how bad the “failures” cited were and therefore our comparisons re: numbers of “failures” need to be treated with a degree of caution. The extent to which the nature and magnitude of “failures” may vary, might also account for some of the differences in what entities say they would do about “failures”, below.



Responding to failures in competent legal service delivery

- 8.18 All entities were asked how they would respond should they identify a failure in competent legal service delivery. Most commonly, firms stated that they would put in place LET to prevent reoccurrence (54%). The largest traditional firms (41+ solicitors) as well as ABSs were most likely to do this (75% in each case).
- 8.19 Around one in five respondents (22%) would bring competence issues to the attention of the COLP or COFA within their firm. A quarter (24%) stated that they would bring this to the attention of another specific member of staff. Those who said they would bring competence issues to another specific member of staff were asked who this member of staff was. In these cases, competence issues were most likely to be brought to the attention of partners / directors (50% of these entities), the person involved in the competency failure (29%), supervisors / team leaders / line managers (11%) or Heads of Departments (6%).
- 8.20 Entities with 2 or more solicitors were significantly more likely than sole practitioners to use each of the responses listed in figure 8.5 (with the exception of recording competence failures in a compliance register, for which the difference was not significant).

**Figure 8.5: Courses of action once a competence failure has been identified**



## Entities' views on how the SRA should help to ensure competent delivery

8.21 At the end of the quantitative questionnaire, firms were asked what guidance from the SRA might help them to maintain competence. It is worth bearing in mind that the views expressed were immediate, but the 3 most commonly mentioned themes in the responses were that:

- The guidelines should consist of clear indications of the procedures that the SRA wishes firms to follow to ensure competency / compliance (14%)
- That the guidelines should make allowance for different sized firms (10%)
- That, as far as possible, regulation / bureaucracy should be kept to a minimum (10%)

8.22 Below, we provide some examples of the types of comments made under each of these 3 themes:

### Clear indications of how competency/compliance should be achieved

*"It should focus on measurable training outputs and specific training requirements."*

**Traditional Firm, 13-41**

*"I'd probably have the objectives more clearly defined as it is a bit of a mine field at the moment and we actually had to get someone from outside to come in....it's harder for smaller firms."*

**Traditional Firm, 1-5**

### Allowance for different sized firms

*"I think that the key factor is that any guidance needs to be flexible to reflect the very different types of traditional and non-traditional law firms, and that there should be attention to detail of the supervision within the individual law firm, rather than an emphasis on external training."*

**Traditional Firm, 6-12**

*"It needs to recognise ability of sophisticated large commercial firms who operate in London to judge the level and type of education that legal staff should receive. It should not be prescriptive and should be outcome-focused."*

**Traditional Firm, 13-41**

### Minimal regulation / bureaucracy

*"Any further changes should be as simple and require as little paperwork as possible. We spend too much time dealing with SRA bureaucracy which is one of the reasons we end up charging clients so much."*

**Traditional Firm, 1-5**

*"It needs to be commercial and realistic and not burden us with loads of red tape and check lists."*

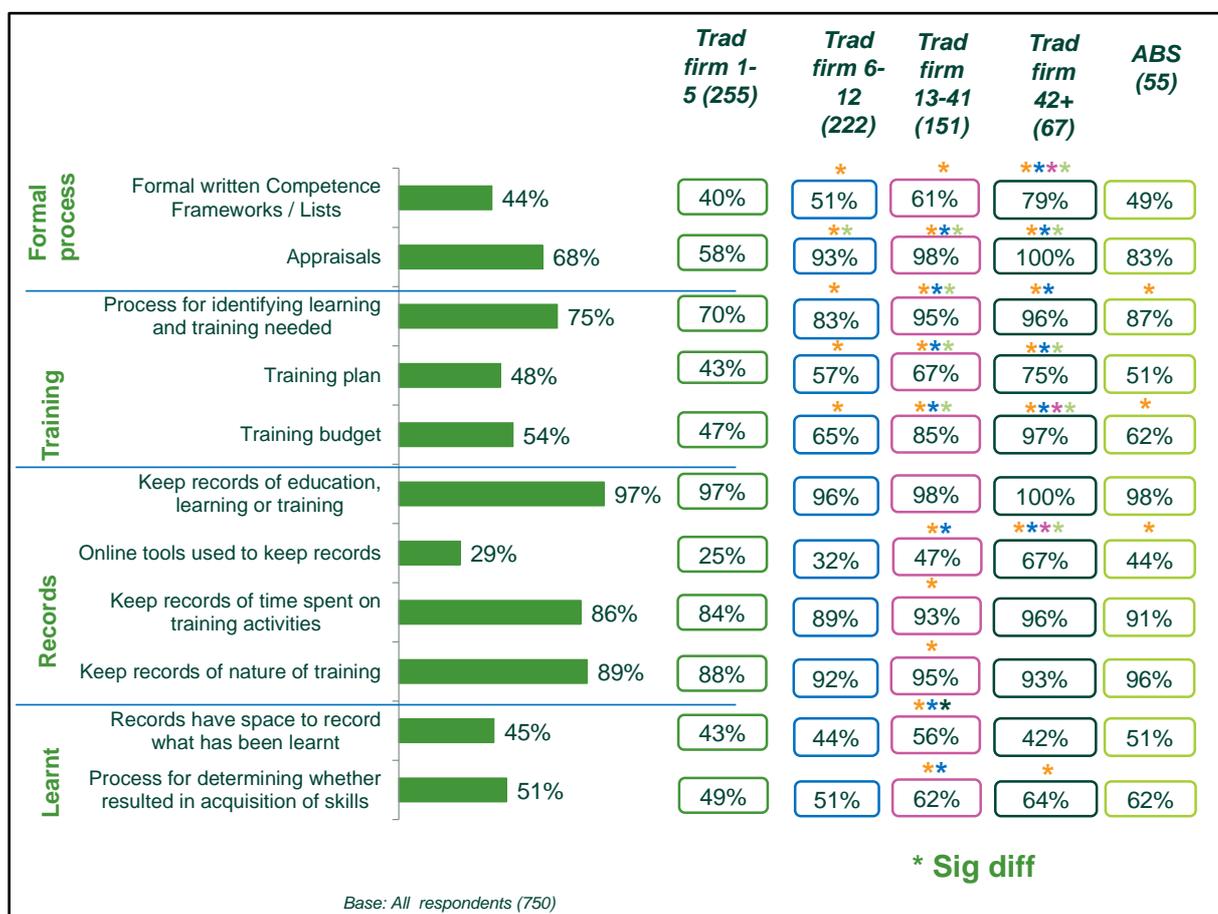
**Traditional Firm, 6-12**



## 9 Conclusions

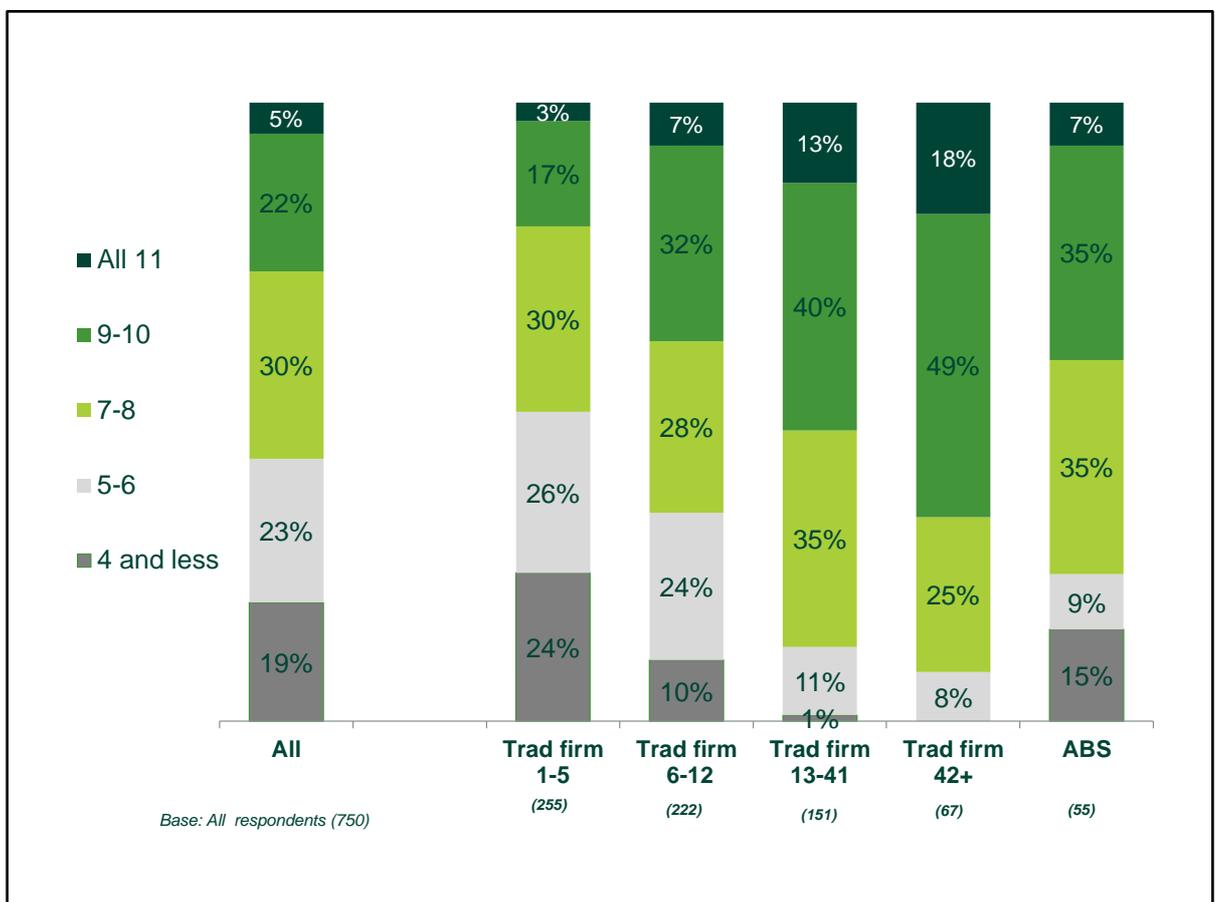
- 9.1 As mentioned in the introduction to this report, this study was designed to help inform SRA thinking about best practice in terms of LET; including whether further regulatory intervention may be needed and, if so, where the regulatory requirement might be placed. Although it represents the employer view, partner employers are involved in similar work of professional service delivery and are unlikely to continue to deliver LET which is not valued by fee earning staff. We did not collect proof on how particular practices might translate into staff development and ensure competent delivery. Nonetheless it provides a useful starting point in understanding how employers currently approach LET and therefore the impact on the sector of any steer that might be provided towards employing particular practices. This final section aims to bring together some of the key findings from the research and the implications that they have.
- 9.2 **As a starting point, it is clear that ongoing professional development is well integrated into the process of being and working as a qualified solicitor.** The study explored the prevalence of a number of different practices that could be considered indicators of best practice in the LET arena. Figure 9.1 summarises the incidence of use of each of these practices at an overall level and by size of firm. The strong commitment of the sector to ongoing professional development is evident in the reasonably widespread use of each of these processes. In particular the current requirement to evidence a specific number of hours of CPD is evident in the fact that almost all firms have some form of system for keeping records of LET. In addition, appraisals and processes for identifying LET needs are relatively prevalent.

**Figure 9.1: Key learning, education or training practices (self-reported) by organisation type/size**



9.3 **It is also clear that it will be important to take account of firm size in any policy that is issued.** There is much variation in current practice by size of organisation. As Figure 9.1 shows, some of the practices explored have much higher incidence among larger firms than smaller ones (for example formal competence frameworks, training plans and budgets). Figure 9.2 emphasizes the differences in current approach by size of firm simply by showing the number of the practices covered by Figure 9.1 that firms of different sizes employ. As would be expected, larger ‘traditional’ firms use more of these strategies with two-thirds of the largest traditional firms employing at least 9 of the strategies employed, compared with only a fifth of the smallest firms. Any approach which stipulated that a number of the specific practices covered by Figure 9.1 should be employed within all entities could require a greater shift for smaller firms that it would for larger ones. This suggests that there should be some consideration of size in any LET policy issued to firms if there is not to be a disproportionate impact on smaller firms.

