SOLICITORS REGULATION AUTHORITY: CPD REVIEW

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EXECUTIVE SUMMARY

Aims and objectives of the review

CPD activity is commonly required of most professions, both in the UK and internationally, primarily as a means of ensuring that practitioners attain and retain at least a minimum level of competence.

The SRA is seeking an effective CPD framework that will:

- Continue to develop the SRA's regulatory arrangements to deliver more proportionate and better targeted outcomes-based regulation in the public interest; and

- Support high standards in the delivery of legal services through education and training and the operation of outcomes-focused, risk-based regulation[1].

The brief for this review is to address the following Objectives[2]:

- Objective 1: Identify current models of good practice in the practice and provision of CPD within the solicitors' profession;

- Objective 2: Address the challenges to effective practice of CPD within the solicitors' profession and provide examples of how barriers may be overcome; and

- Objective 3: Examine the role of CPD as a regulatory tool in maintaining and enhancing the competence, performance and ethical conduct of solicitors.

In addition, the SRA's in-house team is conducting research in relation to the following objective:

- Objective 4: Analyse trends and challenges within the profession which might be addressed through the CPD framework.

Further, a detailed literature review has been conducted by Professor Jane Ching on behalf of the Legal Education and Training Review[3].

Summary of the data collection process

To gather quantitative and qualitative intelligence in relation to the Objectives, the following research elements were undertaken:

- A wide-ranging online survey was conducted, to which 735 responses were received;

- 7 focus groups were conducted with affinity and membership groups; and

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[1] SRA CPD Review Invitation to Tender
[2] SRA CPD Review Invitation to Tender
[3] Legal Education and Training Review 2012, *Draft Literature Review*, Chapter 5. Available at http://letr.org.uk/literature-review/.

- 62 individuals were interviewed in-depth by telephone, including representatives from CPD providers.

Awareness of the project also triggered a small amount of email correspondence from individuals and groups who were keen to express their views.

Overall, data was collected from a broad cross-section of the profession, both in terms of the type of practice involved and also the individual's role and level of experience.

Themes

A wide range of themes emerged from the data, including the following, which we have identified as key themes in the context of the SRA's Objectives:

Understanding and interpretation of the current CPD framework

The evidence gathered by the review indicates that participants generally understand the current framework well, though there is a small amount of evidence to suggest confusion in relation to the accredited element of CPD.

However, although they may understand the full scope of the framework, there is evidence that individuals then implement it more restrictively.

This is most readily apparent when looking at the CPD activities that individuals say they have undertaken in the last three years or expect to undertake in the coming year. There is a significant disparity in the percentage of review participants who have undertaken, or plan to undertake, each of the CPD activities identified by the SRA in the CPD Regulations. Percentages range from 90% for attendance at external courses to just 7% for courses leading to a formal academic qualification. Overall, attendance at external courses or conferences with a focus on legal content predominates.

A range of reasons for this are explored in the report, but include:

- The importance attached by individuals to technical legal expertise;

- Issues around the availability of accredited, non-law related activities, especially outside of London;

- The impact of an individual's role, practice type and career stage upon their development needs;

- Cost, relevance, time and location, all of which impact upon the choices that individuals make; and

- A possible lack of engagement with CPD activity on the part of some individuals.

Planning CPD activity

The evidence gathered by this review indicates a moderate level of initial identification of development needs and establishment of a personal development plan across the profession. However, for a significant number of participants, this does not then translate into planned CPD activity to address those development needs, especially as CPD activity was linked to appraisal for less than a third of participants.

Overall, the evidence suggests that appraisal, career development plans and CPD activity are not fully aligned, with the result that much CPD activity may be ad hoc and reactive, rather than strategically planned. This may explain, at least in part, why only 58% of survey respondents consider that CPD activity facilitates their professional development fairly well or better

Effectiveness of CPD activities

The evidence gathered by the review indicates that activities which lead to an academic or professional qualification are considered to the be the most effective, closely followed by coaching and mentoring sessions. Attending external courses and conferences are considered to be the least effective overall, even though these are the activities that individuals are most likely to undertake. The reasons for this apparent inconsistency are explored in the report, but include similar issues to those identified above in relation to the understanding and interpretation of the CPD framework. Another reason lies in the obligation to undertake a certain number of accredited hours each year. It is possible that individuals are undertaking certain activities simply because they are accredited and they may look to non-accredited activity for more effective CPD.

There is limited evidence of formal evaluation and reflection on the effectiveness of CPD activities, beyond recording that activity has been undertaken, although review participants readily identified informal methods of assessing effectiveness. Most often, they seek to put what they have learned into practice, supporting other data that suggests individuals value most highly those CPD activities which they consider to have practical application. New entrants to the profession appear to attach most importance to the practical relevance of their CPD activities, but the great majority of review participants attached some importance to this, regardless of their level of post qualification experience.

The review also identified a number of models of good practice in the profession. For example, data from the online survey in particular indicates that, where formal appraisal schemes exist, these have a positive impact upon the range of CPD activities that individuals undertake and their perceived effectiveness in achieving the desired learning outcomes.

Similarly, focus group discussions highlighted the existence of some very sophisticated and well-resourced career development schemes operated by employers, as well as bespoke CPD programmes delivered by membership and affinity groups.

Motivation

Participants told us that they attended courses in order to ensure that their legal knowledge was up to date and to help develop expertise in their practice area. They saw this as an important aspect of their overall professionalism and it was their strongest motivator in terms of CPD activity.

Influences

Perhaps unsurprisingly, given the above comments in relation to motivation, 'relevance' emerged as the most influential factor when choosing a particular CPD activity. In other words, review participants were most likely to look out for an external accredited course in an area of law that was directly relevant to their practice area.

After relevance, the next most influential factors were 'cost', 'location' and 'time'. This is worth noting, as the same four factors emerged again later in the review, in relation to barriers.

Taken together, the evidence gathered by the review demonstrates that participants value external courses that focus on law because of the importance they attach to technical expertise. Where the content of these courses has practical relevance and the material is delivered at the right level, participants generally find them to be effective. However, it is clear from comments made that participants sometimes find that their particular choice of course is ineffective, perhaps because it is of poor quality, generic, lacking in practical application or not delivered at the right level for them.

Barriers

As stated above, the major barriers to effective CPD activity identified by review participants were:

- Cost;

- Relevance;

- Location; and

- Time.

Of these, cost was identified as the biggest single barrier. However, the evidence gathered for the review indicates that the barriers are strongly inter-linked and they pervade the whole CPD cycle from planning through to implementation and review.

Some strategies exist for addressing barriers, including an increasing use of webinars and proactive support from employers. However, there is also scope for constructive intervention by the SRA, as regulator, notably in relation to accreditation and quality control, as set out in our recommendations.

Regulation

The evidence gathered during the review indicates that participants are generally supportive of a regulatory framework for CPD. There is recognition that the SRA, as regulator, has a role to play in assuring the competence of the profession, and raising standards, especially in relation to protecting and promoting public trust and confidence.

However, they may view the SRA's role as sitting at a relatively high level, primarily to ensure that effective systems exist at organisational or individual level, offering support in key areas and monitoring/auditing the framework. It was not generally perceived to be part of the SRA's role to prescribe the detail of individual CPD activity.

In addition, many participants were doubtful whether there was any real difference in effectiveness between accredited and non-accredited activity. This is in part due to concerns about lack of rigour in terms of the quality assurance of accredited provision, but also due to strongly positive experiences of non-accredited provision. Therefore, our recommendations also address the possibility of the SRA making greater use of an accreditation process to assure the quality of CPD provision.

Overview of conclusions and recommendations

The research team's conclusions and recommendations are set out in full in the final section of the report. However, a brief overview is set out below.

SRA Objective 1

Identify current models of good practice in the practice and provision of CPD within the solicitors' profession.

Models of good practice exist within the profession, including schemes implemented by individual firms and also by other organisations, such as local law societies, membership and affinity groups. Examples are included in the main body of the report. We are, therefore, making recommendations to support and encourage the development of such schemes.

Authorising independent schemes

We recommend that those employers who can demonstrate that they have an effective CPD scheme of their own should be permitted to seek approval to implement that scheme for their employees and partners/managers on the basis that it satisfies the SRA's requirements in full.

We further recommend that the SRA considers adjusting its current process to allow other organisations, such as local law societies, membership and affinity groups, to seek approval to implement a full CPD scheme for their members on the same basis as above.

SRA Objective 2

Address the challenges to effective practice of CPD within the solicitors' profession and provide examples of how barriers may be overcome.

The evidence gathered by the review indicates that cost, time, relevance and location are the major barriers to effective CPD. These barriers pervade the whole CPD cycle, from planning, through implementation, to evaluation and reporting.

The research findings also indicate that accreditation may be less significant in terms of ensuring the effectiveness of an activity than the quality assurance processes in place and the pre-booking information provided to potential participants.

We are, therefore, making recommendations aimed at alleviating the major barriers and strengthening existing quality assurance processes.

Accreditation

We recommend that the SRA reconsiders the purpose of accreditation, including whether it should dispense with the requirement that a certain amount of an individual's annual CPD activity must be accredited.

We further recommend that the SRA considers how it can use accreditation to improve the quality and relevance of external provision. In particular, the SRA should consider imposing obligations on accredited provision in relation to pre-booking information, ratings/feedback and annual reporting.

<u>Pre-booking information</u>

We recommend that the SRA requires CPD providers to publish detailed pre-booking information for all the courses that they advertise, as a condition of accreditation.

<u>Online ratings/feedback</u>

We recommend that the SRA requires any CPD provider who delivers activity which is available to the profession as a whole (i.e. not in-house or client commissioned) to publish online ratings/feedback via a standard SRA-determined system for those activities, again as a condition of accreditation. This feedback should address the learning experience of individuals, not just the quality of delivery or the catering.

<u>Annual reporting by CPD providers</u>

We recommend that the SRA requires CPD providers to report annually on each course that they deliver, including an analysis of the ratings/feedback for each activity and the action they are taking in response to it, again as a condition of accreditation.

<u>Cost of CPD</u>

We recommend that the SRA reconsiders its current provision that an employer is not bound to pay for CPD or to release time for activities to be undertaken. The SRA should consider a requirement that employers support a minimum stipulated level of CPD activity.

SRA Objective 3

Examine the role of CPD as a regulatory tool in maintaining and enhancing the competence, performance and ethical conduct of solicitors.

A highly prescriptive CPD scheme which measures inputs is unlikely to meet the SRA's outcomes-focused regulatory objectives. Therefore, the research team is recommending that a less prescriptive scheme be introduced, which gives greater autonomy to individuals to determine CPD activities on the basis of individual identified needs.

Nonetheless, there are some issues in which the SRA, as regulator, will remain closely interested and we are also making recommendations in relation to those.

<u>The 16 hours rule</u>

We recommend that a minimum hours requirement is retained. However, this should not exceed the current level of 16 hours per year and could safely be lowered without compromising the integrity of the scheme.

We also recommend that the SRA discontinues the current requirement that a certain proportion of CPD activity should be accredited.

We further recommend that the SRA reviews the rules and guidelines on how hours are counted for the purposes of CPD requirements, with a view to simplifying these and reconsidering the appropriateness of double counting. The review may include consideration of weighted hours for certain activities, though we are not positively recommending this.

<u>Planning cycle</u>

We recommend that some form of documented planning, implementation, evaluation and reflection cycle should be required of all solicitors.

We also recommend that the SRA considers whether an online system can send automated messages to members at regular intervals, to confirm the number of CPD hours they have recorded for that year and how many remain to be recorded.

<u>Recording</u>

We recommend that individuals should be required to record all their completed CPD activity via an online system, not just the minimum required to comply with the proposed retain hours requirement.

<u>Audit of records</u>

We recommend that a certain percentage of CPD records and reflective reports should be requested each year, for auditing purposes.

Where employers, membership groups and other organisations have been authorised to implement their own CPD schemes, it is recommended that it will be sufficient for such organisations to submit a declaration to the SRA that records have been audited and to report any incidences of non-compliance.

<u>Enforcement</u>

We recommend that the SRA reviews its system of enforcement to ensure that it is fair and proportionate, while still serving to protect the public. We suggest that a progressive enforcement and sanctions system would be appropriate.

<u>Compulsory elements</u>

We recommend that the SRA reviews the Management Course Stage 1, to ensure that it is relevant, at the right level and flexible in terms of timing and content.

We recommend that the SRA consults the profession in more detail on the issue of other potentially compulsory CPD elements.

STRUCTURE OF THE REPORT

Introduction	Brief summary of the background to this study, including the aims and objectives. Overview of the research elements and methods used in the study, with an explanation of how the data gathered via these elements has been analysed. Key data for each of the research elements, including participant profile information.
Current CPD Framework	Overview of the core elements of the current CPD framework, together with an analysis of the key perceived issues with it.
Review of CPD Practice	Selective comparative analysis of CPD practice, nationally and internationally, within the legal and other professions. Includes an identification and evaluation of potential CPD model characteristics.
Research Activity Findings	Detailed presentation and analysis of the evidence and key data gathered during the review, structured by reference to key themes and the SRA's objectives. This section of the report includes examples and case studies drawn from a number of resources, including research data, observational studies conducted as part of the review, Nottingham Law School delivery activities and a review of relevant literature.
Concluding Summary & Recommendations	Brief summary of the key issues and evidence by reference to the relevant SRA objectives. Statement of core recommendations for consideration by the SRA in relation to the research activity findings.

1 INTRODUCTION

Background to the review

1   The SRA commissioned a review of its CPD framework in February 2012, stating in its Invitation to Tender that it was seeking to establish an effective CPD framework that would:

- Continue to develop the SRA's regulatory arrangements to deliver more proportionate and better targeted outcomes-based regulation in the public interest; and

- Support high standards in the delivery of legal services through education and training and the operation of outcomes-focused, risk-based regulation[4].

2   The brief for this review was to address the following Objectives[5]:

- Objective 1: Identify current models of good practice in the practice and provision of CPD within the solicitors' profession;

- Objective 2: Address the challenges to effective practice of CPD within the solicitors' profession and provide examples of how barriers may be overcome; and

- Objective 3: Examine the role of CPD as a regulatory tool in maintaining and enhancing the competence, performance and ethical conduct of solicitors.

3   In addition, the SRA's in-house team is conducting research in relation to the following objective:

- Objective 4: Analyse trends and challenges within the profession which might be addressed through the CPD framework.

Overview of the research method and elements

4   Our initial review of the SRA's stated objectives suggested that the main lines of enquiry of central relevance to this review would be:

- What motivates individuals to undertake CPD?

- What activities do they undertake and what influences their choice?

- How are individual development needs identified?

- Are those needs supported by the CPD framework?

- What barriers exist to effective CPD and how might they be overcome? and

- What is the role of the SRA as regulator?

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[4] SRA CPD Review Invitation to Tender
[5] SRA CPD Review Invitation to Tender

5   In order to address these, both qualitative and quantitative data was gathered, using an online survey, focus groups and individual interviews, from a cross section of professional practitioners, membership networks and existing CPD providers.

6   Between them, the research elements gathered evidence from across:

- Private practice (all sizes of firms);

- Solicitors working in-house;

- Solicitors working in the public sector e.g. local government;

- Sole practitioners, locums and freelance lawyers;

- Membership networks and affinity groups; and

- Existing CPD providers.

7   The use of a combination of the online survey, individual interviews and focus groups was designed to provide a 'mixed methods' approach, intended to address any potential weaknesses in a qualitative-only approach as set out by Hammersley (2008), who argues that qualitative researchers have failed to answer satisfactorily two key criticisms of their approach:

- that qualitative research often fails to produce findings which are generalisable; and

- that qualitative-based explanations of cause and effect often cannot be conclusively proven[6].

Analysis of Data

8   It is acknowledged that the analysis of interview responses and focus group discussions can be a complex and often difficult process, potentially open to bias and interpretation. In order to avoid these difficulties, the following features were built into the research design:

- Standardised approaches and coverage for the interviews and focus groups;

- All interviews and focus groups were conducted by a very small project team, using detailed briefing sheets and feeding back regularly, to ensure consistency of findings;

- The use of specialised software as an additional means of data analysis;

- The use of internal triangulation; and

- The additional collection of quantitative data via the online survey for comparison and triangulation purposes.