**Figure 9.2: Number of suggested learning, education or training strategies used by organisation type/size**



9.4 Apart from current LET practices, we noted differences in the way smaller organisations are structured and operate. It is clear from the qualitative elements of this research programme that small organisations can achieve similar levels of control through the use of far less formal structures. Small firms are also much less likely to employ some of the practices that might be considered to carry risk:

- They are less likely to involve unqualified staff in the delivery of legal services and to allow them to operate without supervision.
- Over half of the smallest firms deliver all their client services entirely through qualified staff (as do 27% of ABSs) but in other sizes of firms this proportion is very small.



Perhaps purely as a function of the smaller volume of staff that they employ, smaller firms are also less likely to report experiences of failures in competent legal service delivery over the last 12 months (only 13% of the smallest firms did so compared with 40% of the largest ones<sup>11</sup>).

- 9.5 **The research indicates that there will be a need to consider the role of all staff that are involved in legal service delivery, in any policy that the SRA issues.** Non-solicitor qualified staff play a role in the delivery of legal service to clients in a significant minority of organisations (paralegals in a third of firms, legal executives and trainees in a quarter of organisations each). In some of these organisations staff who are not qualified as solicitors deliver some services unsupervised (9% allow legal executives to deliver services unsupervised, 4% allow paralegals to do so).
- 9.6 **There is also an indication that the incorporation of partners into LET practices might warrant some consideration.** They are currently treated differently in terms of LET in many firms (and it is common for firms to usually recruit known staff to this level). Where practices such as competence frameworks and even appraisals are in place they are slightly less likely to cover partners than staff at other grades. However at the same time, firms reported that failures in delivery at this level are most likely to come to the attention of the organisation through clients (by which time the damage has been done).
- 9.7 **Firms currently use a wide range of LET strategies to develop the skills of their staff not all of which are recorded in the same way as traditional ‘training’.** External training (and even online training and internal training courses) are only part of the picture. A range of other strategies are frequently used to ensure competence. Consideration will need to be given as to whether these should be recorded or “counted” alongside more ‘traditional’ approaches. Internal strategies such as formally reviewing outputs or simply discussions of cases form part of the overall LET package in a large number of organisations. However, it is quite rare for recording systems to include internal or ‘on-the-job’ approaches such as work shadowing, mentoring, discussion of cases, etc. There is considerable variation in the strategies that are deemed most effective for different staff grades which means that some of these ‘less recorded’ strategies are a particularly important part of the picture for some staff groups. External training is commonly seen as the best approach for partners and other qualified solicitors (although discussing cases also features). For trainees and for paralegals, simply ongoing supervision is seen as the most effective approach (and investment in external training is less common).
- 9.8 **File reviews currently play a role in the way in which firms monitor risks to competent delivery and the recording mechanisms for this perhaps need to be taken into consideration in the new regulatory approach.** Mid-size entities in particular (those with between 6 and 41 solicitors) seem to rely on this as an approach for identifying poor service delivery.
- 9.9 **A move towards an outcomes-focussed approach to determining LET requirements would require a considerable ‘mind-shift’ among some firms.** Only half of firms currently have a system for determining the impact of the LET that they invest in. Similarly, under half of systems that are in place for recording LET activity currently allow space for self-reflection on learning outcomes.

<sup>11</sup> This could, however, also be a symptom of a lower incidence of identifying failures, rather than a lower incidence of failures occurring.



## Annexe 1: Preliminary qualitative research findings

### Background to the research

- 9.10 This report is a summary of interim findings from the SRA Entities Learning and Education Study; it contains results
- 9.11 from the 14 qualitative interviews conducted with legal service providers.
- 9.12 The 14 interviews were conducted with a mix of legal service provider types and sizes as shown in the table below.

Legal Service Provider Type	Interviews conducted
Traditional Law Firm – 1-12 solicitors	3
Traditional Law Firm – 13-41 solicitors	2
Traditional Law Firm – 41-170 solicitors	3
Traditional Law Firm – 171+ solicitors	3
Alternative Business Structure	3

### Background to the organisation and respondent

- 9.13 The 14 entities interviewed had been established for varying lengths of time. Some had been established over 100 years ago, whilst others were established as recently as 2007.
- 9.14 A wide range of areas of law were covered by the entities. These included both commercial / corporate work and personal and domestic work; business law, licensing and gaming law, employment, property litigation, real estate, tax, insurance, family, personal injury, trusts, medical negligence, wills, probate, civil litigation, trademarks, immigration and asset management.
- 9.15 Many of the entities interviewed were single-site organisations based at one location within the UK. The remainder were multi-site organisations and had sites based both within the UK and overseas.
- 9.16 Most entities reported that there had been no major changes to their organisation in recent years. For the few entities who noted change over recent years this had involved the expansion and increased internationalisation of their organisation.

### Understanding staffing structures

- 9.17 We spoke to entities with varying numbers, and groups, of staff responsible for delivering legal services to clients. During the interview 'staff who deliver legal services to clients' was defined as staff whose 'work directly impacts on what is delivered to clients, even if they don't actually interact with them'.
- 9.18 At one end of the spectrum, one entity responded that they had 2 members of staff who were responsible for delivering legal services; both of these staff members were partners. At the other end



of the spectrum one entity cited 850 members of staff who were directly involved in delivering legal services to clients. These 850 members of staff were made up of partners, other qualified solicitors, trainee solicitors, legal executives and paralegals. With the exception of the organisation mentioned above, who only employed 2 partners to deliver legal services, the entities interviewed all employed a mix of staff types to deliver legal services. This tended to include a mix of partners, solicitors, legal executives and/or paralegals.

- 9.19 The categories of staff entities employed who were not involved in the direct delivery of legal work included: HR, business development, marketing, finance, IT, office facilities and cleaners.

### Recruiting staff involved in legal service delivery

- 9.20 Entities were asked what they looked for when recruiting staff involved in legal service delivery and whether this differed by staff type. Typically the partners within the entity were not recruited into the organisation and tended to have progressed through the organisation to hold this position.

- 9.21 A number of requirements were commonly mentioned by entities as being something they look for when recruiting 'qualified' solicitors. These included:

- A solid academic background / certain qualifications (e.g. Law Degree, LPC);
- Strong knowledge of law often in a specific area of expertise;
- Relevant experience;
- Communication skills – including client relationship building / handling;
- Personable manner and a good fit within organisation.

- 9.22 One entity mentioned that they wanted 'qualified' recruits to bring new clients with them and it was important that they were able to manage others. Another mentioned that they had recently recruited someone they knew personally as this meant they were confident that they were both efficient and competent. The recruitment of this individual reduced the risk to their organisation.

- 9.23 For 'non-qualified' staff varying levels of qualification were required. With regards to **trainee solicitors** some entities stated that a law degree was required, with one organisation mentioning that alongside a law degree they also required some sort of legal work experience. One entity responded that trainee solicitors did not necessarily need a law degree but would have had to have done either the GDL conversion and the LPC.

- 9.24 Entities mentioned that when recruiting trainee solicitors along with academic qualifications they were also looking for certain skills, attributes and competencies. As with 'qualified' solicitors, personality and whether they felt the recruits would fit in with the company was also felt to be important.

- 9.25 One respondent considered personality to be more important than academic background. Her current trainee solicitors had previously experienced difficulty in getting jobs due to, in one case, a relatively weak academic background and, in the other, a criminal conviction. However, they impressed her at interview with their enthusiasm and proactive attitudes:

*"They were both very, very eager and forward-thinking. They gave us ideas."*

**1-12 solicitors, ABS**

- 9.26 For **legal executives** and **paralegal** recruits the requirements were less stringent. An ability to get through the work, good IT skills and strong communication skills were seen as being most important.



- 9.27 One entity responded that they looked to recruit paralegal staff who wanted to take on responsibility and who had ambition to progress. Another reported they found it could be problematic recruiting staff with law degrees for administrative support roles:

*“It’s nice to have bright, articulate people who want to go somewhere and are ambitious, but at the same time, you need people who are happy to do the admin role. The trouble is that these people are ambitious and are perhaps happy to do it for twelve to eighteen months, but then they want to move onwards and upwards, whereas we would like an experienced bank of admin staff who are happy doing admin work. It’s trying to get the right balance.”*

**13-41 solicitors, Traditional Law Firm**

- 9.28 For the majority of organisations an MBA or other management qualification was not seen as being overly important or something that they would require ‘qualified’ recruits to have. Some organisations, however, did feel that ‘qualified’ staff holding an MBA or other management qualification would be viewed favourably.

- 9.29 Succession planning was an important consideration for the majority of entities. This was particularly the case when recruiting both qualified and trainee solicitors. It was less of a consideration when recruiting for legal executive and paralegal roles.

- 9.30 One entity mentioned that when recruiting Assistant Solicitors they were:

*“...to some extent, looking for the partners of tomorrow.”*

**13-41 solicitors, Traditional Law Firm**

- 9.31 Another responded:

*“When we are looking at trainee solicitors, we always judge people on whether we think they are a partner of the future and that is absolutely vital for us; it’s also the same for associate solicitors.”*

**171+ solicitors, Traditional Law Firm**

### Assessing competence

- 9.32 The degree to which the skills or competences needed in order to perform job roles effectively were formalised, tended to differ by entity size. Within smaller organisations this process could be less structured and the skills / competences required were often not formally recorded. Instead these were held within the minds of those recruiting or appraising.

*“I haven’t written them down! We have process-mapped everything else, but not the skills and competencies.”*

**1-12 solicitors, ABS**

- 9.33 In a number of both the smaller and larger firms the job description was used to both determine and assess the skills / competences that were required. These job descriptions were often stored electronically / online and referred to during formal appraisals.

*“Each role has a job description and that obviously lists key criteria that we are looking for...we have those in mind when we are recruiting and refer back to those.”*

**13-41 solicitors, Traditional Law Firm**



- 9.34 Within some of the larger firms (e.g. those with 41+ solicitors) in addition to the skills / competences listed within job descriptions competence frameworks had also been developed. Competence frameworks were often stored and shared with employees in both hard and electronic copy. These competence frameworks tended to be extremely detailed and varied by staff type / level. They were used to detail and demonstrate the skills / competences required at each staff level and again were often referred to within appraisals.

*“Under each competency there will be a level – trainee, associates and beyond - and there are a list of ways they can demonstrate these in their role. So there are headline competences with specifics on how they can be broken down.”*

**171+ solicitors, Traditional Law Firm**

- 9.35 On the whole, organisations did not report that the skills / competences required varied within each staff level. A few organisations did mention that sometimes specific elements of a particular area of law may be referred to or added to the job description / competence framework:

*“It is broadly the same, but what you might expect of somebody and the criteria that apply might be slightly different. There are certain Career Development Frameworks which set out core competencies which do differ from department to department.”*

**171+ solicitors, Traditional Law Firm**

- 9.36 Entities were asked how they came up with the lists of skills / competences required. Across most entities these were developed through their own knowledge and experience of the different roles and areas of law. Within larger organisations these were often developed in consultation with HR departments. One larger firm had developed the skills / competences (and subsequent frameworks) from a combination of their own experience and research that had been conducted by an external consultant. The research the external consultant conducted included both 1-2-1 interviews and focus groups with the different staff types / levels.

- 9.37 When asked how performance of individuals is assessed against these required skills / competences the majority of entities reported having an appraisal process. These tended to occur on an annual basis, with some firms saying that they were conducted bi-annually.

- 9.38 The frequency of this formal assessment did appear to vary somewhat by level. A few organisations mentioned their trainee solicitors had formal appraisals every 3 months and some reported that partners were either not assessed, or that they self-assessed.

- 9.39 A few organisations reported the use of file reviews. In one smaller organisation it was mentioned that supervisors reviewed files of those they line managed on a regular basis. Another smaller organisation mentioned that they tended to approve work across all staff types before it was sent out the door until such time as they deemed the work to be sufficiently competent.

*“Because we are so small, it’s very easy to do. Every piece of work will come either past me or my co-Director so it’s very, very easy to give them feedback on that. In terms of client care, they are all within earshot so we can hear how they interact and what they are saying. In terms of file organisation, it’s very easy...if a piece of paper is out of sync, I will know that one of the trainee solicitors has done it.”*

**1-12 solicitors, ABS**



- 9.40 In addition to these formal appraisals most organisations referred to management, supervision and providing informal feedback as a means of assessing performance. This informal feedback, supervision and support was perceived to be particularly critical within the smaller organisations. A number of small organisations mentioned that due to their size they felt they were able to constantly monitor, train and supervise their employees

*“They are given regular feedback on how they are doing, almost on a weekly basis: ‘How’s it been going this week? Have you identified any training needs that you’ve got? Any problems? Anything we can help you with?’”*

**13-41 solicitors, Traditional Law Firm**

- 9.41 For most firms an assessment did not take place when staff first joined the organisation and the interview process itself was used to identify a recruit’s skills / competence. One firm mentioned they had used an assessment centre at the recruitment stage which they felt had successfully assessed the skills / competence of potential recruits.

### Use of learning, training and education

- 9.42 During the interview entities were asked how, as an organisation, they used learning, training and education to ensure that each of the groups of staff involved in delivering legal services were competent to do so.
- 9.43 A similar process tended to be used across all staff types within an organisation, up to the level of partner. The learning, training and education process tended to be slightly more formalised for trainee solicitors than other staff groups, in keeping with the requirements laid down by the SRA.
- 9.44 As was the case with assessing competence differences were found in the use of learning, training and education by entity size. For some of the smaller organisations no formal procedure was in place for assessing training needs, whereas within larger organisations identifying training needs tended to be done on a much more formal basis (how this is done is described below). One smaller organisation felt that there wasn’t any need for staff to have their training needs assessed and developed into a formal training plan as this already existed as part of their formal qualifications. This organisation employed two trainee solicitors on a training contract and a paralegal who was undertaking the CILEX qualification.
- 9.45 Appraisals were often used, by both smaller and larger organisations, to identify learning, training and education needs. Appraisals were also then used to review participation in training and check on the outcomes of learning, training and education activity.

*“They don’t have a formal plan. It is something we deal with at the appraisals so there is a bit on what training needs you might have.”*

**13-41 solicitors, Traditional Law Firm**

- 9.46 For most of the larger organisations a training and development plan was devised for individuals. Where a competence framework existed the training required was often based on and linked very closely to this as well as taking into account individual needs and requirements. These individual training and development plans were often devised with the involvement of HR departments.



*“We have a specific team of three people in the HR Department (Learning & Development) who are dedicated full time to delivery of career development and training.”*

**171+ solicitors, Traditional Law Firm**

- 9.47 Within most of the smaller entities, the size of organisation and the nature of the working environment had resulted in an organic process of skills assessment and training development based on reacting to individuals and company needs. Formal training was still seen as beneficial within smaller organisations. A member of staff could request additional training and, where it was felt that it would be beneficial for them and for the business, they would be encouraged to undertake it:

*“I will ask them how much they think we will gain from [the course]. I certainly wouldn’t say ‘no’ because I know how beneficial it has been for my development and that skill will particularly have value for a small business and perhaps for succession...if it was relevant and I felt it would help us then I would look at it.”*

**1-12 solicitors, ABS**

- 9.48 Within some organisations there was a strong emphasis on dissemination and cascading knowledge to colleagues after any additional formal training had been undertaken. Within one organisation, staff members would be asked to present their learnings from outside courses back to the rest of the organisation and within another they must file a full dissemination report which could then be referred to by all staff in future.

- 9.49 Informal training plays a key role in learning and education within both smaller and larger organisations. On-the-job training was seen by the majority of organisations as being the single most important element of training. This informal on-the-job training provided individuals with the information and knowledge they required as and when it was needed. It also allowed organisations to address any issues or knowledge gaps in a timely manner. On-the-job training was seen as being reactive, tailored to an individual’s needs and useful to the business. Within the smaller organisations it was often the case that more junior staff members were always supervised / all work was reviewed until such time as they were viewed as competent in their role.

*“Because we are quite small we can see what people are doing day-to-day, so you can recognise where there is a need....with constant supervision, we do a lot of training as we go along really.”*

**1-12 solicitors, Traditional Law Firm**

- 9.50 The majority of entities did not evidence or document informal training. The lack of evidence or documentation makes it difficult to measure the participation in, and outcomes of, this informal activity.

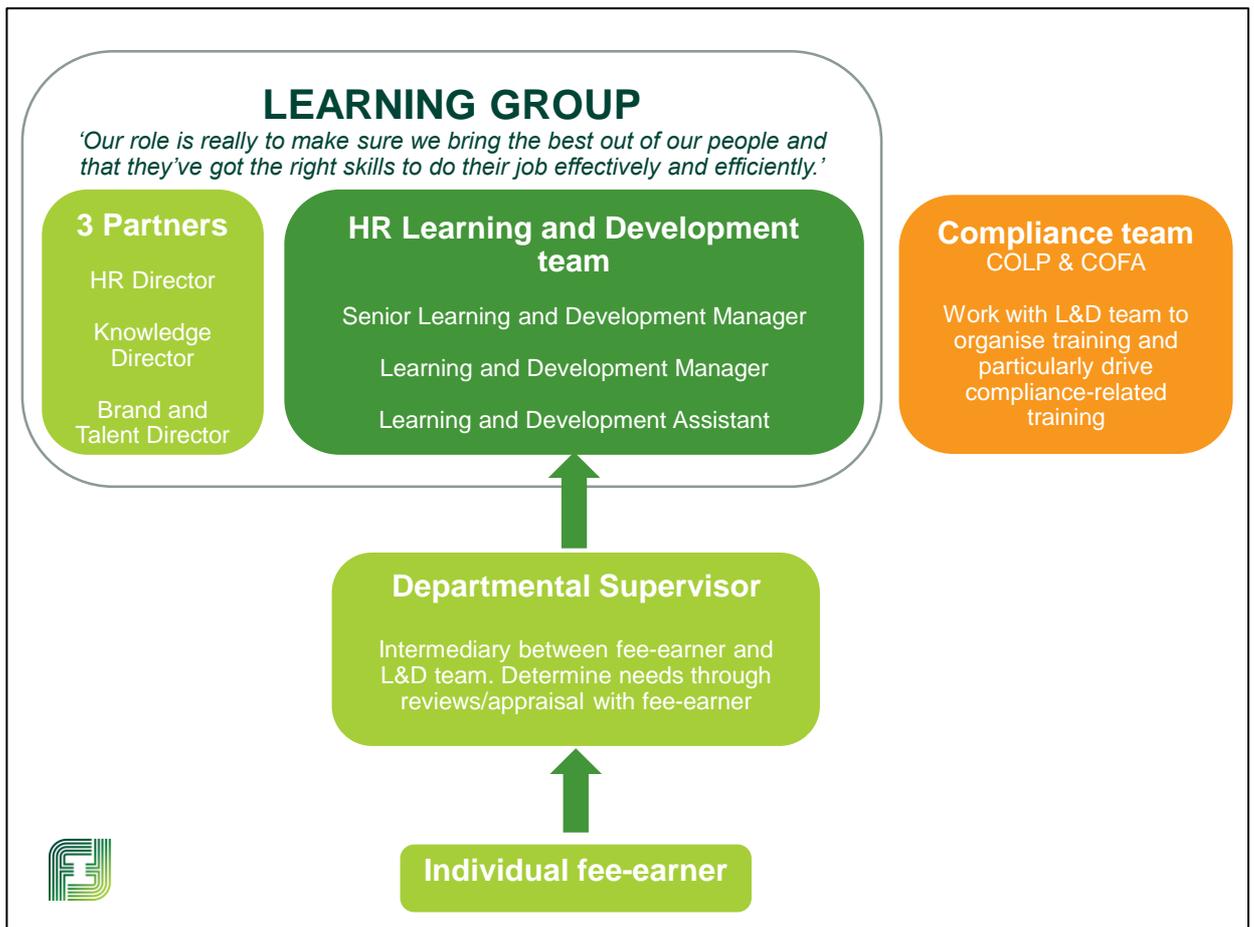
- 9.51 By contrast in the majority of both the smaller and larger organisations, participation in formal training tended to be recorded either electronically or online. These records of formal training undertaken were often referred to during the appraisal process.



Staff involved in managing learning, training and education

- 9.52 For most of the larger entities there tended to be different layers of responsibility in dealing with learning, education and training. In particular, larger firms (e.g. those with 171+ solicitors) were more likely to have ‘Learning and Development’ teams, solely dedicated to managing learning, training and education for the entire organisation. These teams worked in conjunction with representatives of individual departments, who are better placed to understand the requirements of their area of practice and who are also able to identify needs of individuals through supervision.
- 9.53 Although the larger firms generally determined training needs from above, the staffing structure and review processes also allowed feedback from fee-earner themselves, communicated to the Learning and Development teams via the departmental supervisors. Figure 7.1 shows how this structure works within a large ABS.

**Figure 9.3: Training, Learning and Education structure of ABS with 171+ solicitors.**



- 9.54 Smaller firms were less likely to have established these types of structures, relying much more on the individual fee-earner taking responsibility for their own training. For example, in one firm (Traditional Firm, 1-12 solicitors) the fee-earners were expected to determine and book their own training, subject to COLP/COFA approval.

*“They all know, because they are told either by us or the SRA, what training they need to have and we are happy to facilitate it. They are grown up. If an assistant solicitor came to me on the first of December and said ‘I haven’t done my 16 hours’, my criticism would be solely directed at him.”*

**13-41 solicitors, Traditional Law Firm**



- 9.55 The extent to which Compliance Officers are responsible for learning, training and education varied considerably amongst entities. Possibly due to lack of resource, those responsible for training in smaller entities were also likely to be the COLP or COFA for the organisation, or, in some cases, both. On the other hand, larger firms with their own Learning and Development teams tended to create a much more specialised role for their compliance officers. Although they still have some influence in organising training, their focus is mainly on areas related to SRA-compliance.

*“They have an ever-increasing role in the firm and are very active in making sure the right types of training are developed where education touches upon compliance-related matters. However, there is plenty of training which doesn’t need compliance involved.”*

**171+ solicitors, Traditional Law Firm**

- 9.56 COLPs and COFAs generally received some specialist training, with most using external specialists and organisations such as The Law Society as training providers. The sole practitioner we spoke to expressed the burden of taking on all these roles and therefore opted to use SRA online courses rather than paid external courses.

### Implementation on the ground

- 9.57 Respondents were asked how they could be sure that planned learning and education was implemented in practice. Some of the more common methods of formally monitoring implementation of learning and education activity include the use training logs or attendance sheets, which then fed into the appraisal process. One respondent mentioned the appraisal process as the point at which skills demonstrated in practice are reflected upon: using an outcomes-based standpoint, the respondent suggested that if a fee-earner can demonstrate they have delivered a skill in practice, then this automatically indicates that the training was also delivered effectively.

*“If we’ve delivered skills training on how to negotiate and the Associate attends that and then negotiates a shares and purchase agreement that is effective – then it has worked. If the feedback was that he wasn’t very good then it hasn’t worked and we probably need to look at some more training.”*

**42-170 solicitors, Traditional Law Firm**

- 9.58 Some entities also apply an outcomes-based ethos to monitoring education and learning activity by using client satisfaction as an indicator of competent service delivery, which in turn indicates that appropriate learning and education activity is in place. In general, firms assume clients are satisfied if there are few customer complaints or claims, or because there is repeat business. Some of the larger firms, however, adopted this approach more formally by undertaking customer satisfaction surveys.
- 9.59 On the other hand, respondents in smaller entities cited more informal methods of ensuring implementation of learning and education, including general discussion internally concerning learning and education issues, and on-the-job observation that tasks are carried out effectively.
- 9.60 For the majority of entities, the main barrier to delivering training, learning and education exactly as they intended is heavy workloads, whereas for smaller entities, costs and budgetary constraints are also a factor. For the sole practitioner in particular, the need to generate income often meant postponing training:



*“Sometimes you have good intentions of doing something but then you have to make sure that income is coming in and the first thing that would go would be the training rather than the income.”*

**1-12 solicitors (sole practitioner), Traditional Law Firm**

### Best Practice

- 9.61 There was little that the majority of smaller entities wanted to change about their approach to learning, training and education as they felt they were delivering the best that they could with the resources and time available. One respondent considered it an advantage to be smaller in size, as it allowed an informal model, giving flexibility and the ability to respond quickly to training needs.