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[6] Hammersley, M. (2008) *Questioning Qualitative Inquiry*, London: Sage

9   The analysis of data from the online survey was carried out in six broad stages:

- Overview of the data as a whole;

- Reflection and discussion by the research team;

- Analysis of data into component categories;

- Synthesis: identification of common themes or ideas;

- The relating of these to relevant literature and research; and

- The selection of illustrative, representative or indicative data for presentation in this report.

Online Survey

10   An online survey was constructed and was open for responses from 28 March to 20 April 2012. A copy of the survey questions can be found in Appendix 1.

11   The survey was hosted by SurveyMonkey™ and was advertised on the SRA and Nottingham Law School (NLS) websites, as well as being included in the SRA regular electronic news bulletin.

12   In addition, NLS emailed all the local law societies and affinity groups for which current contact information could be found on the SRA and Law Society websites, asking them to promote the survey to their members.

13   In total, 735 individuals participated in the online survey, of whom 525 (approximately 71%) completed all of the questions. The number of participants is disappointingly low given:

- the size of the profession (around 120,000 individuals currently hold practising certificates);

- the CPD Regulations are relevant to all solicitors;

- engagement with data and technology is generally high in the profession; and

- the extent to which the survey was promoted.

14   However, a completion rate in excess of 500 does provide statistically relevant information.

15   Some respondents skipped questions, which may in part reflect the length of the survey, but there was also a reluctance on the part of individuals to disclose certain data e.g. ethnicity. Overall, however, we consider that a completion rate of 525 out of 735 is good for a survey of this length and complexity. We also consider that the clarity and quality of the data is extremely good.

<u>Respondent profile</u>

16   An analysis of the demographic data of respondents to the online survey is set out in Table 1.   Not all participants answered every question in the survey, so profile data is not available for every participant.   Therefore, the data in Table 1 is based on the number of individuals who completed the relevant questions.

Table 1: Online survey respondent profile

GENDER: Question 20 – 528 responses					
Male	Female				
253	275				
ETHNIC ORIGIN: Question 21 – 528 responses					
Asian/Asian British	British/Black British	Chinese	Mixed	White	Other
21	6	3	9	462	27*
*Of these 27 responses, 21 either preferred not to say or did not consider the question to be relevant/appropriate. Other responses included: Russian/Iranian, European and Celtic.					
DISABILITY: Question 22 – 528 responses					
Yes	No				
21	507				
HOURS WORKED: Question 23 – 528 responses					
Full time	Part time				
445	83				
PQE: Question 24 – 525 responses					
3 years or less	4 – 8 years	9 – 20 years	21 years +		
73	87	170	195		
ORGANISATION TYPE: Question 25 – 525 responses					
Private practice	In-house lawyer	Government office	Local authority	Other	
326	127	13	31	28*	
* Responses included: locum, career break, regulatory body, educator, support services, company secretary, consultant, non-practising, multiple employment and unemployed.					
NUMBER OF SOLICITORS IN ORGANISATION: Question 26 – 525 responses					
Sole practitioner	Fewer than 10	10 – 50	More than 50		
63	176	117	169		

17   Table 1 indicates that survey respondents are broadly representative of the wider profession, but not completely so. When compared with data published by the Law Society[7]:

- BME groups are under-represented (7.4% in the survey, compared with approximately 10.6% of solicitors holding practising certificates;

- Solicitors in private practice are under-represented (62% in the survey, compared with approximately 74% of solicitors holding practising certificates);

- Women are over-represented (52% in the survey, compared with approximately 46% of solicitors holding practising certificates);

- The response rate from solicitors with disabilities appears low, at 4%, but we do not have comparative data to confirm this.

18   It is also worth noting that the response rate increases as PQE increases.

19   The survey provided both qualitative and quantitative data. A quantitative analysis was made of the survey responses and the data thus produced was compared and correlated with data from the individual interviews and focus groups in order to identify reliable answers to the research questions.

Individual Interviews

20   Individual interviews were conducted by prior arrangement, and with the participants' informed consent, over the telephone, following the agreement of a convenient time and date. An outline of the approach and coverage of the interviews can be found in Appendix 2.

21   Care was taken to avoid:

- Questions which were leading, loaded, or over-complex; and

- Closed questions, which could be more appropriately presented in the online survey.

22   Consistency was maintained in the sequence and wording of questions so as to maximise reliability of data.   However, not every question was asked in some cases, if the question would not be appropriate, for example where an individual was a CPD provider rather than a solicitor.

23   Interviews were recorded, with the participants' permission, to allow for careful review of data. Some participants made further email contact with the research team following the interview, offering additional comment or elaboration of their responses. Where this was the case, such material was added to the interview transcript and has been included in the final analysis of data.

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[7] http://www.lawsocietymedia.org.uk/

24   A total of 62 individual interviews were conducted, each lasting between 30 and 50 minutes. The participants included:

- Gender: 31 female, 31 male;

- Geographical location: 15 London, 50 outside London, including NE, NW, SW England, the Channel Islands and international.

- Three participants who also practice elsewhere in the EU or internationally, under different CPD regulations;

- Two participants who have a registered disability;

- Participants who are responsible for training within their organisation;

- A fairly evenly distributed age range, from early career to near retirement;

- Participants from different organisations, including private practice, in-house, local government, the Crown Prosecution Service and the Law Society; and

- Existing CPD providers.

Focus Groups

25   We convened 7 focus groups of varying sizes, drawn from across the profession.   The focus groups were assembled by discussion and arrangement with potential participants and with their informed consent. Convenient times and dates for meeting were agreed in advance with participants and each lasted approximately 1 hour.

Focus group profile

26   Individual participants in each focus group had some affinity with each other (e.g. they all worked in local government), as can be seen from the profile information below.   However, given the challenges of arranging focus groups with busy professionals in a short timescale, it was not considered desirable or necessarily achievable to further refine the profile of participants e.g. by seeking to construct a focus group comprised solely of new entrants to the profession working within local government. Instead, focus groups were timed as far as possible to coincide with existing scheduled activity for the relevant group as a whole, in order to maximise participation.

27   The research team contacted a number of groups, with a view to securing data from a wide range of individuals, though ultimately not all of the groups who were contacted were able to assist. Focus groups were held with the following organisations and affinity groups, with members attending according to their availability and willingness to participate:

- Birmingham Law Society;

- Black Solicitors Network;

- City of London Law Society Training Committee;

- Commerce & Industry Group;

- Junior Lawyers Division;

- Lawyers with Disabilities; and

- Solicitors in Local Government, East Midlands branch.

28 As can be seen, three of the groups had memberships that were linked by geographical location, but the remainder were linked by other affinity and draw their membership from across England and Wales. As would be expected, within the groups there were varying individual profiles across the range of gender, ethnicity, disability, practice type, practice size, experience and individual role.

29 Discussion at the focus groups was facilitated by a member of the research team. An outline of the approach and coverage of the focus group discussions can be found in Appendix 3.

30 The focus groups offered a flexible mechanism for ascertaining attitudes, experiences and perceptions of the topic under discussion. They were effective in generating dialogue and the exchange of information and ideas between participants inter se and with the facilitator. The focus groups proved to be an especially effective means of gathering information from identifiable demographics, such as legal membership networks. For example, the focus groups with Lawyers with Disabilities and the Black Solicitors Networks were valuable in gathering relevant information from individuals who we were concerned may be under-represented in the online survey.

2 THE CURRENT CPD FRAMEWORK

Overview of the current CPD framework

31   The SRA has an established CPD framework which has been in place since 1985, updated from time to time.   The current version of the CPD Regulations came into force on 6 October 2011 as part of Edition 1 of the SRA Handbook[8].   The Regulations govern the on-going training of solicitors admitted in England & Wales and registered European lawyers.

32   Edition 2 of the SRA Handbook was published and came into effect on 23 December 2011 (although it made no changes to the CPD Regulations). The SRA Handbook sets out the standards and requirements that are expected to be achieved and observed for the benefit of clients and in the general public interest.   Notably, the Introduction states that the SRA's approach to regulation is outcomes-focused and risk-based.   The outcome stated to apply to the CPD Regulations is that individuals maintain competence through relevant on-going training[9].

33   The framework set out in the CPD Regulations is based around a requirement to undertake 16 hours CPD activity each year [10], which requirement is reduced for those who work part time[11] and can be reduced for long term absences in certain circumstances[12]. At least 25% of these 16 hours must be acquired by participating in accredited courses[13], though the framework offers a wide choice of activities for the remaining 75%[14].

34   While there are no exemptions from the general obligation to undertake CPD activity, there are some waivers in relation to the SRA's CPD monitoring requirements[15].   In addition, solicitors and RELs who work for firms or organisations who have a Lexcel/Investors in People accreditation have a waiver from the requirement to acquire at least 25% of their 16 CPD hours by participating in accredited courses[16].   There is a similar exemption for solicitors and RELs who work for firms or organisations who are in-house CPD provider or part of a training contract consortium, as long as they develop a training plan which is acceptable to the firm or training contract consortium[17].

35   Overall, the SRA's framework sets out looser requirements than may be found in some comparable lawyers' CPD frameworks, such as The Victorian Bar, Australia, where there are minimum expectations of annual CPD in certain core areas, such as skills and ethics.

36   There is a substantial amount of accredited activity available, with just one of the external CPD providers claiming to produce over 3,000 courses and conferences every year.   However, the content of such courses is largely focused on the law, with other aspects of professional development, such as skills and business management, being less abundantly supported.

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[8] SRA Training Regulations 2011 – Part 3 CPD Regulations
[9] CPD Regulations Outcome O(TR1)
[10] CPD Regulation 3.1
[11] CPD Regulations 3.2 and 7
[12] CPD Regulation 12
[13] CPD Regulation 8.1
[14] CPD Regulation 8.2
[15] CPD Regulation 17.1
[16] CPD Regulation 17.1(b)
[17] CPD Regulation 17.1(e)

37   Participants are required to keep a record of all CPD undertaken[18], although it should be noted that the content requirements of such a record are minimal and do not include any evaluation of effectiveness[19]. The SRA may ask to see an individual's CPD record at any time, but is not bound to do so[20]. Exemptions exist from this monitoring requirement, as mentioned earlier[21].

38   The Law Society offers practical support to solicitors via its online CPD Centre,[22] which enables individuals to assess, plan and record their CPD activity. The system has a sophisticated, integrated system for searching a wide range of courses via flexible search parameters e.g. title, area of law, date, course provider and price. It also incorporates a personal CPD record system which records compliance against SRA requirements. However, the CPD Centre aims to offer more than just a 'shop front' coupled with a recording system, in that it also offers a basic assessment mechanism for an individual to identify gaps in their understanding and personal development needs. The CPD Centre can then recommend courses based on that assessment, though evidently does not recommend non-course activity. As such, it does not, of itself, fully support an outcomes-focussed framework.

39   Little is mandated, save in the case of new solicitors, where completion of the SRA Management Course Stage 1 during the first three years of admission is compulsory, subject to limited exemptions[23].

40   Solicitors who qualified under the Qualified Lawyers Transfer Regulations are required to attend certain Professional Skills Course modules during their first CPD year, again subject to limited exemptions[24]. Those who qualified via the Qualified Lawyers Transfer Scheme are not subject to this requirement[25].

41   The CPD Regulations are accompanied by guidance notes, to aid solicitors in interpreting the Regulations and understanding their training obligations.

Perceived issues with the current CPD framework

42   Individual solicitors may engage in CPD activity with a range of motivations, for example to:

- Comply with a formal requirement (compliance);
- Confirm that current level of performance is acceptable (confirmation);
- Improve performance in current tasks (improvement);
- Position oneself to undertake new tasks and/or obtain additional qualifications e.g. MBA or LLM (aspiration).

43   A key issue, therefore, is what motivation the current CPD framework assumes and supports. It is suggested that this is largely compliance and confirmation, at the expense of improvement and aspiration.

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[18] CPD Regulation 10.1
[19] CPD Regulation 10.2
[20] CPD Regulation 10.3
[21] CPD Regulation 17
[22] http://cpdcentre.lawsociety.org.uk/
[23] CPD Regulations 4.1 – 4.4
[24] CPD Regulations 4.5 and 4.6
[25] CPD Regulation 4.7

44   The 'one size fits all' approach of the existing CPD framework to maintaining competence, has advantages in terms of transparency, certainty and perhaps benchmarking of expectations within the profession. As such, it might also operate so as to promote a degree of public confidence, akin to an official seal of approval. Clearly, these are important elements of the SRA's regulatory obligations, but it is evident that the SRA wishes also to support genuinely high standards in the profession and address the challenges to effective CPD practice.

45   At first glance, the current CPD framework appears to be both broad and flexible in its approach. For example, the concepts of "participation" and "courses" are both quite widely defined. Participation in other CPD activities is also very broad in its scope. There is some requirement to consider individual needs in determining CPD activity. Therefore, the CPD Regulations appear to offer individuals considerable scope to tailor their CPD activity to suit their individual needs, both in terms of the nature and level of the activity and also the mechanism by which it is undertaken.

46   However, a scheme may be broad in theory, but narrow in practice. Although the CPD Regulations evidence some movement towards an outcomes-based framework, in line with the outcomes-focused regulation (OFR) introduced by the SRA on 6 October 2011, they are still largely couched in terms of a minimum time commitment with a focus on input. In other words, quantity appears to be the key measure, rather than quality. Furthermore, at just 16 hours per year, the commitment is low in relation to other professions, albeit at the upper end of that traditionally required by the various branches of the legal profession. The inclusion of a time requirement, coupled with guidance on how to calculate the time accurately, may lead one to suppose that the emphasis is on "continuing", with "professional" and "development" being of relatively minor importance.

47   The definition of "CPD" in the CPD Regulations refers to a need to "maintain" competence, which is the language of assurance, rather than enhancement. The idea that a compliance-based CPD scheme can be used in some way to measure competence is, in itself, interesting. If competence must be assured, what is the objective standard by which it must be measured? Competence is not precisely defined in the CPD Regulations, a concern which was noted by the Legal Education and Training Review Briefing Paper 01/2011:- *Competence*, where it was acknowledged that "competence" can mean a number of things. LETR 01/2011 cites a number of possible meanings for "competence" and it is notable that these relate to the lower or median end of the scale of possible performance. This tends to confirm the perception that CPD activity may be concentrated on maintaining an ability to perform current tasks and does not encourage greater personal development that might position the individual to undertake new or wider tasks (aspirational development).

48   As such, the language of the CPD Regulations does not, of itself, encourage an individual to develop a wider or higher level of expertise. Moreover, the framework may not operate so as to take into account individual circumstances and risk profile, stage of career, actual roles and responsibilities, aspirations or other individual needs.

49   This is significantly different from the approach taken by the SRA elsewhere, notably in relation to pre-qualification stages, such as the Legal Practice Course and the Work-based Learning pilot scheme, which require evidence

of achievement against identified learning outcomes. In the case of the Work-based Learning pilot, a high level of reflection on the part of the candidate, together with appropriate corroboration from a supervisor, is required in order to evidence achievement against the required outcomes and planned action for the future. A degree of reflection and verification is also to be found in the CPD schemes of some other professions e.g. the medical profession.

50   However, no such evidence of achievement is currently required by the SRA's CPD Regulations. For course attendance, CPD Regulation 10 provides that an individual's CPD record needs only to note the date, course title, provider's reference and number of hours credited i.e. it is purely descriptive and not evaluative. There is no requirement to comment on why the course was chosen or whether the individual gained anything from attendance. Likewise, there is no requirement to reflect on the learning process and identify what action the individual may take next. There may, therefore, be sanctions for failure to undertake the full 16 hours per year, or to keep an accurate record, but no overt reward for going beyond mere compliance or, indeed, evidence that any measurable development has taken place.

51   Furthermore, although the CPD Regulations clearly <u>permit</u> a wide range of activity, they do not actually <u>require</u> it. Moreover, the use of a framework that seeks to define the range of CPD activity risks limiting the activity that individuals then undertake, in that an apparently exhaustive list of CPD activity may, by implication, be thought to exclude others. There is also an argument that some items in the guidance to CPD Regulation 8 would allow an individual to claim for repeat business, thus potentially further limiting the width and development utility of activity if delivering the same seminar to colleagues on more than one occasion.