*“We can respond fairly quickly and decisively when we identify a training need. One of the things that we do well is focussing upon outcomes and skills rather than qualifications and box-ticks.”*

**13-41 solicitors, Traditional Law Firm**

- 9.62 The changes that respondents from larger firms would ideally make were considered “*evolutionary rather than revolutionary*” (171+ solicitors, Traditional) or were simply to ‘*gold plate*’ systems already in place if time and budgetary constraints were not a factor. A respondent from a large ABS (171+ solicitors) suggested they would like to use IT-based systems more to offer bite-size learning activities.
- 9.63 There was a widespread lack of awareness of alternative examples of ‘good practice’ from other organisations, and, in the majority of cases, no systems or procedures to assist in communicating good practice between one entity and another. Those with their own Learning and Development teams were more likely to share good practice with peer groups such as The Legal Education & Training Group (LETG). One respondent (171+ solicitors, ABS) was aware that other organisations provide more information to their recruits before they start working and said this is something they could adopt within their own organisation.

### When things go wrong

- 9.64 Client care stood out as the main area in which things tended to go wrong amongst the entities we spoke to. Failures in client care included issues such as service delays and cost complaints. Only one respondent we spoke to suggested there were instances in which a client felt an individual was inadequately skilled in their area of expertise (171+ solicitors, ABS).
- 9.65 One respondent felt that overconfidence of junior staff in areas which they had not sufficiently developed was the biggest problem in relation to competent legal service delivery. This same respondent had previously mentioned that the organisation had no formal training or development in place, preferring a more ‘organic’ development of training needs.

*“We are much more democratic and you have to keep an eye out that people stay within their level of ability...If you became very confident in something, you may assume that level of confidence in the next area that you haven’t yet developed. That takes a while for people to realise.”*

**1-12 solicitors, ABS**

- 9.66 There was also some contrast in the frequency of things going wrong; one firm received 10 complaints in a year relating to issues such as delays and costs (13-41 solicitors, Traditional), while another said their firm had never received formal complaints or insurance claims during her time with the firm. (42-170 solicitors, Traditional).



- 9.67 Entities with fewer complaints credited their apparent competent service delivery to the correct procedures being in place and adherence to these by fee-earners.

*“If you are discharging your professional duties and responsibilities properly and you are properly supervising people, service issues should be few and far between.”*

**13-41 solicitors, Traditional Law Firm**

- 9.68 As client care was the main area in which things tended to go wrong amongst businesses, it was no surprise that for most firms, client communication or feedback was the main method of spotting both failures in competent delivery and competent legal service delivery. As previously stated, some firms measure this through more formal processes such as customer satisfaction surveys and feedback forms, while others rely on informal discussion with the client.

*“I think it is a very competitive market out there so I don’t think clients are afraid to tell partners that you haven’t hit the mark or delivered a service that I am happy with.”*

**171+ solicitors, ABS**

- 9.69 Nevertheless, many of the entities we spoke to take a proactive, rather than a reactive approach to spotting potential failures in service delivery. As noted earlier, some, for instance, carry out regular file reviews. For one firm, this allowed a serious breach to be identified, which the respondent felt would have gone unnoticed otherwise. Amongst smaller firms, on-the-job supervision is another method of spotting errors.

- 9.70 Entities generally claimed to be stringent in ensuring they are compliant with SRA requirements. Firms were aware of what is required to adhere to the code and what to do if a breach is suspected, with formal recording and reporting procedures in place that are in line with SRA requirements.

*“We are abreast of all the rules, we have conflicts procedures, we have software for information barriers...any minor breach comes to the attention of the COLP or myself and there are a few minor things recorded in the COLP compliance failure register.”*

**42-170 solicitors, Traditional Law Firm**

- 9.71 Respondents generally considered learning, training and education to be a preventative measure against non-compliance rather than corrective.

- 9.72 One respondent described non-compliance as their organisation’s “biggest fear” (ABS, 1-12 solicitors), therefore they follow a rigid ‘precedents and processes’ approach to ensure compliance. The respondent suggested any breach by a fee-earner would be considered deliberate, as adhering to their organisation’s practices would prevent non-compliance.

- 9.73 Similarly, another respondent felt that competent service delivery and SRA compliance was so engrained into their procedures that repeated mistakes would be considered a “disciplinary rather than an education issue.” (13-41 solicitors, Traditional).

- 9.74 However, there were also more lenient attitudes towards delivery and compliance failures. Some felt these were often a result of human error and the fee-earner would be aware of how to avoid making the same mistake again. Others take a more structured approach to determining whether an incident suggests the need for training as a remedial measure.



*“You are never going to eliminate human error. However, if an error occurs which should have been spotted, it will be reviewed to identify whether it is down to the individual, a training need, or a system error.”*

**13-41 solicitors, Traditional Law Firm**

- 9.75 We also asked entities how the SRA should seek to identify businesses that are higher or lower risk in terms of learning, training and education leading to competent legal service delivery. Some suggested that each entity could provide information to the SRA such as structured training programmes or appraisal documents for assessment. However, other respondents felt that in order to identify risk it is necessary for the SRA to perform audits during site visits in order to gain a clearer picture of what learning and training happens in practice and how well it aligns with the working practices of the organisation. This is an important point, as the same learning, training and education practices might work within one entity, but fail within another, depending on the degree to which staff are supervised and the types of tasks they are permitted to do without supervision.

*“They [the SRA] need to be connected to the realities of how the law firms work; how learning and development work and then put together from this what is best practice in order for them to say you are not hitting the mark.”*

**171+ solicitors, ABS**

- 9.76 Many of the respondents we spoke to felt that smaller entities present a higher risk, as they are less likely to have the resource to either fund training or allocate time to deliver training which is common in larger firms.

*“Most of the major City firms should be well managed...if they have a Compliance team, a team delivering knowledge and development and a Graduate Recruitment team, then they should be delivering the courses and in the lower-risk category. Higher risks are smaller firms who don't have back office resources to deliver the training.”*

**171+ solicitors, Traditional Law Firm**

- 9.77 Furthermore, one respondent highlighted that any firm with one or two solicitors in a particular area of law should be considered high-risk, due to lack of staff resource to deliver training.

- 9.78 On the other hand, a smaller firm (ABS, 1-12 solicitors) suggested it was wrong to always assume that smaller businesses are more risky, highlighting that the tick-box approach of larger firms is often less effective. The respondent added that if the SRA were to audit firms, they should speak directly to individual fee-earners to ensure they are receiving appropriate training.

### Wider business objective and strategy

- 9.79 Overall, respondents considered learning, education and training to be essential to their business, as it ensures fee-earners keep up to date in an ever-changing sector and thus provide a competent service to clients. Effective learning and education is also considered to be important in the attraction and retention of staff.

*“The business is all about the people delivering the service so you need to make sure you have the best people delivering the best service. Training keeps them up to date, develops their skills and hopefully improves the service we deliver.”*

**41-170 solicitors, Traditional Law Firm**



*“You are on a continual learning journey...the most important thing of all is the quality of the service we deliver to our clients. You can’t deliver a quality service without being innovative, without being on the ball, and top of the game. The only way we are going to do that effectively is through good quality training and learning. The principal focus should be on client delivery. Training and learning...is a means to an end, not the other way round.”*

**13-41 solicitors, Traditional Law Firm**

- 9.80 The majority of entities had no immediate plans to change the balance of resourcing between qualified and unqualified fee-earners. Nevertheless, some expected the use of unqualified fee-earners to increase in the future as entities begin to choose the option that is most economically viable for their organisation.
- 9.81 One of the firms, however, was planning to open a site to carry out ‘processing tasks’ and this was likely to use unqualified fee-earners. The respondent suggested their current learning, training and education activities would be implemented in the same fashion at the new site.

### Language and terminology

- 9.82 For many of the entities we spoke to there was no clear definition of competence, with respondents switching freely between using the term to describe individual characteristics and, in other instances, to describe the ability to carry out a task effectively.
- 9.83 In some cases, terms such as knowledge, skills, attributes and individual competencies were used to describe what entities look for in the recruitment process. Some firms continued to use this terminology to describe the performance assessment of current fee-earners. For example, some firms used a list of competencies in the appraisal process which was divided between legal knowledge / education and soft skills.
- 9.84 Nevertheless, some other firms tended to move towards the Training for Tomorrow (T4T) terminology, focusing more specifically on outcomes and what a fee-earner should be able to deliver in practice. In one example, a firm (Traditional, 42-170 solicitors) based their frameworks on the US model of ‘classes’, in which fee-earners were considered to be in a specific class based on the year of qualification. In each different class, there are different expectations of what a fee-earner should be able to deliver, fitting in very much with the T4T definition of competence.
- 9.85 Similarly, an ABS respondent (1-12 solicitors) with no formal training plan in place also referred to competence in the same manner as T4T. This is perhaps understandable, as their preference for informal learning places much more emphasis on demonstrating the ability to carry out tasks in practice.



## Annexe 2: Qualitative topic guide

### SRA Entities Learning and Education Study Follow-up 'case study' in-depth interviews

J5297

Date 16/9/14

Face to face

## A Introduction to the study

- Introduce self
- Introduce IFF Research – about us, independent research agency.
- Subject:
  - *As you may know, we have been commissioned by The Solicitors Regulation Authority to explore how law firms, businesses and others delivering legal services use learning, training and education to ensure their staff are competent in delivering legal services to clients.*
  - *The SRA has already researched how the profession feels about the requirement to undertake 16 hours of Continuous Professional Development per year, so we want to avoid focusing on that today.*
  - *The purpose of this follow-up interview is to talk in a bit more detail to add to your responses to the survey; to talk about why the approaches you have in place work for your organisation; and how you arrived at these. It will be used to help us illustrate aspects of good practice in our report to the SRA.*
  - *I'm going to be asking about learning, training and education – and by that I mean informal learning as well as formal training above the qualified level. To be clear, therefore trainee solicitor contracts are not in scope – but learning and education after someone has qualified as a solicitor is.*
  - *We will use excerpts from the follow-up interviews to create case studies, demonstrating examples of good practice within legal service providers. The case studies will not be reported in a way that will allow you as an individual, or your organisation to be identified.*
  - *This interview will last around an hour, depending on your answers.*
- Confidentiality and Reassurances
  - *Taking part in this research will not impact on your dealings with The Solicitors Regulation Authority at any point in future and the data collected will be treated in the strictest confidence. Your answers will not be reported to the SRA in any way that would allow you or your firm to be identified.*
  - *MRS Code of Conduct*
  - *Your details were selected entirely at random by ourselves from The Solicitors Regulation Authority records.*
- Recording, for researcher use only



- INTERVIEWER NOTE – ALL CASE STUDY RESPONDENTS HAVE TOLD US THAT THEY HAVE:
  - B1=1 (Formal written competence frameworks)
  - B3=1 (appraisals and reviews)
  - B6=1 (process for identifying education, learning or training)
  - B8\_1 and B8\_2 = 1 (training plan/budget)
  - D1= 1 (keep records of training)
  - D3=1 (online tools used to keep records)
  - D6\_1 and D6\_2=1 (Recording amount of time and nature)
  - D7a=1 (Records include space to record what learnt from involvement)
  - AND report using more than one type of learning strategy at B9.
- INTERVIEWER TO BE GIVEN IN ADVANCE THE SURVEY RESPONSES TO:
  - Type and Size of firm (S4- S6)
  - Organisation and staffing structure (A2 and A3)
  - Numbers of sites in the UK and overseas (A4-A5)
  - Which categories of staff the formal written competence frameworks apply to (B2)
  - Which categories of staff the appraisals and reviews apply to (B4)
  - The number and type of learning strategies used by the firm (B9) and how these apply to the different staff (B10, B11 and B11A)
  - Staff responsible for overseeing education, learning and training to ensure competent delivery (C3)
  - Areas of law (F1) and types of clients (F3)



- INTERVIEWER NOTE: THROUGHOUT THE INTERVIEW PLEASE ACTIVELY LISTEN TO THE LANGUAGE THAT RESPONDENTS USE. THE SRA IS MOVING FROM USING THE TERMINOLOGY IN THE FIRST COLUMN BELOW TO THAT IN THE SECOND COLUMN BELOW. WE ARE INTERESTED IN YOUR OBSERVATIONS ON THE LANGUAGE RESPONDENTS USE TO TALK ABOUT THESE CONCEPTS (WHERE THIS EMERGES SPONTANEOUSLY WITHIN THE INTERVIEW):

Original Language	New T4T Language	INTERVIEWER OBSERVATIONS (IF ANY)
<p>Competence framework/day one competence framework</p>	<p>Competence statement for Solicitors</p> <p>We are not focusing on day one. Our competence statement is what any solicitor should be able to do.</p>	
<p>Competency/individual competencies</p> <p>= attributes of the person</p>	<p>Competence</p> <p>= what the person is able to do to a satisfactory standard</p>	
<p>Knowledge skills and attributes</p> <p>This is appropriate for an inputs (competency-based) model</p>	<p>What a competent solicitor should be able to do/what a competent solicitor looks like</p> <p>This is appropriate for an outputs model, which is what we are developing</p>	
<p>High standards</p>	<p>Appropriate standards</p>	



## B Background to the organisation and respondent

First of all, I'm interested in learning a little about your organisation and your role within it, as context for the study.