52   In addition, such a framework may be criticised as being too rigid and potentially failing to reflect the diversity of professional work. Indeed, the guidance note to CPD Regulation 8 appears to suffer (in part, though not completely) from a similar problem to that which was identified by the working group conducting the *Review of Continuing Professional Development* on behalf of the Bar Standards Board in 2011. Part III paragraph 23 of that Review notes: "*The definition in the CPD Guide excludes any activity, however educational, conducted as part of a barrister's practice. This may lead to some slightly paradoxical results. Appearing in a leading case in one of the higher courts cannot count. Attending a seminar on that case, after it has been decided, can. Similarly, carrying out private legal research for a client does not count, but giving a lecture on the same subject, or attending a lecture given by somebody else, will*".

53   In fact, the SRA's current CPD framework does recognise client work to a certain extent.   For example, Guidance Note 8.2(f) to the CPD Regulations states that legal research will count as non-accredited CPD, so long as a document is produced as a result of it. Furthermore, carrying out legal research is the type of work that a junior solicitor might commonly undertake when working on a larger case. Indeed, it is relevant to all solicitors to varying degrees. The inclusion of work carried out on a client file in the CPD framework is valuable, particularly where the matter significantly extends the individual's experience and supports progression towards aspirational work. It is consistent with outcomes-focused activity, as can be seen from the current Work-Based Learning pilot scheme.

However, in the absence of any accompanying requirement for reflection and evaluation, it would be difficult to monitor the value of individual pieces of work for CPD purposes with any degree of precision.

54   Other than the limited requirements for new solicitors to complete certain compulsory courses, the content of CPD can be entirely self-determined. Apart from the risk that self-determination might fail to identify gaps in legal knowledge or other aspects of an individual's risk profile, it might also take no account of personal development needs beyond the law e.g. ethics, management, team leadership and financial skills. Unless the individual's employer is active in managing the CPD activities of its employees, self-determined CPD may also fail to meet the needs of employers. Therefore, an individual could comply with the CPD Regulations by attending perhaps only two courses during the year, both of which may be focussed on legal updates. Even if such courses are 'accredited' and some monitoring takes place via delegate questionnaires and attendance at courses by assessors, this does not guarantee that <u>all</u> courses are of a sufficiently high standard and certainly not that they are suitable for every individual who may choose to attend them.

55   There is, of course, a difference between attending a course and actually engaging with it. There are anecdotal stories of solicitors attending legal update courses, but spending the time furtively dealing with work emails or surfing the internet on their laptops, under the pretext of making notes on the course. It is not possible to verify the accuracy of such stories, although they were repeated to us in individual interviews, focus groups and comments on survey questions, but the fact that they are in circulation at all is cause for concern.

56   Moreover, as noted earlier, the focus of such courses appears to be on legal coverage. By way of example, one of the organisations that has been accredited by the SRA to provide CPD courses describes itself as "*the UK's leading provider of post qualification training and accreditation for professionals working in the legal sector*", and states that it "*produces over 3,000 courses and conferences each year on a wide variety of legal topics*". Initially, this looks extremely positive, offering a huge amount of choice to solicitors. However, a closer analysis of the list of courses on offer indicates that the vast majority focus on legal content, with relatively few covering skills or other areas. Similarly, the courses listed in the Law Society's CPD Centre appear to be dominated by law-based content, which again presumably reflects perceived market demand, especially as most of those courses are offered by external commercial providers.

57   This should not be construed as a criticism of CPD providers or the Law Society. As can be seen in the body of this report, some CPD providers perceive that solicitors are most interested in courses with a focus in law, so they construct their offering in response to market demand. They might understandably argue that they can only afford to deliver large numbers of courses that are economically viable. Less popular courses may not be economically viable, so fewer of them can be offered and they will be delivered less frequently.

58   However, this apparent focus on legal content is curious, given that even the most cursory review of complaints and disciplinary action brought against solicitors suggests that lack of legal knowledge is far from the biggest problem facing individuals. It is also inconsistent with the SRA's own approach to OFR. Ahead of the introduction of OFR, the SRA issued a

Policy Statement: *Delivering outcomes-focused regulation*, dated 30 November 2010, which acknowledged the evolving market for the provision of legal services and stated at paragraph 22 "… *a rules-based approach creates a focus on strict compliance with the rules rather than on the primary aim of achieving positive outcomes* …".

59   CPD Regulation 10, mentioned above, could be seen as supporting a view of the framework as a mechanistic, compliance approach, with no reference to outcomes (suggesting that aspiration beyond the compliance level is not required)[26]. Indeed, it might not even succeed as a compliance mechanism, beyond the bare requirement of 16 hours, since once an individual has completed a record that demonstrates this level of compliance, there is little incentive to record further CPD activity that may be undertaken. During the course of this review, some individuals commented that they do not necessarily record all of the activity they undertake on the record they maintain for SRA purposes.

60   Ironically, given that cost emerges as the single biggest barrier to effective CPD, a reliance on course attendance may also result in firms incurring substantial financial costs that are not strictly necessary and which may not stand up to a cost-benefit analysis.

61   Of course, despite the large number of face to face courses on offer from external providers, a considerable amount of CPD activity takes place within law firms of all sizes. Such activity may be designed and delivered entirely in-house, or via the involvement of an external provider. In some cases, the choice to deliver CPD activity in-house may be informed by budgetary constraints or issues of convenience. However, there is some evidence that in-house training may be a preferred learning style of solicitors, in part because of the ability to tailor the course to the identified needs of participants and in part because it affords a more general opportunity to build relationships within teams. This is, no doubt, a more positive aspect of the flexibility in the current framework and is explored in more detail later in this report.

62   Given the growth in online delivery of educational and training materials generally, the review also explored the extent to which members of the profession engage with this method of delivery of CPD activity. Again, the data gathered is analysed in detail later in this report, especially in relation to what makes online activity genuinely effective, as opposed to merely convenient.

63   These perceived issues inevitably raise the question as to how the SRA may extend its regulation of CPD from a compliance model to an outcomes-focused model, assuring 'competence' as a minimum requirement for everyone, but actively encouraging different CPD activities that will lead to personal and professional development. Ideas were sought from members of the profession, as part of this review, as to how the current framework might change in order to become more effective and to address the barriers that were identified. A high level review of CPD schemes that operate elsewhere in relation to the legal, and other, professions was also conducted in order to identify potential characteristics of a new CPD model.

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[26] E.G.: "Competence is often conceived as "the ability to perform tasks"' and competence-based programmes may be characterized by the pejorative epithet of 'the 3 Rs' – Reductionist, Restrictive and Ritualistic", D O'Reilly, L Cunningham and S Lester (eds) *Developing the Capable Practitioner, professional capability through higher education,* (1999, London: Kogan Page) at p 55.

3 REVIEW OF CPD PRACTICE

64   The CPD research team conducted a high level review of selected alternative schemes that exist both within the UK and internationally. The primary purpose of the CPD research team's review was to identify the characteristics of different CPD schemes and models of good practice that could inform a new CPD framework specifically in line with the SRA's Objectives.

How is CPD defined?

65   There is no single definition of CPD, which can encompass a wide array of both formal and informal learning. Therefore, a key challenge for any regulator is to determine how it will define CPD for the purpose of its own regulatory objectives. Traditionally, this has typically involved drawing up a list of activities that will be recognised as CPD by that particular regulator.

SRA

66   The SRA's CPD Regulations state that CPD means: 'continuing professional development, namely, the training requirement(s) set by us to ensure solicitors and RELs maintain competence'. As such, it might be said to be a definition that focuses on compliance, rather than career development. Moreover, CPD Regulation 8 distinguishes between 'accredited' and 'non-accredited' CPD activity, with the guidance notes setting out a list of each of these types of activities.

67   The rationale for such a distinction, at least as perceived by participants in this review, resulted in some very interesting data around the function and quality assurance of accreditation. This is explored in detail later in the report.

General Medical Council

68   CPD reviews by other regulators have led to a changing emphasis, more consistent with outcomes-focused regulation. For example, the General Medical Council has recently conducted a review of its CPD framework and guidance on its new approach to CPD was published in June 2012. According to that guidance, the GMC sees its role as regulator as being to 'set out the framework of principles and behaviours that should guide your CPD activities … [and] … raise awareness about trends, issues or opportunities that may be relevant to your CPD'[27].

69   The guidance defines CPD as: 'any learning outside of undergraduate education or postgraduate training that helps you maintain and improve your performance. It covers the development of your knowledge, skills, attitudes and behaviours across all areas of your professional practice. It includes both formal and informal learning activities'[28].

70   In contrast to the current SRA CPD framework, the GMC's scheme may be seen as corresponding to a model that focuses as much on personal development as on compliance.

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[27] http://www.gmc-uk.org/CPD_guidance_June_12 para 53
[28] http://www.gmc-uk.org/CPD_guidance_June_12 para 1

71 ILEX Professional Standards Limited, the regulatory body for the Chartered Institute of Legal Executives, is also currently consulting on a proposed new CPD framework. IPS currently defines CPD as 'the systematic maintenance, improvement and extension of the professional and legal skills, and personal qualities, necessary for the execution of professional and legal duties, and compliance with the standards required by IPS of ILEX members throughout their working life'. However, in light of the Legal Services Act 2007, IPS' regulatory objectives and what it considers to be the purpose of CPD, IPS is proposing an amended definition of CPD, namely 'the maintenance, extension and improvement of the professional skills and personal qualities necessary for the execution of professional and legal duties and compliance with the standards required by IPS, of CILEx members throughout their working lives to ensure that consumers and the public remain confident in the professionalism and competence of CILEx members'[29].

72 Despite the reference to 'extension', 'improvement' and 'personal qualities' in both definitions, the focus appears to be on compliance more than personal development. Indeed, this focus is further emphasised in the proposed new definition by the explicit reference to consumers and public confidence.

73 It is notable, however, that the proposed new IPS scheme, while still setting out a list of possible CPD activities, is clear that this is a non-exhaustive list. Moreover, it proposes to include learning gained from being involved in a 'critical incident' or via experience of new tasks. These reflective/experiential elements acknowledge the potentially valuable learning that can occur even when things go wrong or when a new task is attempted for the first time.

Broad model characteristics

74 From the models used (or currently proposed) by the SRA and other professions, it is possible to identify certain broad characteristics, which can be considered for a new CPD framework. These include:

- Time recording of self-determined activity;

- Variable weightings in terms of 'credits' for different activities;

- Wholly or partially prescribed CPD activity;

- Wholly or partially verifiable activity;

- Some form of planning cycle;

- Statement of principles or desired outcomes, but no mandatory requirements; or

- A combination of these.

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[29] http://www.cilex.org.uk/PDF/IPS%20con%20CPD%20Jun%2012 para 9

75   The SRA's current CPD framework most closely aligns to the first of these model characteristics, being a largely inputs-based model that measures quantity ahead of quality.   Inputs-based models have traditionally been popular, due to the ease with which they can be set up and administered, plus their relative low cost.

76   However, such a model is unlikely, without more, to demonstrate achievement of the SRA's regulatory objectives.   As can be seen in the Exploration of Key Themes section of this report, it is also unlikely to support the maintenance or enhancement of competence, performance and ethical conduct, (as per Objective 3) since it lacks the necessary focus on outcomes or encouragement for individuals to undertake a wider range of relevant activity.

77   However, that is not to say that some input requirement may not be desirable, in the sense that it can operate as guidance as to the minimum level of engagement that is likely to result in professional development for those individuals who do not benefit from planned career development schemes.   It may also operate as a form of 'professional discipline', as mentioned later in this report.

78   Therefore, while a model that consists solely of measuring inputs is unlikely to be effective, this characteristic should not be automatically dismissed as an element of a more sophisticated scheme.

Variable weightings

79   As can be seen from the Exploration of Key Themes section of this report, not all CPD activities are of equal value in terms of their effectiveness and development value to the individual.   Although the SRA's CPD framework sets out some guidance as to how CPD hours are calculated for different activities, these do not necessarily mirror the actual relative effectiveness of those activities.

80   Some regulators, such as the New York State Bar and the Victoria Bar (Australia) ascribe different weightings to different activities. The New York State Bar requires a minimum of 24 accredited CLE (continuing legal education) credit hours over a 2 year period.   Attending a 50 minute accredited CLE course attracts 3 CLE credit hours, whereas conducted 300 minutes of pro bono activity attracts only 1 CLE credit hour. The Victoria Bar requires a minimum of 10 CPD points each year. Attendance at a 1 hour seminar will attract 1 CPD point. However, teaching for 1 hour on the Bar's own CPD programme will attract 3 CPD points.

81   The obvious benefit of variable weightings is that it can be used to recognise, reward and encourage participation in those activities that have been shown to be most effective at supporting personal and professional development.

82   The downsides include the potential for confusion as to how hours should be counted, an inevitable 'one size fits all' approach to determining the relative effectiveness of activities (in reality, different individuals will have different learning styles, especially taking account of role, practice/organisation type and career stage), plus it may be perceived to be just another version of an inputs-focused compliance model.

83   While not universal, CPD schemes exist under which some content is prescribed. Where content is prescribed in schemes for lawyers, the most frequently recurring topic appears to be ethics. This presumably reflects the importance attached to ensuring the ethical conduct of lawyers, though the extent to which this can be achieved merely by attending an annual course admits of some doubt.

84   By way of example, the Victoria Bar in Australia currently prescribes a minimum level of CPD activity in relation to ethics & professional responsibility, professional skills and substantive law. Interestingly, it also has a prescribed maximum for practice management & business skills, at least in terms of what can count towards its overall prescription of 10 CPD points each year. Similarly, the New South Wales Bar Association prescribes minimum levels in relation to ethics and regulation, management, substantive law and advocacy/mediation/barrister skills.

85   The New York State Bar and Kentucky Bar Association both prescribe minimum annual CPD activity in relation to ethics.

86   It is also common for regulators to prescribe either content or named courses for new entrants to the profession, as indeed the SRA does in relation to its Management Stage 1 course.

87   Examples include the Kentucky Bar Association, which requires attendance at the New Lawyers Skills Program during the first year of membership. The Law Society for Upper Canada requires a 'professionalism' element to at least 12 accredited CPD hours each year for new lawyers/paralegals.

88   As mentioned in the Exploration of Key Themes section of this report, participants in the SRA's CPD review were neutral as regards prescribing the content of CPD activity. There was some support, notably in focus groups, for prescribing activity for new entrants to the profession, though no clear consensus as to whether that prescription should relate to law, skills or personal development. Moreover, while the Professional Skills Course was valued, the Management Stage 1 course was not considered to be appropriate in terms of timing or content, even though the value of some business and financial training was acknowledged.

89   Prescribing content has the benefit of offering some control to the regulator over the content focus of the activities that solicitors undertake. It may also act as reassurance to the public (and even members of the profession) as to what are the regulator's minimum expectations in relation to core principles. However, there may be a risk that a high level of prescription will promote a tick box approach to CPD, in the sense that individuals will focus on what they need to do in order to comply with the requirements, at the expense of addressing their identified development needs. It may result in a 'one size fits all' approach, with the problems identified above in relation to variable weightings.

90   Prescription can also lead to some individuals feeling disempowered and less motivated to engage positively with the scheme, particularly if they do not believe the prescribed activities are of practical benefit to them. This was a concern expressed in individual interviews and focus groups in relation to the SRA's Management Stage 1 course in particular, where the timing and

content was not felt to match individual needs, leading to frustration in some cases at being obliged to undertake it at all.

Verifiable activity

91   Verifiable activity may be entirely self-determined, but involves a mechanism whereby achievement of appropriate learning outcomes can be checked and confirmed. It is of increasing importance in the medical profession, in line with the move towards periodic revalidation of practice licences. However, one of the CPD routes implemented by the Association of Chartered Certified Accountants also includes verification of activity.

92   Verification offers obvious benefits in terms of confirming that an individual's development needs have been properly identified, suitable activity has been undertaken and genuine development has occurred as a result. However, the disadvantages of such a scheme include complexity, the time involved for the individual and the verifier and the potential for disagreement as to achievement in particular. It also raises an interesting question in relation to the role of the regulator in the verification process.

Planning cycle

93   For a CPD model that is focused on outputs, some form of planning cycle is essential. This would typically involve the following approach (for convenience, here called PIER):

- Planning, to identify and record an individual's development needs;

- Implementation, by means of identifying and then undertaking relevant development activity to meet those needs;

- Evaluation of that activity to confirm that desired learning outcomes have been achieved; and

- Reflection, to identify how to take things forward, for example by putting learning into practice and planning a further cycle of development activity.

94   Inputs-based CPD schemes have a tendency to address no more than the planning and implementation stages, with no requirement for evaluation or reflection.

95   A PIER approach, with its focus on self-assessment, relevant activity and reflection, drives genuine personal and professional development. As such, it should operate so as to enhance the competence, performance and ethical conduct of individuals.

96   The Law Society of Alberta requires all practising lawyers in Alberta to make a CPD Plan each year and declare this to the Law Society. The Alberta scheme is distinctive in that it focuses upon the plan and the action taken on that plan, but has no minimum hourly requirement. The stated aim is 'to ensure that each lawyer in Alberta strives for excellence in their practice through the mandatory annual planning and implementation of an effective CPD plan'[30]. As such, it is an outcomes driven model that is understood to

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[30] http://www.lawsociety.ab.ca/lawyers/cpd.aspx

have been implemented in response to an absence of pedagogical research to demonstrate that any better learning took place where a time stipulation was included.

<u>No mandatory requirements</u>

97   It is possible for a regulator to issue a high level statement as to the purpose of CPD and the desired outcomes, without stipulating how much activity individuals should undertake or what form that activity should take. In other words, both the quantity and the nature of any CPD activity is entirely self-determined.

98   This is similar to CPD routes offered by the Association of Chartered Certified Accountants and already exists, to a certain extent, within the SRA's own CPD framework. The scheme operated by the Law Society of Alberta could also come within this model.

99   A benefit of such a scheme is that it offers individuals complete flexibility to undertake activity on the basis of their personal identified needs. It also goes some way towards addressing key barriers to effective CPD, notably time, cost, location and relevance.

100   The potential downside of such a scheme is that, unless some checking and confirmation process is built into the scheme, it will be difficult, if not impossible, for a regulator to demonstrate that its objectives are being met. Moreover, it might not inspire confidence in either the public or the profession that every member of the profession is fully engaged with CPD.

101   However, as discussed later in this report, such a model could work effectively for those individuals who are members of niche organisations or included in a career development scheme where CPD activity can be demonstrated to be planned, relevant and verifiable. The role of the regulator in such a case is to satisfy itself as to the quality of the scheme implemented by the organisation or employer, rather than to prescribe the scheme or monitor individual achievement within it.

4 RESEARCH ACTIVITY FINDINGS

Although 735 individuals participated in the survey, they did not necessarily answer every question. 525 individuals did complete the survey. A comparison was made of the survey data for all questions as between 735 participants and 525 completions. The differences were found to be minimal.

However, for the sake of consistency, the data presented in charts, tables and narrative relating to the survey has been compiled on the basis of 525 full completions of the survey, except where stated otherwise (usually in relation to particular demographics of respondents).

For ease of reading the charts in particular, percentages have been rounded up or down to the nearest whole number, except for responses below 1%. However, precise figures have been used on occasion, where appropriate to identify precise distinctions between data.

Key theme: Understanding & interpretation of the current CPD framework

102 We were interested to learn how far individuals believe they understand the current CPD framework and whether or not they participate in the full range of CPD activities identified in the CPD Regulations.

103 In the online survey, we asked individuals to identify what they considered to be their most pressing development needs. Separately, we asked them to identify which CPD activities they plan to undertake in the next 12 months, both in terms of the type of activity (e.g. attend an external course) and the content focus of the activity (e.g. skills). Where they did not plan to undertake a listed activity, we asked them to tell us why. Responses were then analysed by reference both to survey responses and to qualitative data gathered via the individual interviews and focus groups.

104 Overall, the evidence indicates that participants generally understand the current framework, although only 58% of survey respondents consider that it facilitates their professional development fairly well or better. However, although they may understand the full scope of the framework, there is evidence that individuals then implement it more restrictively.

105 By way of illustration, Chart 1 has been drawn from responses to Question 4 of the online survey, where respondents were asked to identify the type of CPD activity they had undertaken during the previous 3 years. As can be seen, 90% of respondents identified 'attend an external course', 77% identified 'conducting research on legal topics' (77%) and 72% identified 'attend an in-house course' (72%). There was also a strong response for 'attend a conference' (66%).

106 The activities that had been undertaken by the fewest individuals were 'course leading to a recognised academic qualification' (7%) and 'course leading to a recognised professional qualification' (8%). Coaching, mentoring and work shadowing schemes were also undertaken only by relatively small numbers of individuals, though it is worth noting that these particular activities may be more difficult and expensive to arrange for some people, such as sole practitioners and locums, resulting in low positive responses from those individuals.

Chart 1: Type of CPD activities undertaken in the previous 3 years - percentage of positive responses

Activity	Percentage
Attend an external course	90
Conduct research on legal topics	77
Attend an in-house course	72
Attend a conference	66
Complete an external online course	53
Deliver a session at an in-house course	53
Write a book, article of client publication	38
Participate in committees or working parties	36
Deliver a session at an external course	25
Receive a coaching/mentoring session	21
Deliver a coaching/mentoring session	18
Participate in a work shadowing scheme	10
External course leading to professional qualification	8
External course leading to academic qualification	7

Source: Online Survey Question 4
Base: 525 survey completions

107 The survey data is supported by qualitative evidence gathered via the individual interviews and focus groups. This data is particularly interesting, given that external courses and conferences are subsequently identified as being the least effective CPD activities, whereas courses leading to formal qualifications are the most effective. A survey respondent commented:

"Many of the formal courses are light on material and detail. My preference is for longer-term courses with external professional bodies as these require a greater degree of study." (Survey, anonymous)

108 Flexible online delivery of CPD is increasingly popular in general and data gathered via individual interviews and focus groups indicate that high quality, interactive online delivery can be very successful in supporting achievement of the desired learning outcomes i.e. it is effective. However, there is also evidence that low quality, passive online delivery does not support achievement of learning outcomes i.e. it is ineffective.

109 The inconsistency between what is effective and what individuals actually undertake may be explained by the requirement of CPD Regulation 8.1 in relation to accredited courses (and how that requirement is interpreted both by participants and by external providers) and also by the main barriers identified by participants in this review (explored later in this report). For example, a participant said:

"Mentoring and coaching are central to good CPD, but mentoring sessions aren't counted by the SRA because to be accredited they have to be hour sessions with objectives and outcomes. Mentoring works around goal-setting and review. Apparently, that doesn't count as the same thing". (In-house, individual interview)

110 Another explanation may be that participants do not necessarily consider certain activities, such as courses leading to an academic qualification, because they may not perceive such courses as being likely to be relevant

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to a qualified practitioner. This is perhaps not surprising, given that the overall training framework for solicitors currently distinguishes between the academic and vocational stages of training and both of these precede qualification. Moreover, many courses leading to an academic qualification will not be designed with practitioners in mind. However, there is a range of providers who do offer higher level academic qualifications, such as masters degrees and postgraduate awards, specifically developed with practitioners in mind. These are, however, more expensive and time consuming than short CPD courses; cost and time emerged in this review as major barriers to effective CPD. Where resources are available, however, such courses may offer highly effective development activity for individuals.

MODEL OF GOOD PRACTICE: Bespoke masters level qualification

A provider delivers courses that have been designed specifically for individual clients and which lead to a formal academic award e.g. LLM (masters in law).

One example is an LLM designed for employees of a particular client organisation. The course has been designed in consultation with the client and is tailored specifically to meet the needs of its associate solicitors. In particular, the legal content and skills were determined by reference to individual development needs that had been identified by the client by way of its own internal career development scheme. The client and provider worked closely together to design a course which addressed those needs creatively and effectively within a robust academic framework commensurate with the ultimate award.

The delivery model of the course has been established in order to accommodate the competing demands faced by busy professionals. The course lasts for two years and scheduled activity takes place across a limited number of weekends, facilitated by the provider's own faculty and senior lawyers within the client organisation.   Academic and pastoral support are available to participants throughout the duration of the course, not just during scheduled activity.

The course develops the participants' knowledge and skills base in technical and procedural contexts across a range of disciplines within their practice area. As such, it combines specialised legal content with the development of high level legal skills, directly relevant to participants.

Scheduled activity is highly interactive, including simulated transactions based around realistic scenarios identified in consultation with the client, demonstrations, role play and presentations, with participants working in small groups and receiving regular individual feedback on their progress.

The course is assessed by the submission of a series of reflective reports relating to the experiences of individuals both of the course and in the workplace, as well as a final dissertation.

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111 In many cases, financial and business considerations appear to drive choice more aggressively than identified development needs.

<u>What development needs are most pressing?</u>

112 Data was drawn from the online survey, which asked respondents to identify which development needs they considered were most pressing for themselves, from a pre-determined list that covered common CPD activities and the SRA Principles 2011.

113 As can be seen from Chart 2a, activities focused upon 'legal updating' and 'specialist legal knowledge' were identified as pressing needs by 74% and 72% respectively of respondents.

Chart 2a: Pressing development needs - percentage of positive responses across all respondents
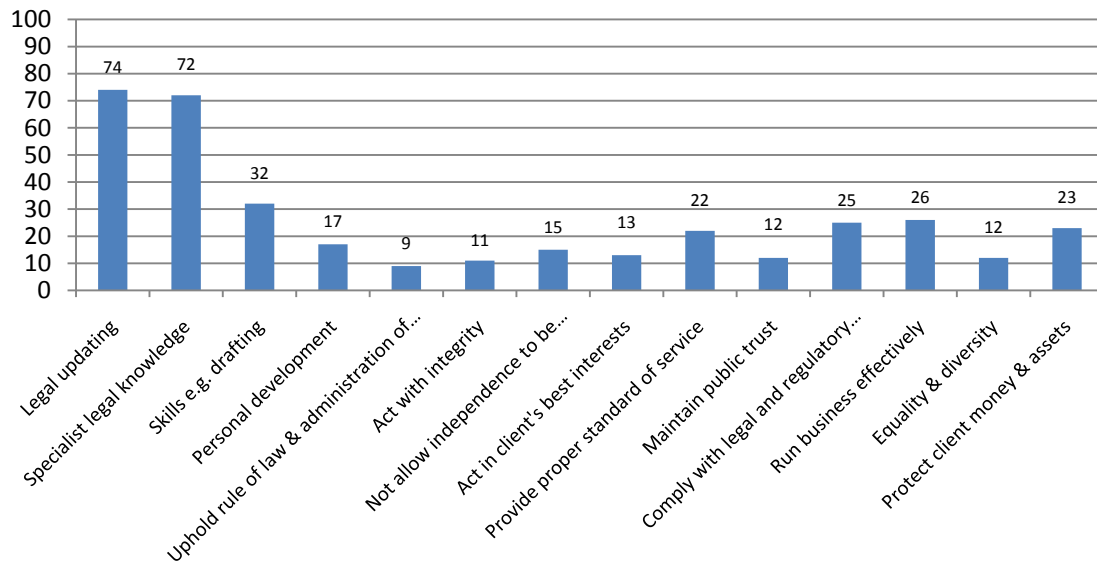
Source: Online Survey Question 18
Base: 525 survey completions

Impact of PQE

114 An analysis of the online survey data was made by reference to PQE, but did not reveal any marked shift in terms of which needs were identified overall as 'pressing'. While a higher percentage of individuals with 0 – 3 years PQE than those with 21+ years said that activities generally were pressing, as can be seen from Chart 2b this only resulted in a majority of positive responses for:

- legal updating (80% positive response by 0-3 PQE respondents);

- specialist legal knowledge (84% positive response by 0-3 PQE respondents); and

- skills (51% positive response by 0-3 PQE respondents).

115 No other items on the list were identified as pressing by a majority of respondents, regardless of PQE.

**Chart 2b: Pressing development needs - percentage of positive responses for
0 - 3 PQE respondents**

Bar chart showing the following values:
- Legal updating: 80
- Specialist legal knowledge: 84
- Skills e.g. drafting: 51
- Personal development: 25
- Uphold rule of law & administration of...: 10
- Act with integrity: 5
- Not allow independence to be...: 6
- Act in client's best interests: 14
- Provide proper standard of service: 29
- Maintain public trust: 5
- Comply with legal and regulatory...: 15
- Run business effectively: 15
- Equality & diversity: 6
- Protect client money & assets: 14

Source: Online Survey Question 18
Base: 73 responses to this question in the 0 – 3 PQE category

116   Responses to the online survey also indicate that the perceived need to undertake CPD activity in relation to skills and personal development broadly diminishes as PQE increases. As can be seen from Chart 2c, by 21 years or more PQE, the sense that these were pressing needs had diminished to 26% for skills and just 9% for personal development by respondents answering the relevant question.

**Chart 2c: Pressing development needs - percentage of positive responses for
21+ PQE respondents**

Bar chart showing the following values:
- Legal updating: 70
- Specialist legal knowledge: 66
- Skills e.g. drafting: 26
- Personal development: 9
- Uphold rule of law & administration of...: 6
- Act with integrity: 11
- Not allow independence to be...: 16
- Act in client's best interests: 12
- Provide proper standard of service: 21
- Maintain public trust: 11
- Comply with legal and regulatory...: 26
- Run business effectively: 26
- Equality & diversity: 12
- Protect client money & assets: 12
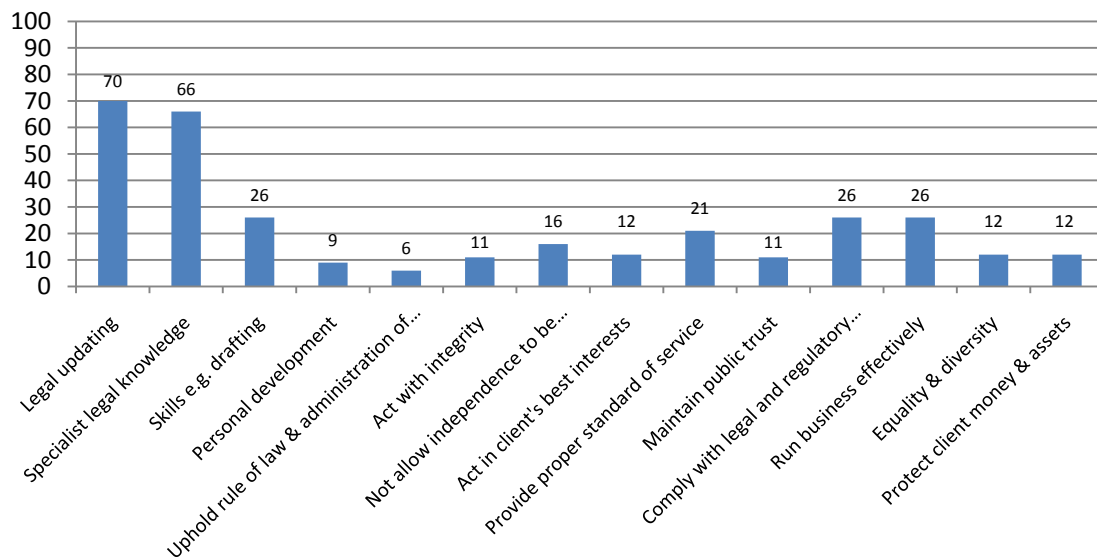
Source: Online Survey Question 18
Base: 195 responses to this question in the 21+ PQE category

117 As a result, there was a similar drop in identified intention to undertake these activities in the next 12 months by respondents of 21 years or more PQE. As can be seen from Chart 3, skills reduced to 33% and personal development reduced to 20% for this category of respondents. This diminution is consistent with qualitative data from the individual interviews and focus groups, which suggests that there is perceived to be a stronger need for development in these areas at an earlier career stage.