**B1 When was the organisation established?**

**B2 Briefly, what areas(s) of legal work do you see as your main specialisms? PROBE IF NECESSARY: And do you see yourself as focusing more on commercial/corporate work or personal and domestic work?**

**B3 I gather you have X sites including X overseas. [FROM SURVEY A4 / A5]**

- **PROBE IF MULTIPLE SITES:** What specific roles do these different sites have (if any) – for example, sites used for ‘processing tasks’?
- **IF ABS:** How is the organisation structured? **PROBE:** To what extent does it resemble a ‘traditional’ law firm? Why?

ASK ALL:

**B4 What, if any, major changes has the organisation experienced in recent years – e.g. mergers, acquisitions, re-structuring?**

**B5 And, briefly, what is your role within the organisation? How does this relate to learning, education and ensuring the competency of staff delivering legal services?**

## C Understanding staffing structures

**C1 I'm interested primarily in groups of staff that are responsible for delivering legal services to clients. READ OUT: By this we mean their work directly impacts on what is delivered to clients, even if they don't actually interact with them.**

- In terms of staff who deliver legal services to clients, I gather that your organisation has:
  - X Partners [FROM SURVEY A2 / A3]
  - X Other solicitors [FROM SURVEY A2 / A3]
  - X Legal Executives [FROM SURVEY A2 / A3]
  - X Paralegals [FROM SURVEY A2 / A3]
- How do each of these groups sub-divide?

**C2 And where are these staff based?**

- **IF NOT EMERGED ALREADY:** To what extent do you use staff based overseas or elsewhere in the British Isles in delivering services to the client? How does this work, and how many staff are involved in this? **PROBE:** Which of these activities affect clients in England and Wales specifically?
- **IF NOT EMERGED ALREADY:** To what extent do you use staff working as subcontractors in delivering services to the client? How does this work?

**C3 What categories of staff do you employ who aren't involved in the direct delivery of legal work for clients?**



## D Recruiting staff involved in legal service delivery

### INTERVIEWER NOTE:–

- THROUGHOUT THIS SECTION BE SURE TO PROBE FOR DIFFERENCES BY GRADE OF STAFF
- D1 **Again, we want to focus on staff who are responsible for delivering legal services to clients (i.e. their work directly impacts on what is delivered to clients, even if they don't actually interact with them). What do you look for when recruiting these different groups of staff?**
- For non-“qualified” staff, what do you look for? To what extent do you look for staff with Law Degrees, LPC/BPTC or other qualifications? Why?
  - How do you distinguish between “qualified” staff, when recruiting? To what extent do you look for additional qualifications e.g. MBAs or other management qualifications? Why?
  - To what extent does succession planning, i.e. looking for staff who might one day progress into senior managerial or partner roles, inform what you look for when recruiting? PROBE IF RELEVANT: How does this influence what you look for?

## E Assessing competence

### INTERVIEWER NOTES:–

- THROUGHOUT THIS SECTION BE SURE TO PROBE FOR DIFFERENCES BY GRADE OF STAFF
  - IT MAY BE COMMON FOR RESPONDENTS NOT TO HAVE A FORMALISED WAY OF ASSESSING COMPETENCE, BUT IT IS IMPORTANT TO ASK THESE QUESTIONS IN ORDER TO EXPLORE ANY FORMALISED COMPETENCES THAT DO EXIST
- E1 **I understand that you have formal written competence frameworks or competence lists giving the skills or competences that [STAFF GRADES FROM SURVEY B2] need in order to perform their job roles effectively.**
- E2 **What format are these lists of skills or competences stored in (if at all)? How detailed are they?**
- E3 **Do the required competences vary within staff grade e.g. by the area of law focussed on? Or by length of experience?**
- E4 **How did you come up with these lists of skills/competences?**
- E5 **To what extent do you assess the performance of individual [STAFF GRADE] against these required skills/competences?**
- How do you do this? PROBE: What specifically do you assess?
  - Does an assessment take place when staff first start with your organisation?
  - And after this point, how regularly do you do assess staff against these skills/competences?
  - Does frequency vary by how competent you believe them to be?



## F Use of learning, training and education

**INTERVIEWER TO USE THOSE PROBES BELOW TO OBTAIN A DESCRIPTION OF WHAT IS IN PLACE, FOR EACH DISTINCT GROUP OF STAFF IDENTIFIED ABOVE. INTERVIEWER TO 'MAP' THE ARRANGEMENTS FOR EACH TYPE OF STAFF.**

**I understand that your organisation has a process for identifying what education, learning or training a member of staff might need. For each of these groups of staff, please can you tell me in a little more detail how, as an organisation, you use learning, training and education to ensure that these staff are competent to deliver legal services.**

- F1 How are the learning, training and education needs of [STAFF GRADE] assessed?**
- F2 What sort of support do you provide to employees in planning their education, learning and development?**
- F3 To what extent are there training and development plans in place for these groups of staff? What do these contain? What is actually done with these?**
- To what extent do the competency/skills assessments described above inform learning, training and education activity? How does this work in practice?
  - To what extent are appraisals or annual reviews used for these groups of staff? PROBE: To what extent do these inform learning and education activity? How does this work in practice?
- F4 How do any identified needs translate into actual 'learning, training and education activity' for these groups of staff? PROBE:**
- What specific learning, training and education activities are offered to each group of staff, either internally or externally?
  - How much of the identified needs are booked/planned centrally and how much is left to staff to arrange for themselves?
  - To what extent is any planned training mandatory/discretionary?
    - PROBE IF RELEVANT: What is mandatory, and for whom?
    - PROBE TO ALL: Why this balance between discretionary / mandatory activity?
  - How individualised are learning, training and education solutions? (e.g. are they determined by staff grade or by individual needs?)
- F5 What approaches to learning, training and education do you take for:**
- Training in specific areas of law
  - Training in generic client-care skills
  - Management or supervisory skills
- F6 How is training delivered? PROBE: By staff members; outside contracted trainers coming into the firm; sending staff to outside conferences or training; or a mixture?**
- ASK RESPONDENT TO GIVE AN APPROXIMATE PROPORTION FOR EACH.
- F7 IF NOT EMERGED ALREADY: To what extent does informal or 'on the job' learning play a role? What role does this play in 'learning, training and education activity' for these groups of staff?**
- F8 Is any training delivered through full courses or programmes such as an internal MBA or a Masters or Diploma Programme specifically for the firm's staff? IF SO: What proportion of formal training is provided in this way?**
- F9 How does the current requirement for solicitors to conduct 16 hours of CPD a year fit into all of this at the moment?**



- How is it decided how this is best used?

IF RELEVANT

F10 **How do staff learning, training and education arrangements vary for:**

- Other sites, e.g. 'processing' sites, involved in delivery to the client
- Overseas sites involved in delivery to the client
- Sub-contractors involved in delivery to the client

ASK ALL

F11 **I gather you keep records of training, including through online tools. Please can you tell me a bit more about how is participation in or completion of all of this 'learning, training and education activity' recorded or evidenced?**

- PROBE: How does this differ for each group of staff? And for each type of learning, training and education activity you mentioned?
- PROBE: How is participation in informal or 'on the job' learning evidenced?
- PROBE: You mentioned that at least some of your staff are keeping a personal record of participation in learning, training and education activity. To what extent do staff do this? PROBE: How do the electronic or online systems support them in doing this, if at all?
- PROBE: Do **all** staff record this? IF NO, EXPLORE WHICH STAFF DO AND WHICH DO NOT, AND WHY.
- PROBE: To what extent do these ways of recording or evidencing learning, training and education support reflective learning? (NB – this involves a learner looking back over the learning experience to assess what they have taken out of it, how to implement the learnings, future learning needs etc.)

F12 **How are these records of learning activity used by staff? And by your organisation?**

F13 **And how do you check on the outcomes of learning, training and education activity?**

- PROBE: How do you know whether they have delivered the skills/competences you were looking for?
- PROBE: How do you assess the impact of informal or 'on the job' learning specifically?

F14 **Does your organisation hold any recognised quality standards? PROBE: To what extent do these inform learning and education activity? How does this work in practice? Is their influence over learning and education helpful?**

F15 **Has your organisation's approach to learning, training and education changed substantially recently? IF SO: How? Why was this changed?**

F16 **Are there any plans to change this approach to learning, training and education in future? IF SO: How? Why are there plans to change this?**



## G Staff involved in managing learning, training and education

G1 You mentioned that the [INSERT STAFF FROM C3] have ultimate responsibility for overseeing your organisation's education and training activities. Please can you tell me a little more about what is involved in managing this and who is responsible for doing what?

- INTERVIEWER PROBE FOR: Determining training needs? Sourcing suppliers? Booking training courses? Following up on whether it has been effective?
- PROBE: Do these people have other roles as well? Is a specific amount of their time reserved for education and training responsibilities?
- PROBE: What is your role? How do these different individuals work together to achieve this?

ASK ALL

G2 And do the members of staff who deal with learning, training and education receive training to carry out this role?

- PROBE: How does this differ between one member of staff (involved in learning and education) and another?

G3 Changing the subject slightly, what training or support does your COLP receive to enable them to perform their regulatory role?

G4 And what training or support does your COFA receive?

## H Implementation 'on the ground'

We've talked about what happens in principle, and who's involved in managing learning and education – but how do you make sure this filters down through all the staff involved in delivery to clients?

H1 How do you know whether this has actually happened in practice, as intended?

- IF NOT EMERGED ALREADY, PROBE: To what extent is learning and education supervised, to make sure it has actually happened as intended? How does this work?
- PROBE: Who is responsible? What systems are in place?

H2 How do you assess whether the learning, training and education have had impact? PROBE: What criteria do you use?

- PROBE: To what extent do you assess impact in terms of business outcomes?
- PROBE: And to what extent do you assess impact in terms of quality of delivery to the client?
- And how specifically do you establish whether it has succeeded on these terms?

We all know that, regardless of principles and systems in place, circumstances, individual personalities etc. can have an influence. Bearing in mind that this is all totally confidential, your firm will never be identified, and that it's critical that the SRA understands what's really happening in practice...

H3 ...what do you think gets in the way of organisations like yours, delivering learning, training and education exactly as they intended to? PROBE: Would you expect there to be any patterns?

- To what extent is this true of your own organisation?



- What elements of the learning, training and education you described actually happened in the past 12 months? And what element, if any, didn't happen / didn't consistently happen? Why?

## I Best practice

- 11 **KEY QUESTION: We've now talked in quite a lot of detail about what you have in place, in terms of learning, training and education for ensuring that legal services are delivered competently – but I suppose this isn't the only way of going about this. Why does the approach you adopted work well for your organisation and its way of working?**
- PROBE: How did you arrive at this way of doing things?
  - PROBE: Were there any mistakes made, or lessons learnt, in arriving at this approach? IF SO: What?
- 12 **Is there anything that you'd like to change about the way in which you deliver learning, training and education within your organisation? Why?**
- PROBE FOR EACH GROUP OF STAFF
  - PROBE FOR EACH IDEA: What are the barriers to doing this?
- 13 **To what extent are you aware of other 'good practice' learning, training and education approaches in other organisations like yours?**
- PROBE: What do these 'good' approaches involve? How realistic would it be for you to adopt them? Why?
- 14 **KEY QUESTION: Bearing in mind that parts of this interview are likely to be used to suggest good practice approaches to other legal service providers, what advice would you give to other organisations like yours, in terms of how they can use learning, education and training to ensure competent delivery?**



## J When things go wrong

- J1 **In organisations like yours, what sorts of things are most likely to go wrong, in delivering legal services to the client?**
- PROBE: How does it differ between the different groups of staff we've discussed?
- J2 **As a business, how do you try to spot that something has gone wrong, in terms of competent delivery? What are the 'tell-tale' signs?**
- J3 **Looking at this the other way round, to what extent do you know that what is delivered to the client is competent? How do you do this? How reliable is this?**
- J4 **How do you know that delivery is compliant with SRA requirements?**
- PROBE: How do you spot non-compliance? What happens if a breach is suspected?
- J5 **To what extent do you use learning, training and education to address potential failures in client delivery, and SRA compliance? PROBE: How does it do this?**  
**The SRA is seeking to identify businesses that are lower or higher risk, in terms of learning, training and education leading to competent legal service delivery; while at the same time moving away from regulating *how individuals* undertake learning, to regulating *organisations* in terms of *what effects* learning has on staff.**
- J6 **How do you think it should go about identifying lower and higher risk businesses?**
- PROBE: Why would this be an appropriate approach?
  - PROBE: What, if any, potential drawbacks are there to this approach?