Chart 3: Content focus of intended CPD activity over the next 12 months - percentage of positive responses for 21+ PQE respondents

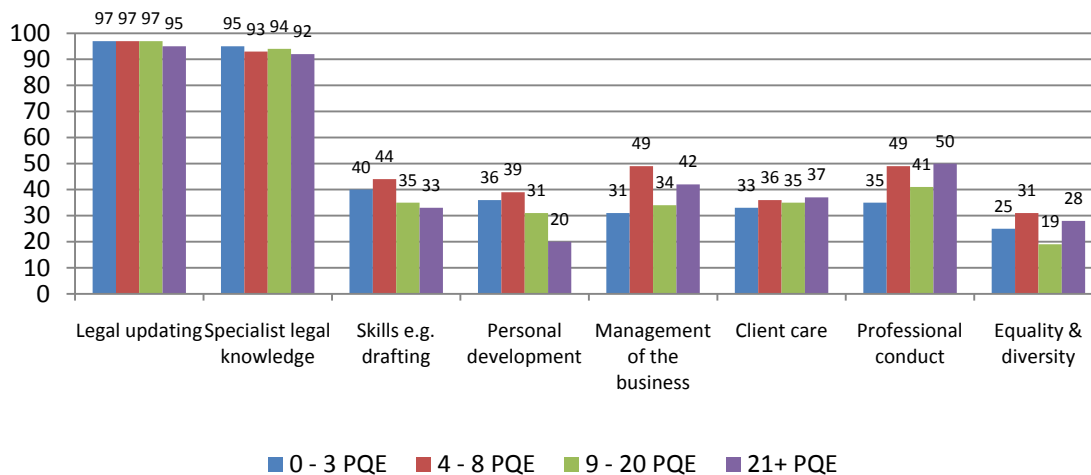Source: Online Survey Question 9
Base: 195 responses to this question in the 21+ PQE category

118 However, it is worth noting that the group of respondents who were most likely to say they <u>intended to undertake</u> skills and personal development activities were those in the 4 – 8 years PQE category (even though it was individuals in the 0 – 3 years PQE category who said they had more <u>pressing needs</u> for skills training). As can be seen from Chart 3, for respondents in the 4 – 8 years PQE category, 44% expected to undertake CPD activity in the next 12 months that had a content focus on skills and 39% expected to undertake CPD activity with a content focus on personal development. Indeed, this category of respondents show an intention to undertake a generally wider range of CPD activities than other categories of respondents.

119 It is not possible to explain this data conclusively, but commentary in individual interviews and focus groups suggests that new entrants to the profession are particularly anxious about ensuring their competence in the law relevant to their current practice area. By the time they reach 4 years PQE, they are more confident of their legal expertise and may be established in a particular practice area, so turn their attention to developing a wider skill set, as part of their aspirational career trajectory.

120 Perhaps not surprisingly, as can be seen from Charts 2b and 2c, the perceived need for CPD activity in relation to regulatory and business issues broadly rises as PQE increases. This presumably reflects the changing role of individuals across their career, with an increasing involvement in the management of the business as they become more experienced.

121 A comparison was made of different participant groups by reference to all responses to Question 18, not just those who completed the whole survey. This was necessary in order to gather meaningful data in relation to certain groups where the total number of responses was low e.g. lawyers with a disability. The number of participants for different groups are identified in Table 1, earlier in this report.

122 Slightly more women than men answered Question 18, but the difference was small. Women were more concerned than men with the need to develop 'specialist legal knowledge' and also to undertake 'personal development'. However, as can be seen later in this report, men were slightly more likely than women actually to intend to undertake CPD activity in relation to 'personal development' over the next 12 months. Otherwise, the data does not suggest significant gender differences in terms of identifying pressing development needs or intended CPD activity.

123 Respondents whose activities were planned as part of a formal appraisal process were more likely overall to identify all of the listed areas as pressing. In particular, they were significantly more likely to identify a pressing need for 'personal development'. In addition, as can be seen from Chart 4, they were also more likely to say they intended to undertake CPD activity across all of the listed areas. This indicates that the existence of a formal development process may impact positively upon the extent to which individuals are able to identify their personal development needs and the range of activities that they then undertake.

124 Respondents who considered themselves to be disabled, who worked in a Government Office or who identified their ethnic origin as other than White were more likely overall to say that they had pressing development needs in relation to personal development and the SRA's Principles 2011. However, this data needs to be treated with caution given the low base numbers for these categories, as identified in Table 1 earlier in this report.

What activities do individuals intend to undertake?

125 Chart 4 is drawn from the online survey, where respondents were asked to identify the content focus of the CPD activities they intended to undertake over the following 12 months. Again, this data is supported by qualitative evidence gathered via the individual interviews and focus groups.

126 It can be seen that 'legal updating' and 'specialist legal knowledge' were by far the most popular choices, with more than 90% of respondents saying that each of these would be included in the CPD activity they intended to undertake. This was not markedly different even at varying degrees of post qualification experience.

127 Respondents who considered themselves to be disabled or who identified their ethnic origin as Asian or Asian British were more likely overall to say that they intended to undertake CPD activity in all the listed areas. However, this data needs to be treated with caution given the low base numbers for these categories, as identified in Table 1.

128 It is worth noting that individuals working in private practice or 'other' type of practice were more likely to say they expected to undertake CPD activity

in relation to professional conduct and client care. As indicated in Table 1, there were 28 'other' responses to the relevant question (Question 25).

Chart 4: Content focus of planned CPD activity - percentage responses
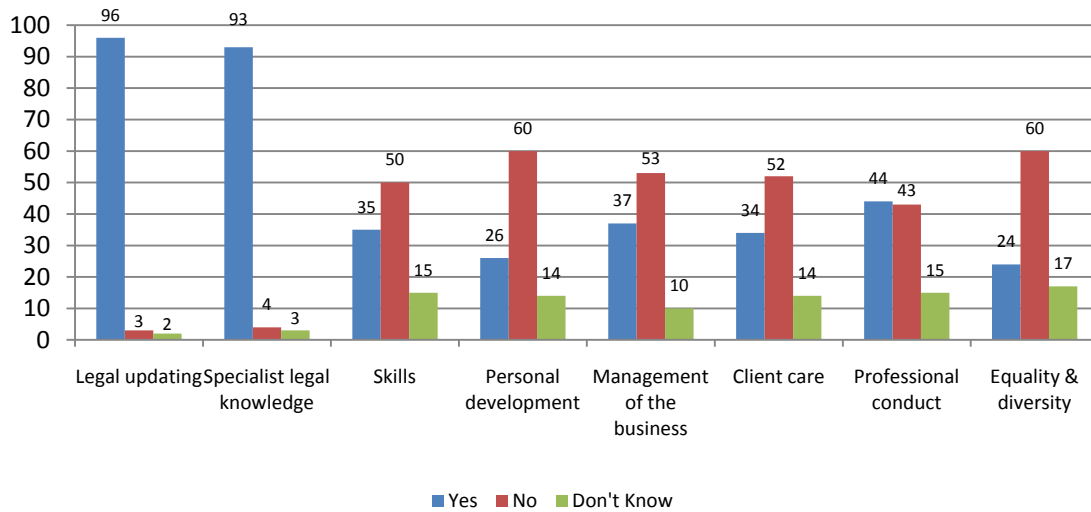
Source: Online Survey Question 9
Base: 525 survey completions

129 Moreover, data from the online survey indicates that the profession generally considers that everyone should undertake CPD activity in relation to 'legal updating' and 'specialist legal knowledge' at least every year. Indeed, comments made in the online survey indicate that people consider it essential to undertake activity to keep up to date with the law far more frequently than once a year. For example:

"Legal updating is required far more frequently than annually – the law moves much more quickly than that!!" (Survey, anonymous)

130 Given that there is a large volume of external provision with a substantive legal focus, it is perhaps not surprising that 87% of survey respondents told us that they could find an appropriate CPD activity at least 'most of the time' and 83% told us that participation in these activities enhanced their professional practice at least 'somewhat'.

131 Chart 5 uses the same data as Chart 4, but shows just the Yes responses, by reference to organisation size. As can be seen, individuals working in the organisations with more than 50 solicitors are more likely than others to plan to undertake CPD activity in the next 12 months that does not have substantive law as its content focus. However, as Chart 5 shows, this is not a steady upward trend from sole practitioner through to large organisation, so the size of the organisation per se is unlikely to be the reason for this data. The increased activity in the largest organisations probably reflects their greater financial resources and also the increased prevalence of formal career development systems within larger organisations.

Chart 5: Content focus of planned CPD activity - percentage of positive responses by organisation size

	Legal updating	Specialist legal knowledge	Skills	Personal development	Management of the business	Client care	Professional conduct	Equality & diversity
Sole Practitioner	97	93	33	14	31	28	41	17
Fewer than 10	98	94	38	20	37	29	37	16
Between 10 & 50	93	89	24	25	37	30	37	25
More than 50	96	95	45	47	44	50	59	38
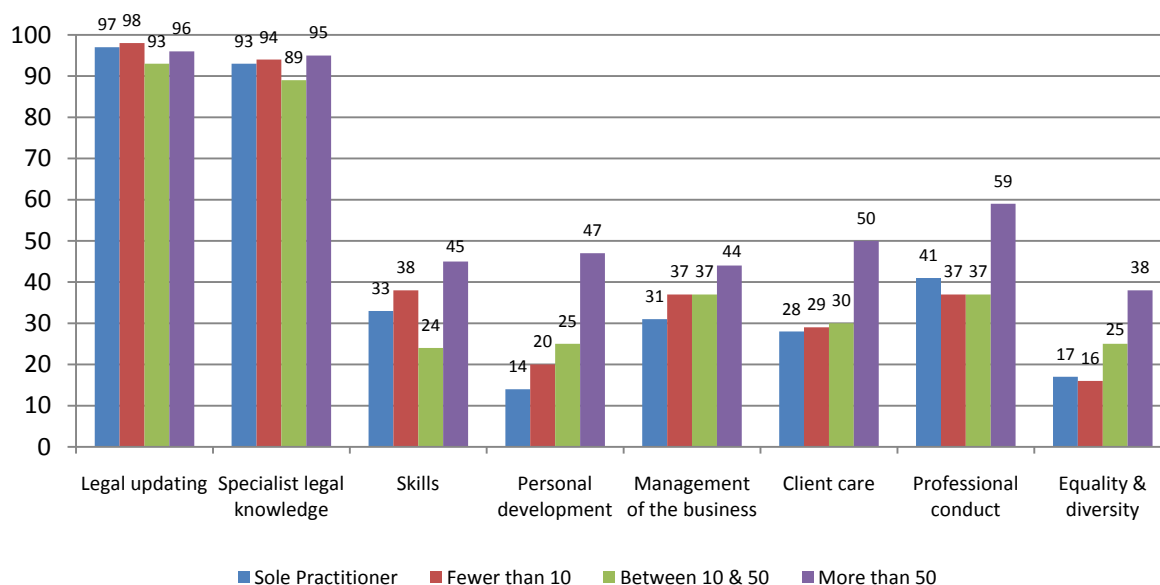
Source: Online Survey Question 9
Base: 525 survey completions

<u>Rationale</u>

132   Some explanation for the popularity of CPD activities that focus on legal content can be derived from the focus groups and individual interviews, where participants spoke positively of the importance of maintaining knowledge-based competence and developing expertise in their practice areas, as part of their overall professionalism. This was supported by the most common reason cited in the online survey for undertaking particular activities: 'relevance to practice'.

133   However, there is also some evidence to suggest that attending an external course on legal updating may be the most popular choice for those individuals who, for whatever reason, find themselves needing to scramble for CPD hours towards the end of the CPD year. This will include, though is not limited to, those individuals who have simply not engaged with CPD. For example, these comments were made in the online survey:

"I do it because I have to and for no other reason." (Survey, anonymous)

"More often than not I simply do whatever course is available just to get the necessary points." (Survey, anonymous)

"It is a pointless box ticking exercise, you just do whatever you need to when the end of the CPD year approaches, regardless of its relevance - you just do what is available at the time." (Survey, anonymous)

134   However, it will also include people who are fully engaged. For example, some participants in focus groups told us that they undertake substantial and wide ranging development activity each year, but it is not necessarily accredited, especially where the content is not focused on law. Similarly, respondents to the online survey commented:

" … when in practice I was a specialist in construction law and often my needs were not just law but also to learn about changing technology which would be relevant to future litigation. There is no provision in the present scheme for crediting non legal knowledge. This overlooks the fact that 90% of litigation is about facts not law." (Survey, anonymous)

"The requirement for 'accredited' CPD can sometimes be a barrier, as training opportunities that are relevant to our practice are not always offered by accredited providers". (Survey, anonymous)

135 Therefore, towards the end of the CPD year, these individuals may need to find some additional activity that is accredited simply to comply with SRA requirements and not necessarily because of an identified development need.

136 Similarly, many individuals struggle to find the time to undertake CPD activity: as will be seen later, time is one of the biggest barriers to effective CPD. Again, they will join the autumn rush to accumulate accredited hours.

137 There is a perception, supported by some comments from CPD providers, that legal updating courses are heavily promoted in September and October each year, as CPD providers respond to the autumn rush. As such, while an external course focused on legal knowledge may be a positive choice, this is not always the case.

Employer involvement

138 First, it is worth noting that not all solicitors have an employer. For example, there are a significant number of sole practitioners and locums who are engaged in CPD activity. Similarly, some solicitors in firms/organisations will in fact, be the employer as well as a CPD participant. However, it was considered important to ascertain the involvement of employers, for such individuals as have them.

139 At the employer level, focus groups discussions and survey comments indicated that some employers attach importance to a range of CPD activities, relevant to practice and appropriate to individual career stages. For example, online survey respondents commented:

"Employer is proactive in organising monthly in-house sessions which are of direct relevance to practice." (Survey, anonymous)

"Employer provides 10 hours directly relevant legal update CPD activity to every lawyer every year." (Survey, anonymous)

"Firm runs numerous and varied training sessions." (Survey, anonymous)

140 However, there was also some evidence that employers may constrain the CPD activity that can be undertaken, notably where cost was a major business concern. For example, there were these comments on the online survey:

"We are not allowed to attend external courses unless free". (Survey, anonymous)

"Only able to attend cpd courses that are free or very cheap and attract cpd - usually these are topics that are not relevant to the area of law I practice in."   (Survey, anonymous)

"The major factor in our office .. is cost. If it is free or cheap we are encouraged to go on it - any other factors are secondary".   (Survey, anonymous)
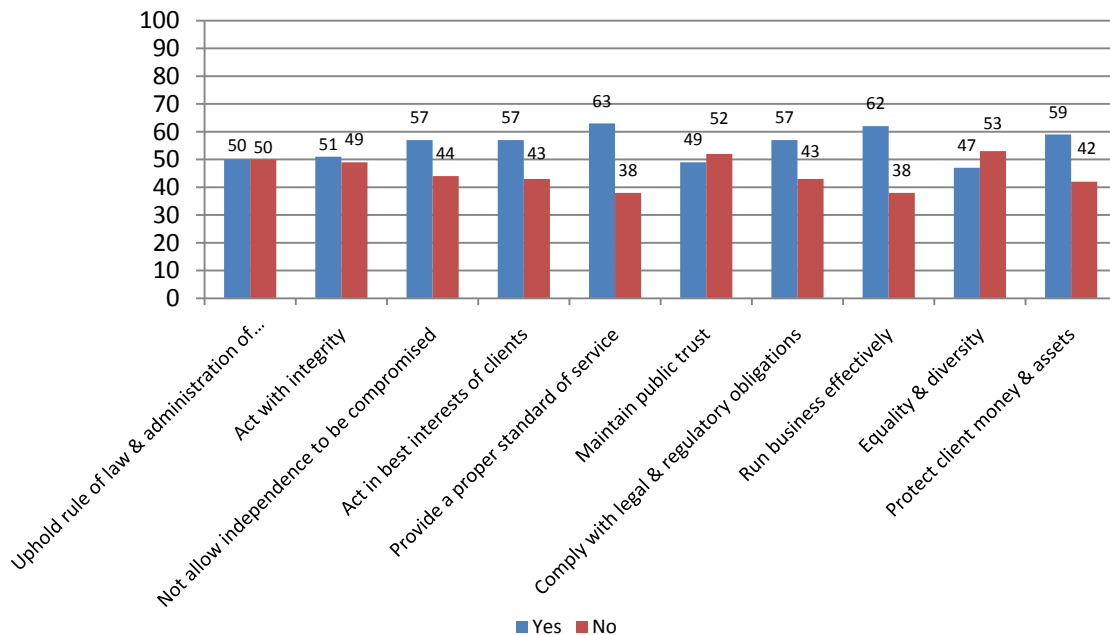
141   However, even where sophisticated internal training and development schemes exist, which encompass a wider range of activities, focus group discussions highlighted that additional CPD activity is sometimes required, usually via attendance at external legal updating courses, simply to comply with the SRA regulations.   This appears to be due to the current requirement in relation to accreditation and the fact that many non-law based CPD activities may not be accredited, particularly professional development programmes that are not aimed specifically at solicitors. This was raised in focus groups as a particular issue for solicitors working outside of private practice, where high quality training may be delivered that is relevant to the individual's wider role within the organisation, rather than their legal role.

<u>Compulsory elements</u>

142   We sought to ascertain whether or not there was a perceived need within the profession for certain CPD activities to be compulsory. Given the role of the SRA as regulator, the question in the online survey was expressed to reflect the SRA's Principles 2011.

143   Questions asked during individual interviews and focus groups were more open, to gather qualitative data. Chart 6 shows the results of the survey, which broadly reflect information gathered via individual interviews and focus groups.

Chart 6: Which practice areas need CPD regulatory input - percentage positive and negative responses

Practice area	Yes	No
Uphold rule of law & administration of…	50	50
Act with integrity	51	49
Not allow independence to be compromised	57	44
Act in best interests of clients	57	43
Provide a proper standard of service	63	38
Maintain public trust	49	52
Comply with legal & regulatory obligations	57	43
Run business effectively	62	38
Equality & diversity	47	53
Protect client money & assets	59	42

Source: Online Survey Question 17
Base: 525 survey completions

144 As can be seen, the idea of regulatory input was supported by more than 60% of respondents for only the following principles:

- Provide a proper standard of service to your clients; and
- Run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles.

145 The data indicates that the profession overall is neutral about compulsory training in these areas, with the balance of views being on the side of no compulsory elements. For example, a survey respondent commented:

"I fundamentally disagree with this kind of approach. The better approach is the existing one where there is a minimum CPD requirement and the Solicitor and the firm decide what will be most useful for both. The approach of specifying periods for such things is patronising and lacks respect for the judgement of professionals who should be able to either self assess or will identify such issues with their employer". *(Survey, anonymous)*

146 It is possible that some of this neutrality arises from some uncertainty about what form such training might take and how often an individual might be obliged to undertake it. Moreover, when asked what changes they would like to be made to the CPD framework, a number of participants in focus groups commented that they believed the current framework was acceptable. However, when probed for more detail, it appeared to be more that they were concerned about the impact of any changes rather than genuinely happy with the current framework e.g. changes might lead to an increase in the 16 hours or accreditation requirements, exacerbating the identified barriers of time and cost. As such, the SRA may wish to consult further with the profession in relation to more specific proposals.

147 That said, there is some evidence that the profession considers core principles and the relevance of activity to be important, even if there is no clear consensus as to compulsion. For example, a participant said:

"There should be a requirement for core subjects, and then for relevance. That would stop people undertaking irrelevant CPD. Professional conduct, for example, could be an annual core requirement". *(Training partner, private practice, individual interview)*

148 Moreover, there is some evidence that individual organisations may make certain training compulsory for their employees, determined by reference to what the organisation considers to be essential. For example, participants told us:

"Set courses are compulsory in my firm e.g. money laundering, bribery. Every year or so, there's something everyone in the firm has to do." *(Private practice, focus group)*

"Part of my job is to keep fee earners up to date with changing regulation. We make these courses compulsory and chase people to attend." *(Training partner, private practice, focus group)*

149 We also asked whether certain CPD activity, while not necessarily compulsory, should nonetheless be undertaken at different career stages and, if so, how frequently. Quantitative data was obtained via the online

survey. Charts 6a to 6d show the percentages of survey respondents who considered that individuals should undertake the listed CPD activities at least annually at different stages of their career.

Chart 6a: Percentage of survey respondents who said individuals at 0 - 3 PQE should undertake CPD in relation to identified areas at least annually

Chart 6b: Percentage of survey respondents who said individuals at 4 - 8 PQE should undertake CPD in relation to identified areas at least annually

44

Chart 6c: Percentage of survey respondents who said individuals at 9 - 20 PQE should undertake CPD in relation to identified areas at least annually

Bar chart values:
- Legal updating: 87
- Specialist legal knowledge: 72
- Skills e.g. drafting: 18
- Personal development: 17
- Management of the business: 31
- Client care & standards of service: 27
- Professional conduct: 23
- Equality & diversity: 16
- Regulatory reporting & notification: 28
- Protecting client money & assets: 23
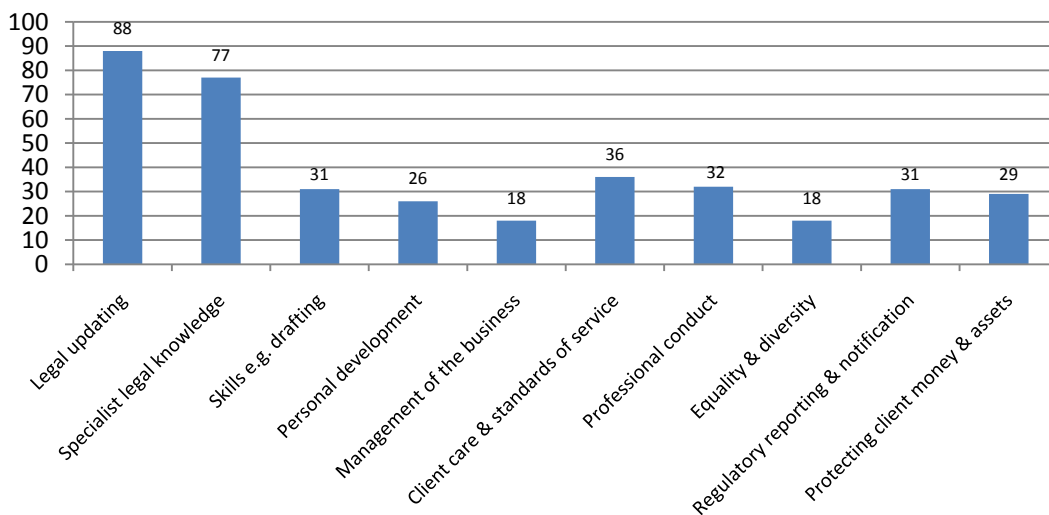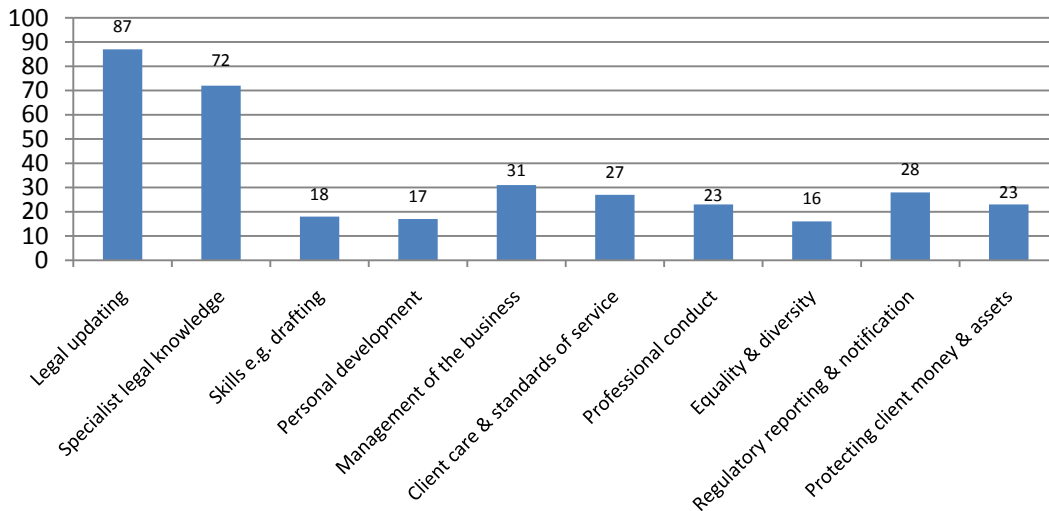
Source: Online Survey Question 19
Base: 525 survey completions

Chart 6d: Percentage of survey respondents who said individuals at 21+ PQE should undertake CPD in relation to identified areas at least annually

Bar chart values:
- Legal updating: 85
- Specialist legal knowledge: 70
- Skills e.g. drafting: 17
- Personal development: 15
- Management of the business: 29
- Client care & standards of service: 25
- Professional conduct: 21
- Equality & diversity: 17
- Regulatory reporting & notification: 28
- Protecting client money & assets: 23
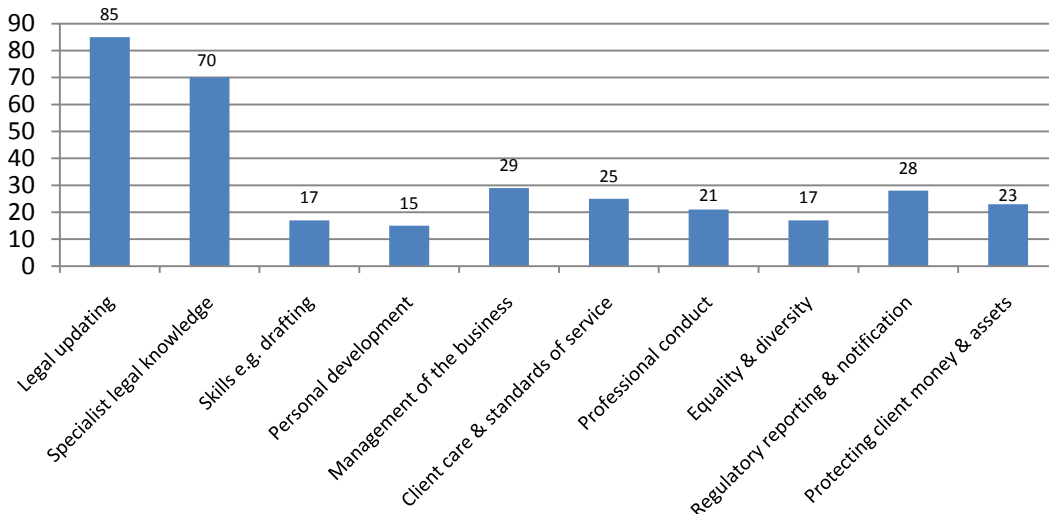
Source: Online Survey Question 19
Base: 525 survey completions

150 Consistent with data gathered in relation to other questions, the profession as a whole attaches considerable importance to 'legal updating' and 'specialist legal knowledge'. In relation to these two items, the data suggests that, while there is some decrease in importance as PQE increases, these remain important throughout an individual's career, with positive responses ranging from 85% (for 21+ years) to 90% (for 0 – 3 years). A comment in the online survey said:

"We would view legal updating and specialist legal knowledge as an ongoing requirement for all our solicitors, and would expect this to be undertaken on an as needed basis but usually substantially more frequently than annually". (Survey, anonymous)

151   For some areas listed in Charts 6a-d, when compared with legal knowledge, there is a much stronger decrease in the perceived importance of development activity as PQE increases. For example, 69% of survey respondents consider that individuals in the 0 – 3 PQE category should undertake annual development in relation to skills, but this drops to just 17% in respect of individuals in the 21+ PQE category. This presumably reflects a sense among individuals that they have considerable professional development needs as they transition from vocational training into the workplace and through to early PQE, but these needs then change and become more focused as they gain in experience. This is something which came through strongly in qualitative data gathered via individual interviews and comments in the online survey. For example, respondents to the online survey commented:

"All Solicitors should receive training on these topics in the early stages of their careers but thereafter it should be voluntary." (Survey, anonymous)

" … junior members may need training on drafting, but more senior members of the profession may need more help with skills such as IT and marketing." (Survey, anonymous)

152   Potentially, too, the data reflects concern in the profession that prescribed courses may not be at the right level for more experienced solicitors. For example, the following comments were made on the online survey:

"At my stage of my career I can usually teach the lecturer more than he/she can teach me." (Survey, anonymous)

"It can be very frustrating when all course providers offer same old same old for the mass market, but very little in depth for more experienced solicitors." (Survey, anonymous)

153   The perceived decrease in importance might also reflect a view within the profession that the SRA should not seek to prescribe the detail of an individual's development activity. This was particularly the case among organisations that had mature training and development schemes in place, which were considered to be highly effective. A comment in the online survey said:

"There should be some flexibility given how an individual's career is developing". (Survey, anonymous)

154   Concern about prescribed training also came through strongly in relation to solicitors who were not working in private practice. There were a number of comments in the survey relating to Question 19 which queried the relevance of the listed items to other solicitors, notably those working in-house. For example, one respondent commented that the question:

"… does not recognise the difference between in-house and private practice. As an in-house lawyer it would be a waste of time to have to do CPD on protecting client money and assets, and management of the business of a firm of lawyers would be irrelevant to me". (Survey, anonymous)

155 A small number of participants regarded compulsion as inconsistent with individual professionalism and associated it with increased bureaucracy and exacerbation of the main barriers to effective CPD e.g. cost. For example, a comment on Question 19 in the survey reads as follows:

"This is all rather insulting. To suggest that a solicitor should be mandated to receive training to remind him that he must act with integrity, protect his clients' money and act in the best interests of each client etc is ridiculous; solicitors should know and do these things anyway. We should be trusted to use our own judgment when choosing CPD courses". (Survey, anonymous)

156 The data indicates that the profession considers that individuals at the 0 – 8 years PQE stages of their career should still be undertaking regular CPD activity in relation to the following:

- Skills;
- Client care & standards of service; and
- Professional conduct.

157 However, none of the other items in the list were considered to require annual CPD activity at any career stage by a clear majority of respondents.

SRA Management Stage 1 course

158 As a separate issue, some participants in individual interviews and focus groups were highly critical of the SRA's Management Stage 1 course. A high proportion of those participants we spoke to who were recent entrants to the profession were critical of the course. In addition, a small number of participants with responsibility for training within their organisation also expressed reservations about the effectiveness and timing of the course. For example, a participant commented:

"Management Course Stage 1 was too superficial, neither here nor there, to be on any value". (Private practice, focus group)

159 Unlike the Professional Skills Course (PSC), which was generally highly regarded, especially given the flexibility of the PSC options, the SRA's Management Stage 1 course was identified by critics as being largely irrelevant and ineffective. Participants who criticised the course considered that it focused too heavily on sole practice, so attendees did not engage with it. They also considered that they were required to undertake it too early in their career, before they had reached the stage where they might benefit from training of this nature.

160 Participants did speak positively about the concept of being required to undertake some management training, including financial training. Indeed, notwithstanding the SRA's compulsory course, it was apparent in focus groups that a small number of organisations put in place their own management and financial training programmes. These can be very sophisticated, including using simulations of the firm's own accounting and business data systems as part of the training package. The general consensus was that such packages are very effective. We do not have data to indicate how many such packages have been put in place within the profession, but they are unlikely to be widely used at present due to the level of resource required to support them. Where we were able to identify such packages, the organisations involved were large and generally well-resourced.

Key theme: Planning CPD activity

161   We were interested to learn how far CPD activity is planned in advance, either as part of a formal process or more informally.   We were also interested to understand how members of the profession evaluate CPD activity that they have undertaken, in order to assess its effectiveness.   As part of this, we wished to establish whether there is a link between identified needs and the activities that individuals actually undertake i.e. do they choose activities on the basis that they expect them to be able to address those needs or for other reasons?

162   Questions were asked in the online survey to gather information on CPD planning and evaluation.   Responses were analysed by reference to related questions and data gathered via the individual interviews and focus groups.

How far are needs identified and CPD activity planned in advance?

163   In the online survey, we asked individuals to identify whether or not they had undertaken each of the four planning and recording activities shown in Chart 7.   We also asked them to indicate the extent to which they update those activities.