## K Wider business objectives and strategy

- K1 **As context for our discussion, how important is learning, training and education to the business? Why?**
- PROBE: To what extent does it help your organisation deliver its business objectives? In what ways?
- K2 **Thinking about your wider business strategy, to what extent are you looking to change the balance of resourcing between qualified and unqualified fee-earners? Why?**
- PROBE: What role will learning and education play in this change?



## L Final comments and wrap up

- L1 **Finally, is there anything else you would like to say about the subject of learning, training and education to ensure competent delivery of legal services which we haven't covered?**
- L2 **What advice would you give the SRA about this issue?**
- L3 **As we mentioned when we set this interview up, we are interested in using excerpts from this interview anonymously (i.e. so neither you nor your company would be identifiable) as case studies to illustrate good practice in terms of approaches to learning and education. These would form part of SRA guidance on good practice. Just to reiterate we would not use any information that would identify you or your firm or show you or your firm in a negative light.**

Yes	1	
No	2	IF POSSIBLE RECORD REASON: _____ _____
Unsure	3	IF POSSIBLE RECORD REASON: _____ _____

**THANK RESPONDENT  
AND CLOSE INTERVIEW**

I declare that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct.
Interviewer signature:
Finish time:



## Annexe 3: Quantitative survey questionnaire

Learning and Education in Regulated Entities J5327

Date 16/9/14

Telephone

Quota category	Number of interviews to achieve	Sample counts
'Traditional' Solicitors' Firms: 1-5 solicitors	250	2,972
'Traditional' Solicitors' Firms: 6-12 solicitors	250	
'Traditional' Solicitors' Firms: 13-41 solicitors	150	694
'Traditional' Solicitors' Firms: 42-170 solicitors	45	143
'Traditional' Solicitors' Firms: 171+ solicitors	5	22
ABS	50	130
<b>TOTAL</b>	<b>750</b>	<b>3,961</b>



## S Screener

ASK TELEPHONIST

- S1 Good morning / afternoon, my name is NAME, calling from IFF Research, the independent market research company. We're conducting research on behalf of the Solicitors Regulation Authority (SRA).**

**Please may I speak to the most senior person responsible for training of legal staff?**

**ADD IF SAY COMPANY HAS TAKEN PART IN RECENT RESEARCH:** The SRA understands that legal service providers have received frequent requests to participate in research activities in recent months, nevertheless this is an important study with different objectives, and the SRA would be very grateful if you were able to take part.

**ADD IF NECESSARY:** We have been provided with your details by the Solicitors Regulation Authority, as part of a research study on the training and development methods used by legal services organisations for their legal staff.

**ADD IF NECESSARY:** I have been provided with [NAMED CONTACT FROM SAMPLE]. Would they be available/the best person to speak to?

Transferred	1	CONTINUE
Hard appointment	2	MAKE APPOINTMENT
Soft Appointment	3	
Refusal	4	CLOSE
Refusal – company policy	5	
Refusal – Taken part in recent survey	6	
Nobody at site able to answer questions	7	
Not available in deadline	8	
Engaged	9	
Fax Line	10	
No reply / Answer phone	11	
Residential Number	12	
Dead line	13	
Company closed	14	



ASK ALL

**S2 Good morning / afternoon, my name is NAME, calling from IFF Research, the independent market research company. We’re conducting a survey on behalf of the Solicitors Regulation Authority (SRA), to explore how law firms, businesses and others delivering legal services use learning, training and education to ensure their staff are competent in delivering legal services to clients.**

**The results will inform the development of SRA guidance to assist entities with the implementation of continuing competence policies to ensure competence of staff delivering legal services.**

**Are you the most senior person responsible for training of legal staff?**

**ADD IF SAY COMPANY HAS TAKEN PART IN RECENT RESEARCH:** The SRA understands that legal service providers have received frequent requests to participate in research activities in recent months, nevertheless this is an important study with different objectives, and the SRA would be very grateful if you were able to take part.

**ADD IF NECESSARY:** We have been provided with your details by the Solicitors Regulation Authority. You should recently have received a letter about this from Julie Brannan, Director of Education and Training, at the Solicitors Regulation Authority

Continue	1	CONTINUE
Referred to someone else at establishment NAME_____	2	TRANSFER AND RE-INTRODUCE
JOB TITLE_____		
Hard appointment	3	MAKE APPOINTMENT
Soft appointment	4	
Refusal	5	THANK AND CLOSE
Refusal – company policy	6	
Refusal – taken part in recent survey	7	
Not available in deadline	8	
Requests to be sent introductory letter again TAKE EMAIL ADDRESS_____	9	DP – AUTOMATE RE-SENDING OF SRA LETTER
REPEAT EMAIL ADDRESS BACK TO RESPONDENT: Is this correct? IF INCORRECT, GO BACK AND AMEND EMAIL ADDRESS		



**S3 This call may be recorded for quality and training purposes only.**

**REASSURANCES TO USE IF NECESSARY**

The interview will take around 20 minutes to complete.

Please note that all data will be reported in aggregate form and your answers will not be reported to our client in any way that would allow you to be identified.

If respondent wishes to confirm validity of survey or get more information about aims and objectives, they can call:

- **MRS: Market Research Society on 0500396999**
- **IFF: Sam Selner or Erica Garnett at IFF Research on 020 7250 3035**
- **Mary Costello at the Solicitors Regulation Authority, on 0121 329 6270 or [mary.costello@sra.org.uk](mailto:mary.costello@sra.org.uk)**

ASK ALL

**S4 First of all, I'm interested in learning a little about your organisation, as context. And can I check, what type of legal services organisation do you currently work for?**

*SINGLE CODE.*

A 'traditional' law firm	1	CONTINUE – CHECK QUOTAS
An alternative Business Structure (ABS) with a structure similar to a 'traditional' law firm	2	
An alternative Business Structure (ABS) with another type of structure	3	
Other (PLEASE SPECIFY)	4	<b>THANK AND CLOSE</b>
Don't know / Refused	5	<b>THANK AND CLOSE</b>



ASK ALL

**S5 Just to check, how many solicitors are there in your firm?**

*READ OUT: PLEASE INCLUDE PARTNERS WITHIN THE NUMBER OF SOLICITORS.*

WRITE IN.		
DP – ALLOW FIGURES ≥1		
Don't know	1	
Refused	2	

*IF DON'T KNOW OR REFUSED, PROMPT WITH RANGE. SINGLE CODE.*

*DP – PLEASE AUTOCODE PRECISE NUMBERS TO RANGES BELOW IN ORDER TO ASSIGN TO QUOTAS*

1 solicitor	1	CONTINUE – CHECK QUOTAS
2-5 solicitors	2	
6-12 solicitors	3	
13-41 solicitors	4	
42-170 solicitors	5	
171+	6	
Don't know / Refused	7	THANK AND CLOSE

ASK IF '1' ENTERED AT S5 OR S5RAN=1

**S6 Do you employ any other staff at all?**

Yes	1	CONTINUE – CHECK QUOTAS
No	2	
Don't know	3	THANK AND CLOSE



## A Organisation background and staffing structures

- ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)
- A1 **Just to check, which of the following categories of staff does your organisation currently employ?**  
 READ OUT. MULTICODE
- ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)
- A2 **And how many staff in each of these groups do you employ?**  
 DP – SHOW ONLY RESPONSES CODED AT **A1**
- ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)
- A3 **And which of these are involved in delivering legal services to clients?**  
**READ OUT TO ALL: By this, we mean the work they do directly impacts on what is delivered to clients, even if they don't actually interact with clients.**  
 READ OUT. MULTICODE. DP – SHOW ONLY RESPONSES CODED AT **A1**

	A1 Normally employ	A2 Numbers of staff involved	A3 Directly involved in delivering legal services to clients
Partners	1	WRITE IN NUMBER. ALLOW DK	1
Other qualified solicitors	2	WRITE IN NUMBER. ALLOW DK	2
Trainee solicitors	3	WRITE IN NUMBER. ALLOW DK	3
Legal executives	4	WRITE IN NUMBER. ALLOW DK	4
Paralegals – READ OUT: <i>By paralegal staff, I mean someone who performs substantive legal work and who does not have a legal qualification that allows them to practice in reserved areas in England and Wales.</i>	5	WRITE IN NUMBER. ALLOW DK	5
Other types of staff 1 (PLEASE SPECIFY)	6	WRITE IN NUMBER. ALLOW DK	6 DP – AT <b>A2 AND A3</b> FILL IN TEXT FROM 'OTHER' AT <b>A1</b>
Other types of staff 2 (PLEASE SPECIFY)	7	WRITE IN NUMBER. ALLOW DK	7 DP – AT <b>A2 AND A3</b> FILL IN TEXT FROM 'OTHER' AT <b>A1</b>
Other types of staff 3 (PLEASE SPECIFY)	8	WRITE IN NUMBER. ALLOW DK	8 DP – AT <b>A2 AND A3</b> FILL IN TEXT FROM 'OTHER' AT <b>A1</b>



ASK ALL

A4 **How many sites does your organisation have in total, including any in the UK and overseas?**

WRITE IN		
DP – ALLOW FIGURES $\geq 1$		
Don't know	1	
Refused	2	

ASK IF MORE THAN ONE SITE (A4>1)

A5 **And how many of these sites are overseas?**

WRITE IN		
DP – ALLOW FIGURES $\geq 0$		
Don't know	1	
Refused	2	

ASK IF MORE THAN ONE SITE (A4>1)

A6 **Do you have any sites which are used just for 'processing tasks'?**  
*ADD IF NECESSARY: processing Tasks may include data entry, proofreading, legal transcription, simple filings, cite-checking and remote secretarial services.*

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	

IF HAVE SITES USED FOR PROCESSING TASKS (A6=1)

A7 **Do any of these 'processing sites' do work that directly impacts on legal service delivery to clients in England or Wales?**  
*ADD IF NECESSARY: Processing tasks may include data entry, proofreading, legal transcription, simple filings, cite-checking and remote secretarial services.*

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	



ASK IF MORE THAN ONE RESPONSE CODED AT A1 AND NOT S6=2  
 A8 **Do the following categories of staff undertake any work that directly impacts on what is delivered to the client, without supervision?**  
 READ OUT. CODE ONE OPTION ON EACH ROW.