Chart 7: Planning process - percentage responses for all survey respondents
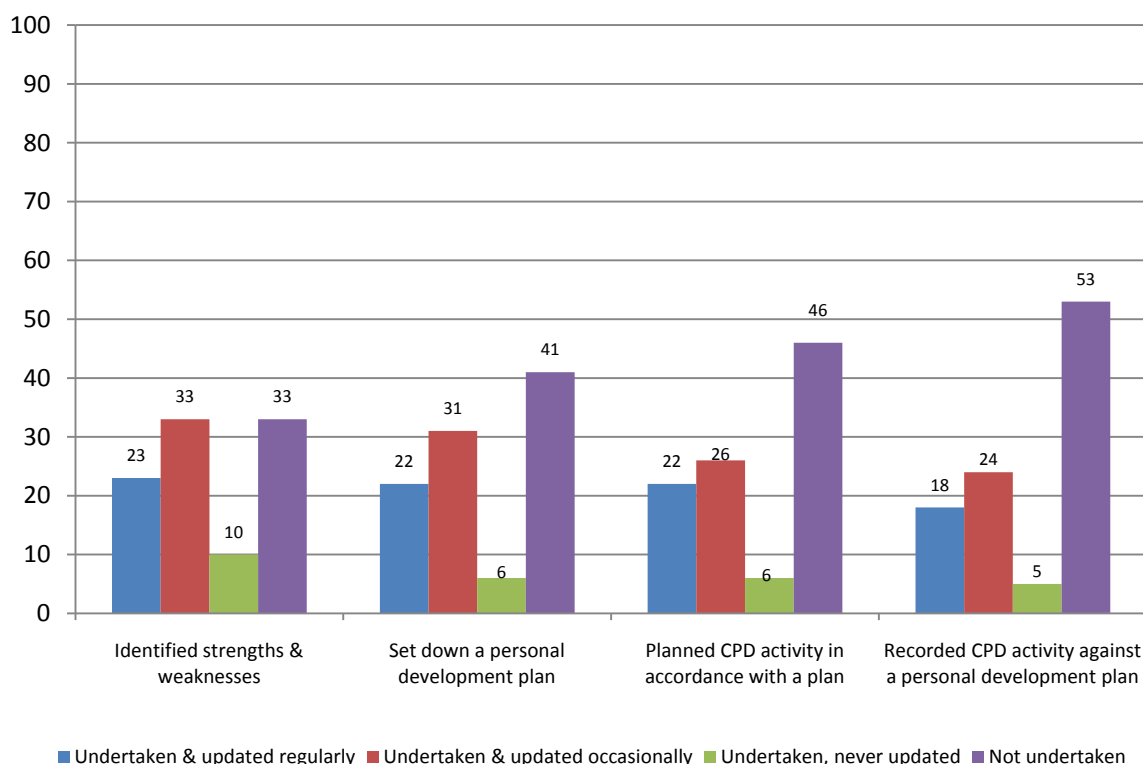
Source: Online Survey Question 1
Base: 525 survey completions

164   The data indicates a moderate level of initial identification of development needs and establishment of a personal development plan across the profession.   However, this is far from universal and there is a high percentage of 'not undertaken' responses to each aspect of the planning process.

165   Even where plans are put in place, the level of regular updating hovers only around 20% across the board. The combination of 'never updated' and 'not undertaken' is close to or exceeds more than 50% of respondents for three of the four elements.
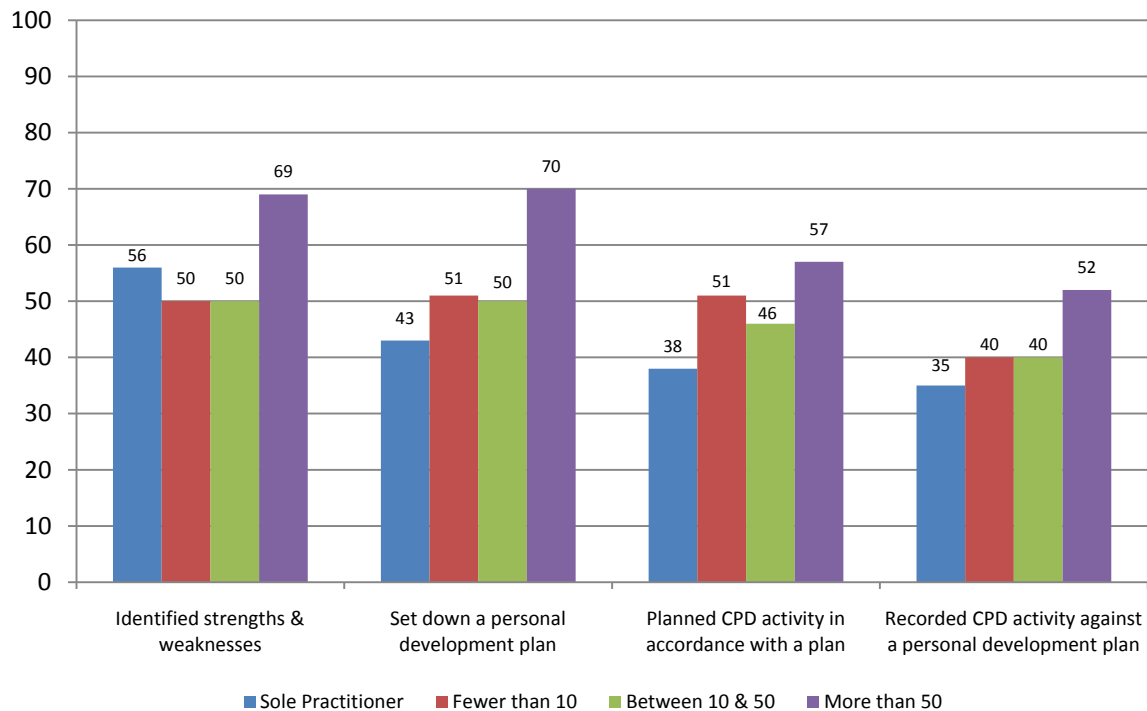
166   Moreover, the evidence reveals that a large amount of CPD activity is not formally planned, which indicates a disconnection between career planning and the formal CPD framework. For example, as can be seen from Chart 7:

- 41% of survey respondents told us that they have never set down a personal development plan; but

- 46% told us that they do not plan their CPD activity on the basis of a personal development plan; and

- 53% said that they do not record CPD activity in a plan.

167   Even if we assume that all of the 41% of individuals in paragraph (a) also appear in paragraphs (b) and (c), the increasing percentages in (b) and (c) mean that there are individuals who are setting down a personal development plan, but are not using it for CPD purposes. This finding is supported by the individual interviews and focus groups. It suggests that individuals may regard the SRA's CPD framework as only relevant to 'keeping up to date with legal knowledge', rather than playing a developmental or aspirational role in their career progression.

168   Chart 8 shows the extent to which the planning activities are undertaken and then updated at least occasionally, by survey respondents groups according to the size of the organisation they work for.

Chart 8: Planning process - extent to which activities are undertaken & then updated at least occasionally, by reference to organisation size

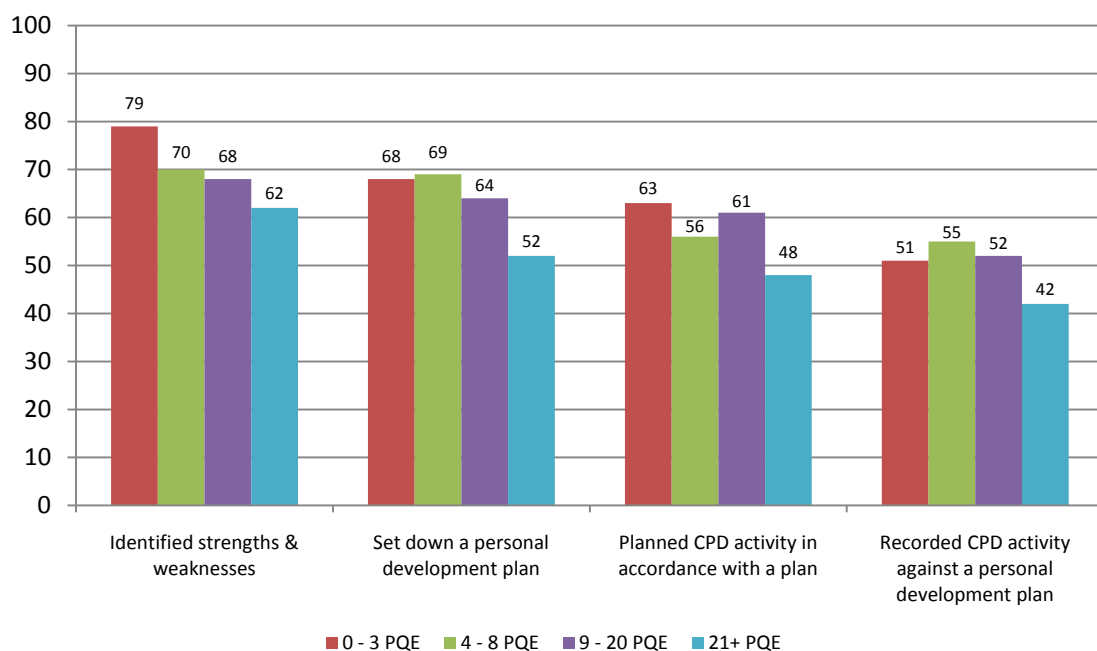|	Sole Practitioner	Fewer than 10	Between 10 & 50	More than 50
Identified strengths & weaknesses	56	50	50	69
Set down a personal development plan	43	51	50	70
Planned CPD activity in accordance with a plan	38	51	46	57
Recorded CPD activity against a personal development plan	35	40	40	52

Source: Online Survey Question 1
Base: 525 survey completions

169   As can be seen from Chart 8, planning and regular or at least occasional updating is more likely overall to be undertaken by participants working in larger organisations.

170   This is broadly supported by qualitative data from the individual interviews and focus groups, which confirmed the survey findings, but indicated that where firms have implemented a formal training and development system, the full planning cycle is more likely to take place, regardless of organisation size. The level of resourcing required means that the most sophisticated systems are usually only viable for larger firms.

Impact of PQE

171   Chart 9 shows the extent to which the four activities are undertaken (even if they are not then updated) by individuals at different stages of PQE. Excluded from the data are the 'not undertaken' responses.

172   This shows that individuals at 21+ years PQE are less likely than others to plan their CPD activity. Comments in individual interviews indicate that the focus of development needs changes with experience, thus leading to a perceived reduction in the need to plan CPD activity at more senior career stages.

173   In addition, evidence gathered via all the research elements indicates that CPD activity across the profession focuses on attendance at law-related external courses. While the average response rate for the profession indicates that external courses are often not effective, this is more the case for senior solicitors/partners than for new entrants to the profession. Individuals may feel there is little benefit in planning CPD activity if it is not going to be effective.

Chart 9: Planning - extent to which a planning process takes place, even if it is not then updated, by reference to different levels of PQE

|	Identified strengths & weaknesses	Set down a personal development plan	Planned CPD activity in accordance with a plan	Recorded CPD activity against a personal development plan
0 - 3 PQE	79	68	63	51
4 - 8 PQE	70	69	56	55
9 - 20 PQE	68	64	61	52
21+ PQE	62	52	48	42

Source: Online Survey Question 1, cross-linked with Question 24
Base: 525 survey completions,

174 The evidence suggests that there is a link between the existence of a formal appraisal system and whether any planning of CPD takes place, but it is not strong. We asked participants in the online survey whether or not their CPD activities are planned as part of a formal appraisal process.

175 As can be seen from Chart 10, 63% of survey respondents said that this was not the case, plus a further 7% said that they had no formal appraisal system. Taking account of "Don't know" responses, CPD planning is linked to appraisal for only 27% of respondents.

176 For the most part, therefore, it appears that any planning of CPD activities takes place outside of a formal appraisal scheme.

177 It should be borne in mind, of course, that some survey respondents were sole practitioners, locums or not currently working, and it is not expected that these individuals would have a formal appraisal system in place.

Chart 10: CPD linked to a formal appraisal system - percentage responses
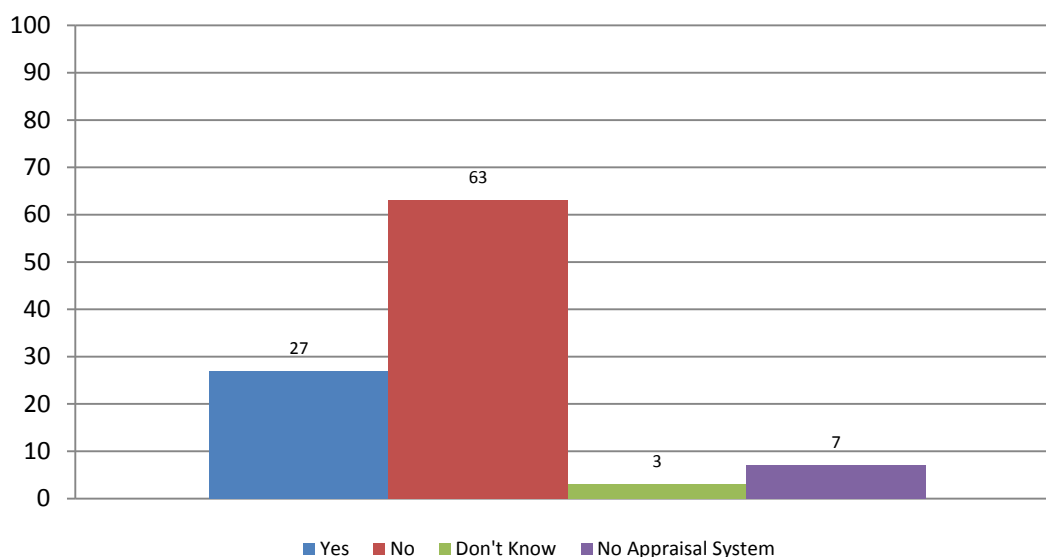
Source: Online Survey Question 10
Base: 525 survey completions

178 However, the online survey suggests that, where a formal appraisal scheme exists, it has some positive influence on whether or not the effectiveness of CPD activities are then evaluated and personal development plans updated.

179 Nonetheless, as can be seen from Chart 11, for around 48% of survey respondents, the CPD activities that they have undertaken are never evaluated as part of appraisal. This was supported by comments made during individual interviews and focus groups. A participant told us:

"Even when it [CPD planning] forms part of the appraisal discussion, there are no systems for following up, no obligation for the individual to demonstrate how the CPD has had an impact on his practice". (Male, private practice) (Survey, anonymous)

Chart 11: How often CPD activities undertaken are then evaluated as part of appraisal

Bar chart showing percentages: Never 48, Occasionally 31, Usually 14, Always 7.

Legend: ■ Never ■ Occasionally ■ Usually ■ Always
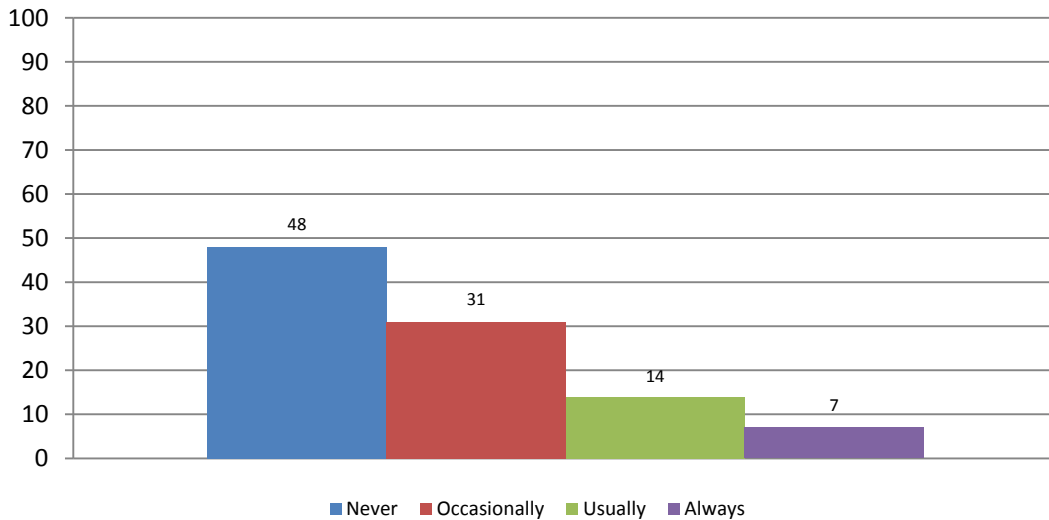
Source: Online Survey Question 11
Base: 525 survey completions

Key theme: Effectiveness of CPD activities

Mechanisms

180   In the absence of a link to appraisal, what mechanisms do individuals employ in order to determine whether or not the activity they have undertaken has been effective? We asked survey respondents to select all that applied to them from a pre-determined list, including an 'Other' option. A summary of the results is set out in Chart 12.