	Yes	No	Don't know
IF A1=2:_1 Other qualified solicitors	1	2	3
IF A1=3:_2 Trainee solicitors	1	2	3
IF A1=4:_3 Legal executives	1	2	3
IF A1=5:_4 Paralegals	1	2	3
IF A1=6:_5 Other types of staff - DP - PIPE IN TEXT FROM 'OTHER' AT A1	1	2	3
IF A1=7:_6 Other types of staff - DP - FILL IN TEXT FROM 'OTHER' AT A1	1	2	3
IF A1=8:_7 Other types of staff - DP - FILL IN TEXT FROM 'OTHER' AT A1	1	2	3



## B Learning, education and training approaches

ASK ALL

B1

**[IF NOT S6=2: For all of my remaining questions, we're interested only in staff that undertake work that directly impacts on what is delivered to clients, even if they don't actually interact with clients.**

**I'm going to be asking about learning, training and education – and by that I mean informal learning as well as formal training above the qualified level.**

**Does your organisation have formal written Competence Frameworks or Competence Lists giving the skills that staff should be able to demonstrate at particular points in their career?]**

**[IF S6=2: I'm going to be asking about learning, training and education – and by that I mean informal learning as well as formal training above the qualified level.**

**Does your organisation have formal written Competence Frameworks or Competence Lists giving the skills that you should be able to demonstrate at particular points in your career?]**

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	



IF HAVE COMPETENCY FRAMEWORKS AND HAVE MULTIPLE CATEGORIES OF STAFF (B1=1 AND MORE THAN ONE RESPONSE CODED AT A1) AND NOT S6=2

**B2 For which of these categories of staff does your organisation have these Competence Frameworks or Competence Lists?**

*READ OUT. MULTICODE*

*DP – SHOW ONLY RESPONSES CODED AT A1*

	YES	NO	DK
Partners	1	2	3
Other qualified solicitors	1	2	3
Trainee solicitors	1	2	3
Legal executives	1	2	3
Paralegals	1	2	3
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT A1_6	1	2	3
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT A1_7	1	2	3
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT A1_8	1	2	3
Refused			

ASK IF NOT S6=2

**B3 And does your organisation have formal appraisals or reviews of performance for staff involved in the delivery of services to clients?**

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	



IF HAVE APPRAISALS AND HAVE MULTIPLE CATEGORIES OF STAFF (B3=1 AND MORE THAN ONE RESPONSE CODED AT A1) AND NOT S6=2

B4 **With which of these categories of staff does your organisation hold appraisals?**  
 READ OUT. MULTICODE . DP – SHOW ONLY RESPONSES CODED AT A1

	Yes	No	DK
Partners	1	2	3
Other qualified solicitors	1	2	3
Trainee solicitors	1	2	3
Legal executives	1	2	3
Paralegals	1	2	3
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT A1_6	1	2	3
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT A1_7	1	2	3
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT A1_8	1	2	3
Refused			

IF HAVE APPRAISALS (B3=1)

B5 **And how regularly do these appraisals take place, are they....?**

Every 6 months	1	
Every 12 months	2	
Other / It varies by staff type (WRITE IN)	3	
Don't know	5	
Refused	6	

ASK ALL

B6 **[IF NOT S6=2: Does your organisation have a process for identifying what education, learning or training a member of staff might need?]**  
**[IF S6=2: Does your organisation have a process for identifying what education, learning or training you might need?]**

Yes	1	
No	2	
Don't know	3	



B6A QUESTION DELETED

IF HAVE PROCESS FOR IDENTIFYING NEEDS (B6=1)

B7 **[IF NOT S6=2: And which, if any, of the following are used to identify what education, learning or training a member of staff might need. Is it....?]**  
*READ OUT AND CODE ALL MENTIONED*

**IF S6=2: How do you identify what education, learning or training you might need?]**  
*READ OUT AND CODE ALL MENTIONED*

[IF HAVE COMPETENCY FRAMEWORKS (B1=1) <b>[IF NOT S6=2: Determined by assessing staff against the Competence Frameworks or Competence Lists of required skills that you hold for them]</b> <b>[IF S6=2: Determined by assessing yourself against the Competence Frameworks or Competence Lists of required skills]</b>	1	
[IF HAVE APPRAISALS (B3=1) <b>Part of the appraisal process</b>	2	
[IF NOT S6=2] <b>One of the things that supervisors or line managers would keep an eye on</b>	3	
[IF NOT S6=2] <b>Possible for staff to put forward their own suggestions of what development they need</b>	4	
<b>Other (WRITE IN)</b>	5	
Don't know	6	

ASK ALL

B8 **Does your organisation have any of the following...?**

	Yes	No	Don't know
<b>[IF NOT S6=2: A training plan that specifies in advance the level and type of training your employees will need in the coming year?]</b>	1	2	3
<b>[IF S6=2: A training plan that specifies in advance the level and type of training you will need in the coming year?]</b>			
<b>A budget for training expenditure?</b>	1	2	3



**ASK ALL**

B9 **And has your organisation used any of the following strategies to aid the development of any of your employees in the last 12 months?**

**ADD IF NECESSARY:** Please say yes if strategy has been used by any of your employees in the past 12 months – it doesn't need to be all of them.

*READ OUT; CODE ALL THAT APPLY. DP – ROTATE LIST. FIX CODES 10-14 AT BOTTOM*

<b>INTERNAL TRAINING: Training that was run by other employees of your organisation rather than external training providers or other organisations</b>	<b>1</b>
<b>EXTERNAL TRAINING: Training that has been delivered by people who are not immediate employees of your organisation</b>	<b>2</b>
<b>WORK SHADOWING: Providing opportunities for staff to spend time learning through watching others perform their job roles internally</b>	<b>3</b>
<b>ROLE STRETCHING: Allowing staff to perform tasks that go beyond their strict job role and providing them with feedback as to how well they have done</b>	<b>4</b>
<b>MENTORING: Using a 'buddy' system or another approach where staff are given someone who they can go to if they need any guidance</b>	<b>5</b>
<b>A FORMAL CHECK ON OUTPUTS: A procedure for reviewing files or other documents produced for staff after the work has been complete</b>	<b>6</b>
<b>DISCUSSIONS OF CASES: Presenting cases to teams to discuss and review</b>	<b>7</b>
<b>REFLECTIVE LEARNING: Staff review their own practice and identify how to develop it</b>	<b>8</b>
<b>ONLINE LEARNING AND TRAINING</b>	<b>9</b>
<b>OTHER 1: (WRITE IN)</b>	<b>10</b>
<b>OTHER 2: (WRITE IN)</b>	<b>11</b>
<b>OTHER 3: (WRITE IN)</b>	<b>12</b>
<b>DO NOT READ OUT: None of these (ALLOW SINGLE CODE ONLY)</b>	<b>13</b>
<b>DO NOT READ OUT: Don't know (ALLOW SINGLE CODE ONLY)</b>	<b>14</b>



ASK IF MORE THAN ONE RESPONSE CODED AT A1 AND NOT S6=2

**B10 What strategies do you use for [INSERT STAFF LEVEL]?**

READ OUT. CODE ALL THAT APPLY.

DP – SHOW ONLY STAFF GRADES MENTIONED AT A1 – IF ONLY ONE STAFF TYPE AT A1, AUTOMATICALLY FEED B9 RESPONSES INTO THIS QUESTION.

DP – SHOW ONLY LEARNING APPROACHES CODED AT B9 PLUS ALWAYS SHOW ‘ONGOING SUPERVISION’ (CODE 10).

DP – FEED IN ‘OTHER’ TEXT FROM B9 AT OTHER 1, 2 AND 3

DP NOTE: B10 AND B11 TO BE ASKED IN LOOP

	Internal training	External training	Work shadowing	Role stretching	Mentoring	A formal check on outputs	Discussion of cases	Reflective learning	Online learning and training	Ongoing supervision	Other 1	Other 2	Other 3	None of these	Don't know
Partners	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other qualified solicitors	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Trainee solicitors	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Legal executives	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Paralegals	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other types of staff - DP – FILL IN TEXT FROM ‘OTHER’ AT A1_6	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other types of staff - DP – FILL IN TEXT FROM ‘OTHER’ AT A1_7	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other types of staff - DP – FILL IN TEXT FROM ‘OTHER’ AT A1_8	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15



ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO LEGAL STAFF (IF NOT S6=2)

**B11 And which of those strategies are most effective for ensuring competent delivery of legal services by [INSERT STAFF LEVEL] within your organisation?**

READ OUT. SINGLE CODE.

DP – SHOW ONLY RESPONSES CODED AT **B10 FOR EACH STAFF GRADE**

DP - FOR EACH STAFF GRADE IF ONLY ONE TYPE OF LEARNING STRATEGY CODED AS USED AT B10 DO NOT ASK B11 AND CODE THIS ANSWER AT B10 AS THERE RESPONSE TO B11. IF SELECT NONE OF THESE OR DK AT B10 THEN B11 FOR THAT STAFF GRADE IS NOT ASKED

	Internal training	External training	Work shadowing	Role stretching	Mentoring	A formal check on outputs	Discussion of cases	Reflective learning	Online learning and training	Ongoing supervision	Other 1	Other 2	Other 3	None of these	Don't know
Partners	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other qualified solicitors	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Trainee solicitors	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Legal executives	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Paralegals	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT <b>A1_6</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT <b>A1_7</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Other types of staff - DP – FILL IN TEXT FROM 'OTHER' AT <b>A1_8</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15



ASK IF S6=2 AND MORE THAN ONE RESPONSE CODED AT B9

**B11A** And which of these strategies has been most effective for ensuring competent delivery of legal services?

READ OUT. SINGLE CODE.

DP – SHOW ONLY RESPONSES CODED AT B9. DO NOT SHOW QUESTION IF B9=13 OR 14

DP – IF ONLY ONE RESPONSE GIVEN AT B9 CODE THIS ANSWER AS THERE RESPONSE TO B11A

<b>INTERNAL TRAINING</b>	<b>1</b>
<b>EXTERNAL TRAINING</b>	<b>2</b>
<b>WORK SHADOWING</b>	<b>3</b>
<b>ROLE STRETCHING</b>	<b>4</b>
<b>MENTORING</b>	<b>5</b>
<b>A FORMAL CHECK ON OUTPUTS</b>	<b>6</b>
<b>DISCUSSIONS OF CASES</b>	<b>7</b>
<b>REFLECTIVE LEARNING</b>	<b>8</b>
<b>ONLINE LEARNING AND TRAINING</b>	<b>9</b>
<b>ONGOING SUPERVISION</b>	<b>10</b>
<b>OTHER 1</b>	<b>11</b>
<b>OTHER 2</b>	<b>12</b>
<b>OTHER 3</b>	<b>13</b>
<b>None of these</b>	<b>14</b>
<b>DO NOT READ OUT: Don't know (ALLOW SINGLE CODE ONLY)</b>	<b>15</b>

B12 QUESTION DELETED

B13 QUESTION DELETED



## C Staff involved in managing learning, education and training

C1 **QUESTION DELETED**

C2 **QUESTION DELETED**

ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)

C3 **Who has ultimate responsibility for overseeing education and training activities within the organisation?**

*PROBE FULLY. SINGLE CODE*

The COLP (Compliance Officer for Legal Practice)	1	
Learning & Development Manager	2	
The training principal	3	
Another partner	4	
Other (PLEASE SPECIFY)	5	
Don't know	6	
Refused	7	

ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)

C4 **Are your COLP and COFA positions held by the same person or different people?**

**INTERVIEWER NOTE: COLP is the Compliance Officer for Legal Practice; and COFA is the Compliance Officer for Finance and Administration.**

*SINGLE CODE*

The same person	1	
Different people	2	
Don't know	3	



C5 **QUESTION DELETED**

C6 **QUESTION DELETED**

C7 **QUESTION DELETED**

IF COLP AND COFA ARE SAME PERSON (C4=1):

C8 **Did the person who holds the COLP and COFA roles receive any training, or is any training planned for the future, to prepare them for these roles?**

*DP – CAN MULTICODE YES RESPONSES FOR C8-C10*

Yes - received training	1	
Yes – training planned for the future	2	
No	3	
Don't know	4	

IF COLP AND COFA ARE DIFFERENT PEOPLE (C4=2):

C9 **Did the person who holds the COLP role receive any training, or is any training planned for the future, to prepare them for this role?**

Yes - received training	1	
Yes – training planned for the future	2	
No	3	
Don't know	4	

IF COLP AND COFA ARE DIFFERENT PEOPLE AND NO REFUSAL AT C9 (C4=2 AND C9≠2):

C10 **Did the person who holds the COFA role receive any training, or is any training planned for the future, to prepare them for this role?**

Yes - received training	1	
Yes – training planned for the future	2	
No	3	
Don't know	4	



ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)

C11 **In which, if any, of the following ways is your COLP and COFA involved in deciding what learning, education and training is needed to ensure competence among staff involved in legal service delivery?**

READ OUT. CODE ALL THAT APPLY IN EACH COLUMN BELOW

DP NOTE: TO APPEAR AS BELOW

	IF COLP AND COFA ARE SAME PERSON (C4=1): _1 COLP and COFA involvement (same individual)	IF COLP AND COFA ARE DIFFERENT PEOPLE AND COLP IS INVOLVED (C4=2): _2 COLP involvement	IF COLP AND COFA ARE DIFFERENT PEOPLE AND COFA IS INVOLVED (C4=2): _3 COFA involvement
Approving learning, education and training plans	1	1	1
Planning learning, education and training on regulatory compliance matters specifically	2	2	2
Planning learning, education and training in general – not limited to regulatory compliance matters	3	3	3
Other types of involvement (PLEASE SPECIFY)	4	4	4
Organisation doesn't do this at all (DP – EXCLUSIVE CODE) (DO NOT READ OUT)	5	5	5
COLP / COFA does none of these (DP – EXCLUSIVE CODE) (DO NOT READ OUT)	6	6	6
Don't know (DP – EXCLUSIVE CODE) (DO NOT READ OUT)	7	7	7



ASK IF COLP AND COFA NOT INVOLVED IN APPROVING LEARNING, EDUCATION AND TRAINING PLANS (C11\_1 TO C11\_3 ≠ 1), AND NOT C11\_1 TO C11\_3 = 5, AND NOT S6=2

**C12 You said that your COLP and COFA are not involved in approving learning, education and training plans. Who does this instead?**

*PROMPT AS NECESSARY. MULTICODE*

ASK IF COLP AND COFA NOT INVOLVED IN PLANNING LEARNING, EDUCATION AND TRAINING ON REGULATORY COMPLIANCE MATTERS SPECIFICALLY (C11\_1 TO C11\_3 ≠ 2), AND NOT C11\_1 TO C11\_3 = 5, AND NOT S6=2.

**C13 You said that your COLP and COFA are not involved in planning learning, education and training on regulatory compliance matters specifically. Who does this instead?**

*PROMPT AS NECESSARY. MULTICODE*

	C12 Staff involved in approving learning, education and training plans	C13 Staff involved in planning learning, education and training on regulatory compliance matters specifically
Partners	1	1
HR Department	2	2
Learning & Development Team	3	3
Representatives of individual legal departments with responsibility for learning, education and training	4	4
Individual fee earners	5	5
The training principal	6	6
Other types of staff (PLEASE SPECIFY)	7	7
Don't know	8	8



## D Documenting and monitoring implementation

ASK ALL

D1 **[IF NOT S6=2: Does your organisation keep a record of the education, learning or training that staff have participated in?]**

**[IF S6=2: Do you keep a record of the education, learning or training that you have participated in?]**

**ADD IF NECESSARY: WE'RE STILL FOCUSING ON LEARNING EDUCATION AND TRAINING AMONG STAFF INVOLVED IN DELIVERING LEGAL SERVICES TO CLIENTS.**

Yes	1	
No	2	
Don't know	3	

ASK ALL EXCEPT SOLE PRACTITIONERS WITH NO OTHER STAFF (NOT S6=2)

D2 **Are individual members of staff...?**

*READ OUT. SINGLE CODE ON EACH ROW*

	Yes	No	Don't know
<b>Required to keep a record of the education, learning or training that they personally have participated in?</b>	1	2	3
<b>Required to reflect on the outcomes of the education, learning or training that they personally have participated in?</b>	1	2	3

ASK IF ANY RECORDS OF EDUCATION, LEARNING OR TRAINING KEPT (D1=1 OR D2\_1=1)

D3 **Are any online tools used by your organisation for keeping these records of participation in education, learning or training?**

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	



D4 ASK IF ONLINE TOOLS USED (D3=1)  
**Are these online tools...?**  
 READ OUT. MULTICODE

<b>'Off the shelf' packages, bought in</b>	1	
<b>Bespoke tools, developed by external suppliers</b>	2	
<b>Bespoke tools, developed internally</b>	3	
Other (PLEASE SPECIFY)	4	
Don't know	5	
Refused	6	

D5 IF KEEP RECORDS OF TRAINING (D1=1 OR D2\_1=1)  
**Which of the following types of education, learning or training activity are included in these records?**

[IF B9=1] <b>Internal training</b>	1	
[IF B9=2] <b>External training</b>	2	
[IF B9=3] <b>Work shadowing internally</b>	3	
[IF B9=4] <b>Role stretching, i.e. allowing staff to perform tasks beyond their strict job role and giving feedback</b>	4	
[IF B9=5] <b>Mentoring</b>	5	
[IF B9=6] <b>A formal check on files or other outputs</b>	6	
[IF B9=7] <b>Presenting cases to teams to discuss and review</b>	7	
[IF B9=8] <b>Reflective learning</b>	8	
[IF B9=9] <b>Online learning and training</b>	9	
[IF B9=10] <b>Other 1</b> [DP – FEED IN TEXT FROM B9]	10	
[IF B9=11] <b>Other 2</b> [DP – FEED IN TEXT FROM B9]	11	
[IF B9=12] <b>Other 3</b> [DP – FEED IN TEXT FROM B9]	12	



IF KEEP RECORDS OF TRAINING (D1=1 OR D2\_1=1)

D6 **Do the records that your organisation keeps.....?**

*READ OUT. SINGLE CODE ON EACH ROW*

	Yes	No	DK
<b>[IF NOT S6=2: Record the amount of time spent by each individual on training activities?] [IF S6=2: Record the amount of time you spend on training activities?]</b>	1	2	3
<b>[IF NOT S6=2: Include a way of recording the nature of the training that each individual has been involved with?] [IF S6=2 Include a way of recording the nature of the training that you have been involved with?]</b>	1	2	3

D7 **DELETED QUESTION**

IF KEEP RECORDS OF TRAINING (D1 OR D2\_1=1)

D7A **[IF NOT S6=2: Do the records that your organisation keeps include any space for individuals to record what they learnt from their involvement?]**

**[IF S6=2: Do the records that you keep include any space for you to record what you learnt from your involvement?]**

*READ OUT. SINGLE CODE*

Yes	1	
No	2	
Don't know	3	

ASK ALL

D8 **Do you have a process for determining whether any education, learning or training activity has resulted in the acquisition of skills that you were hoping for?**

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	



D9 IF HAVE MECHANISM FOR ASSESSING SKILLS ACQUIRED (D8=1)  
**How do you go about doing this?**  
*[IF NOT S6=2: READ OUT. MULTICODE]*

*[IF S6=2: DO NOT READ OUT. MULTICODE]*

Through appraisals	1	
Through processes used to determine pay awards or promotions	2	
Through ongoing supervision	3	
Through individuals reflecting on the outcomes of education, learning or training that they personally have participated in	4	
Other (PLEASE SPECIFY)	5	
Don't know	6	



## E Risk

ASK ALL

- E1 **[IF NOT S6=2 In the event that a member of your staff were not to be fully competent, how would you expect this to come to your attention if this was a PARTNER?]**

**[IF S6=2 In the event that an aspect of your service delivery was not to be fully competent, how would you expect this to come to your attention?]**

*DO NOT READ OUT – CODE ALL MENTIONED*

IF HAVE STAFF OTHER THAN PARTNERS (A1/2-9)

- E2 **And how about if it was a member of staff BELOW PARTNER LEVEL?**

*IF IT VARIES, PLEASE PROBE FOR EXAMPLES*

	Partners	Other staff	
[IF NOT S6=2: In the appraisal process]	1	1	
[IF NOT S6=2: From their supervisors or line managers]	2	2	
Through feedback from clients	3	3	
By conducting file reviews	4	4	
Other (WRITE IN)	5	5	
Don't know	6	6	

ASK ALL

- E3 **Have you identified any failures in competent legal service delivery within your organisation in the past 12 months?**

**READ OUT TO ALL: Please be assured that this information is purely to help the SRA understand what types of learning, education and training practices and structures are associated with fewer failures – your organisation name will not be linked to your responses.**

*SINGLE CODE*

Yes	1	
No	2	
Don't know	3	
Prefer not to say	4	



E4 IF HAVE IDENTIFIED FAILURES IN PAST 12 MONTHS (E3=1)  
**Approximately how many failures in competent delivery were identified in the past 12 months?**

WRITE IN		
Don't know	1	
Refused	2	

IF DON'T KNOW EXACT NUMBER OR REFUSED – PROMPT WITH RANGES

1	1	
2-4	2	
5-9	3	
10+	4	
Don't Know	5	
Refused	6	

ASK ALL  
 E5 **What happens when competence issues have been identified?**  
*PROBE FULLY. MULTICODE*

**IF NEVER EXPERIENCED: What would the process be if this was to occur?**

[IF NOT S6=2] Brought to the attention of the COLP / COFA	1	
[IF NOT S6=2] Brought to the attention of other specific members of staff (PLEASE SPECIFY)	2	
Recorded in a compliance failure register	3	
Learning, education and training put in place to prevent reoccurrence	4	
Other formal plans developed to prevent reoccurrence	5	
[IF NOT S6=2] Disciplinary proceedings initiated	6	
Other (PLEASE SPECIFY)	7	
Don't know	8	
Refused	9	



## F Firmographics

ASK ALL

F1 **We are approaching the end of the questionnaire now. Can I just ask a few quick questions about the work that your firm conducts. Which of the following types of work has your firm undertaken in the last 12 months?**

*READ OUT AND MULTI CODE*

INTERVIEWER – IF RESPONDENT MENTIONS LITIGATION, PLEASE PROBE TO ESTABLISH WHAT TYPE(S) OF LITIGATION THEY MEAN.

PLEASE THEN CODE ALL MENTIONS OF LITIGATION INTO THE AREA(S) OF LAW THEY SIT WITHIN (E.G. 'EMPLOYMENT LAW LITIGATION' SHOULD BE CODED AS 'EMPLOYMENT LAW')

ANY MENTIONS OF LITIGATION THAT DO NOT FIT IN THIS WAY, TO BE ENTERED AS 'OTHER'

Business and commercial affairs	1	
Dispute resolution/Civil litigation	2	
Commercial property	3	
Consumer problems / Consumer Rights	4	
Crime	5	
Employment law	6	
Family law (including matrimonial and child care law)	7	
Personal bankruptcy, personal insolvency, and debt	8	
Personal financial management and advice	9	
Personal injury, accident, medical negligence	10	
Probate, wills and trusts	11	
Residential conveyancing	12	
Immigration	13	
Welfare benefits and social security rights	14	
Other (write in) 1	15	
Other (write in) 2	16	
Other (write in) 3	17	
No work undertaken in last 12 months [DP: SINGLE CODE]	18	

F2 **QUESTION DELETED**



ASK ALL

F3 **And which of the following types of clients has the firm worked with in the last 12 months...?**  
*READ OUT AND MULTI CODE*

Private individuals who are not legally aided	1	
Legally-aided private individuals	2	
Private sector firms or companies	3	
Public sector bodies (e.g. central or local government, CPS, NHS etc.)	4	
Overseas clients	5	
Other clients (e.g. charities, trade unions, etc.)	6	
DO NOT READ OUT: Not applicable – do not work with clients	7	

F4 **QUESTION DELETED**

ASK ALL

F5 **And finally, as I mentioned earlier, the SRA is in the process of developing guidance to ensure the delivery of competent legal services. What in your view should this guidance cover?**

PROBE FULLY. WRITE IN		
Don't know	1	
Refused	2	

F6 **Thank you very much for taking the time to speak to us today. Occasionally it is necessary to call people back to clarify information; may we please call you back if required?**

**REASSURE IF NECESSARY: Your details will only be used by IFF to call you back regarding this particular study.**

Yes	1	
No	2	



ASK IF NOT SAID NO AT QUAL (QUALQ=NOT 2)

F7 **We are also interested in conducting some in-depth follow-up interviews with organisations to understand more about approaches to and views on learning and education. These would involve a senior researcher visiting you face-to-face and conducting an interview lasting around an hour. Excerpts from this interview might be used anonymously in reporting (i.e. so neither you nor your company would be identifiable).**

**Would you be prepared to let us re-contact you about this at a later date?**

Yes	1	
No	2	

ASK ALL

F8 **INTERVIEWER - RECORD DETAILS OF RESPONDENT WHO COMPLETED INTERVIEW:**

Name: RECORD DETAILS OF RESPONDENT WHO COMPLETED INTERVIEW	
Job title:	
Email address:	
Confirm best telephone number:	

THANK RESPONDENT AND CLOSE INTERVIEW:

**On behalf of IFF Research and the Solicitors Regulation Authority, thank you very much for your time today.**

Finally I would just like to confirm that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct. Thank you very much for your help today.