181   As can be seen from Chart 12, 77% of survey respondents assess the effectiveness of their CPD activity by putting it into practice. They must see their CPD activities as being practical.

182   An analysis of PQE shows that the importance of the practical benefits of CPD activities rises to 84% for individuals with 0 – 3 years PQE and gradually diminishes as PQE increases. However, even at 21+ years PQE, the level remains over 70%.

183   The survey findings are supported by evidence gathered from individual interviews and focus groups, with people commenting that they know an activity has been effective if they can recall key points when they become relevant to a transaction and/or they find themselves regularly referring to notes that they have made. This aspect of the research also evidences the importance to individuals that their CPD activity should be relevant and at the right level for them.

Chart 12: Assessing the effectiveness of CPD activity - percentage positive responses

Category	Value
Put learning into practice	77
Record of activity undertaken	62
Review & update personal development plan	21
Appraisal follow up	15
Do not assess effectiveness	12
Formal assessment as part of the activity	10
Reflective report & supporting portfolio	9
Other	6
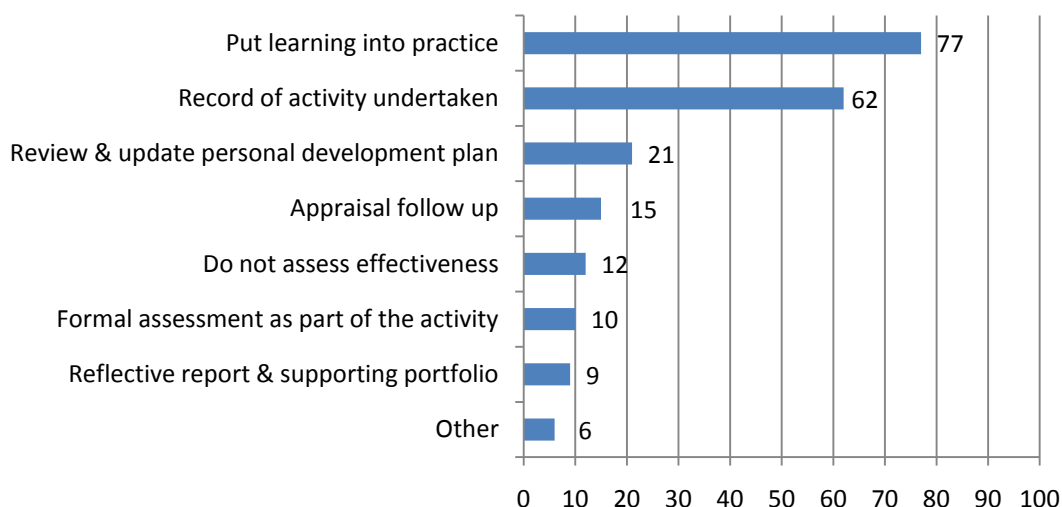
Source: Online Survey Question 8
Base: 525 survey completions

184   In terms of more formal evaluation, the most common form of follow-up action is to record that activity has occurred.   Participants prefer to undertake activities that can be tracked and recorded.   The data shown in Chart 12 (Question 8) is consistent in this regard with the data in Chart 8 (Question 1).

185   30 respondents said that they assess effectiveness by 'other' means.   Some comments in the survey indicate that some of these respondents are effectively putting their learning into practice.   However, a number of respondents commented that they assess effectiveness via dialogue with colleagues and feeding back to teams.   This is consistent with comments made during individual interviews, when some people commented on the value of informal conversations and the testing of ideas with colleagues, especially for more experienced practitioners.

186   It is worth noting that a record of activity does not necessarily involve evaluation of whether or not the activity has been effective and anticipated outcomes achieved.   Evidence gathered from individual interviews and focus groups indicates that records are, indeed, typically little more than a note that activity has taken place.   Such a record may, therefore, serve to meet SRA CPD requirements in terms of record-keeping and it may also be referred to during appraisal (where such takes place), but it does not, of itself, evidence formal evaluation, effective reflection or feeding forward into future activity.

Rationale

187   This lack of evaluation may, of course, indicate a lack of engagement with personal development and career progression.   Commentary in individual interviews and focus groups reveals a perception in the profession that a core of individuals do not engage with CPD at all and merely do the bare minimum in order to comply with SRA requirements. A number of the existing CPD providers who participated in individual interviews, expressed

the view that compliance with SRA requirements was the primary motivation of the profession for undertaking CPD activity.

188 However, the evidence does not support the idea that this focus on mere compliance is universal. It is apparent that some individuals do not make a direct link between CPD activity and career progression, but they may still have a career plan and work steadily towards achieving it. They undertake other forms of development activity, which they believe may not be accredited or 'count' as formal CPD and so are not recorded on their CPD record. For example, a participant said:

"*My own coaching experience is outside the law [i.e. not accredited]". (Private practice, individual interview)*

189 In some organisations, this may be part of a career-staged development programme. At the same time, and as previously stated, individuals may see CPD activity as serving a different purpose, notably keeping up to date with the law in their area of practice. Comments made by participants suggest that maintenance of legal knowledge is seen as essential for everyone and not something that they would expect to advance their career.

190 This might explain, at least partially, why more people have a personal development plan than record CPD activity against it. Along with the individuals who undertake CPD activity as a compliance exercise, it perhaps goes some way towards explaining why 12% of respondents said that they do not assess the effectiveness of CPD activity at all.

191 Moreover, while around 62% of survey respondents say they assess effectiveness by keeping a record, Chart 12 shows that more evaluative processes, such as a reflective report (9%) and appraisal follow up (15%), are less likely to be employed.

192 Taken together with the earlier data on appraisal, this suggests that, in many cases, responsibility for identifying and evaluating development needs may rest largely with the individual. The extent to which the employer is involved is more variable.

Employer involvement

193 Where employers have formal appraisal or career development schemes in place, the employer is involved in identifying individual development needs and planning appropriate CPD activity. As can be seen from the 'model of good practice' that follows, the more sophisticated schemes take account of career stage and expected progression, including 'remedial' action and special preparation at notable career stages, such as promotion to partnership. Such schemes may also address a wider range of development needs, rather than concentrate on legal knowledge.

194 It was recognised in focus groups that such schemes can require considerable resources and as a result they are more likely to exist in larger private practices, in-house or in the public sector. The cost and time associated with such schemes may mean that they are not a viable option for smaller organisations or for people working alone, such as sole practitioners and locums, unless they can be implemented via a local law society or membership/affinity group.

MODEL OF GOOD PRACTICE: Career Development Scheme

The research team encountered a number of examples of career development schemes during the course of the review. Although each system had some unique characteristics, common features were identified, from which a composite model of good practice may be compiled.

A career development scheme typically consists of a competency framework which sets out expected competencies and the levels at which these are expected to be performed by individuals at different stages of their career. As such, the framework can be used progressively from the training contract to partnership.

The scheme will include structured training and development activity which has been carefully planned and which aims to support individuals in reaching the expected competency levels. This activity is wide ranging and will include both legal and non-legal content. Legal content might cover all areas of the employer's specialisations or, where these are numerous, might focus on those that are expected to be most relevant to each individual.   Non-legal content might cover commercial awareness, communication skills, leadership skills and business development. Outside of private practice, there is likely to be significant development activity in relation to the employer's distinct business or the statutory framework within which it operates (for example, in relation to local government).

Scheduled development activity may be delivered by both internal and external facilitators. Either way, much of the activity will be delivered in-house and will be largely bespoke for the individual firm/organisation. It may include the use of internal resources such as precedents, dummy files and simulations of the organisation's financial and file management software.   This activity may be supplemented by attendance at selected external events, where this is considered to be necessary or desirable.

Outside of this formal scheduled activity, individuals may also have the opportunity to work in the employer's other offices, perhaps overseas, or to spend time on secondment with a client.

There will be some formal mechanism for reviewing individual performance, perhaps as part of an appraisal scheme or via a mentor/supervisor. Additional support and development activity will be put in place where necessary to ensure that an individual meets the expected performance targets.

The key strengths of such schemes lie in the full planning, implementation, review and follow up cycle. Expectations as to performance are clear, consistent and well supported. As such, they promote genuine personal and professional development in line with business needs.

Effectiveness of different activities

195   We also asked individuals to tell us how effectively the various CPD activities that they undertook supported their professional development. Chart 13 shows the data gathered via the online survey in relation to the developmental benefit of a pre-determined list of activities. Data has been calibrated to show an overall degree of effective practical benefit for each activity.

196   As can be seen from Chart 13, activities which lead to an academic or professional qualification are considered by survey respondents to be the most effective overall, closely followed by coaching and mentoring sessions.

197   Attending external courses and conferences are considered to be the least effective overall. A survey respondent commented:

"The method of delivery of most CPD courses i.e. the lecturer standing and delivering monotonous lectures has been shown to be one of least effective methods of learning. No wonder it is not proving very effective!" (Survey, anonymous)

Chart 13: Extent to which different CPD activities are considered to be effective

Activity	Score
Attend a conference	3.43
Attend an external course	3.5
Complete an external online course	3.58
Attend an in-house course	3.7
Conduct research on legal topics	3.88
Deliver a session at an in-house course	4
Write a book, article or client publication on law or practice	4.11
Participate in relevant specialist committees or working…	4.2
Deliver a session at an external course	4.25
Receive a structures coaching/mentoring session	4.41
Deliver a structured coaching/mentoring session	4.47
Participate in structures work shadowing scheme	4.51
Undertake external course leading to academic qualification	4.58
Undertake external course leading to professional…	4.59

Source: Online Survey Question 5
Base: 525 survey completions

Note: Data in Chart 13 has been calibrated to show comparative strength of effectiveness on a scale of 1 – 5.

198   The data in Chart 13 needs to be read in conjunction with Chart 1, as there is an lack of alignment between the activities that are perceived to be most effective and those which individuals say they are most likely to undertake.

199   As mentioned earlier in this report, it may be the case that individuals are undertaking activities without a particular expectation that they will be effective, simply because they need to accumulate accredited hours that year. They may look to non-accredited activity for more effective CPD. For example, survey respondents commented:

"Emphasis on face to face participation is misplaced. I find that I learn least in such circumstances. I read hundreds of pages of legal textbooks and get no credit for it. But if I attend at a useless conference there's credit ... That makes no sense whatsoever" (Survey, anonymous)

"The public focus of the CPD regime is all on attending or presenting training courses. However, I have learnt far more law from conducting on-the-job research (thousands of hours of it over the years) to produce client advices/emails and internal memos or precedents for the firm." (Survey, anonymous)

200   The need to undertake a particular amount of activity each and every year may be exacerbating this issue. A participant commented:

"One should be able to do the same hours, but spread over two years … so that the relevant courses come up". (Private practice, individual interview)

201   However, while recognising the merit in this comment, allowing CPD activity to be spread across more than one year carries a risk that individuals will find themselves in serious default if they do not plan and undertake CPD

activity in a timely manner. This is considered to be a notable risk for solicitors given that 'time' was identified as a major barrier.

202 A further frustration is misleading information from external providers as to the accreditation of particular courses. As a participant said:

"It is very common to see external courses marketed as providing a certain number of CPD hours for solicitors. In my experience, this is widely assumed by delegates to mean accredited CPD hours, whereas in many cases only unaccredited CPD is available from the particular provider." (Private practice, individual interview)

203 There is some evidence that this becomes especially problematic as PQE increases and development needs change, especially given the substantive legal focus of external accredited courses. For example, a participant said:

"I would distinguish between meeting [CPD Regulations] requirements and meeting own professional needs. It becomes harder as people get more senior to meet own needs by meeting the requirements". (Private practice, individual interview)

Quality of external CPD provision

204 Evidence from individual interviews and focus groups indicates that the quality of external courses and conferences is variable and sometimes very poor. For example, survey respondents commented:

"Time and again I have attended seminars where I know more about the subject than the lecturer - hence I avoid certain providers as their seminars are poor quality." (Survey, anonymous)

"Too many CPD courses are poorly planned and lack clear overall themes and directions, and in trying to appeal to too broad a range of people end up pleasing no one." (Survey, anonymous)

"Many of the available courses are pitched at entirely the wrong level (thereby teaching you nothing at all) or are led by utterly uninspiring lecturers … in the main only 10% or on a good day 20% of what is delivered is ever useful of applicable." (Survey, anonymous)

205 Interviewees in particular expressed concern at the passive nature of many external courses and conferences, where nothing is required of attendees beyond their physical presence in the room. This led to boredom and a lack of engagement on the part of attendees. For example, participants said:

"Some [courses] are very poor … Just spewing things out and not taking people's different learning styles into account". (private practice, individual interview).

"There really seems to be no training provided to the presenters, who think that as they are knowledgeable in the subject area, they are well suited to delivering seminars. Not so!" (Survey, anonymous)

"Most CPD is currently comprised of a lecturer talking at you for several hours. It is difficult to keep awake, and each session lasts too long. The rooms are always hot and you cannot wait for the session to end." (Survey, anonymous)

206 Interestingly, this perception of audience disengagement was shared by some individuals who had delivered sessions at external courses.

207 Evidence from online survey comments and the focus groups suggests that the quality of the speaker is extremely important in terms of whether or not individuals feel they derive benefit from attending external courses and conferences. Where speakers are engaging, demonstrate a high level of expertise, pitch their delivery at the right level and readily interact with attendees, external courses are reported as being more effective. For example, survey respondents commented:

"It is surprisingly difficult to find CPD accredited training sessions given by high quality presenters, i.e. people who are experienced, bright, engaging, and with a deep knowledge of how the relevant issues are best handled in practice (as opposed to just what the relevant legislation / rules / cases say, which anyone with a couple of years' experience in the area should know already)." *(Survey, anonymous)*

"In the case of courses, seminars, etc I am strongly influenced by the reputation of the speaker(s) and provider(s)." *(Survey, anonymous)*

208 Indeed, individuals and participants in focus groups spoke positively about a small number of external courses and some commented that they will plan their CPD budget to ensure that they can attend these. Often, a key factor was the identity of the presenters, notably experts in their field who could tailor their presentation to the needs of attendees. However, participants told us that the limited information contained in pre-booking information for some courses means that it is often not possible to assess in advance whether or not a particular session is likely to be suitable for them.

MODEL OF GOOD PRACTICE: Bespoke accredited course

This course was observed as part of the review with a specialist group of solicitors, who had invited the review team to observe its delivery.

The course related to an area of the law that was undergoing significant change. It was specifically designed for a niche group of lawyers currently working in that area of law. It was not advertised beyond that group. Most individuals knew at least some of the other attendees, resulting in informal networking and clear evidence of enjoyment of the whole event.

Pre-booking information was sufficiently detailed so as to enable individuals to form an accurate judgment as to whether or not the course would be relevant and delivered at the right level for them. This included a synopsis of the content, a clear statement of learning outcomes and short biographies of the speakers.

The speakers were current practitioners and acknowledged experts in the field. They had strong presentation skills, enabling them to engage and retain the interest of the group. The presentations were supplemented by detailed handouts.

The group was relatively small (less than 20) and the room had been laid out to encourage a relaxed atmosphere. As a result, there was a high level of informal interaction throughout the course, with questions, comments and feedback from the group being actively encouraged. Individuals within the group also asked each other questions and offered advice and suggestions. The speakers demonstrated a detailed, practical understanding not just of the law, but also of the wider environment within which it operated, such that responses to questions were tailored and contextualised. Notwithstanding the high level of interaction, timings were carefully managed such that the course ran comfortably to time without feeling either stretched or rushed.

The post-event review sheet sought feedback not just in relation to the quality of delivery, but also in relation to relevance and the practical benefit that individuals felt they had gained as a result of attending the course.

209   The evidence suggests that external courses are most effective if they are:

- High quality;
- Use engaging experts as speakers/facilitators;
- Interactive, at least to a certain extent;
- Relevant to, and at the right level for, the individual; and
- Supported by accurate, detailed information and materials.

"Interaction and the opportunity to ask questions is very important compared with client publications and webinars at the early stage of your career." (Private practice, focus group)

210   A repeating theme across individual interviews and focus groups was the role of the SRA, as regulator, in addressing the profession's concerns about the variable quality and effectiveness of external courses.   The SRA's potential role is explored later in this report.

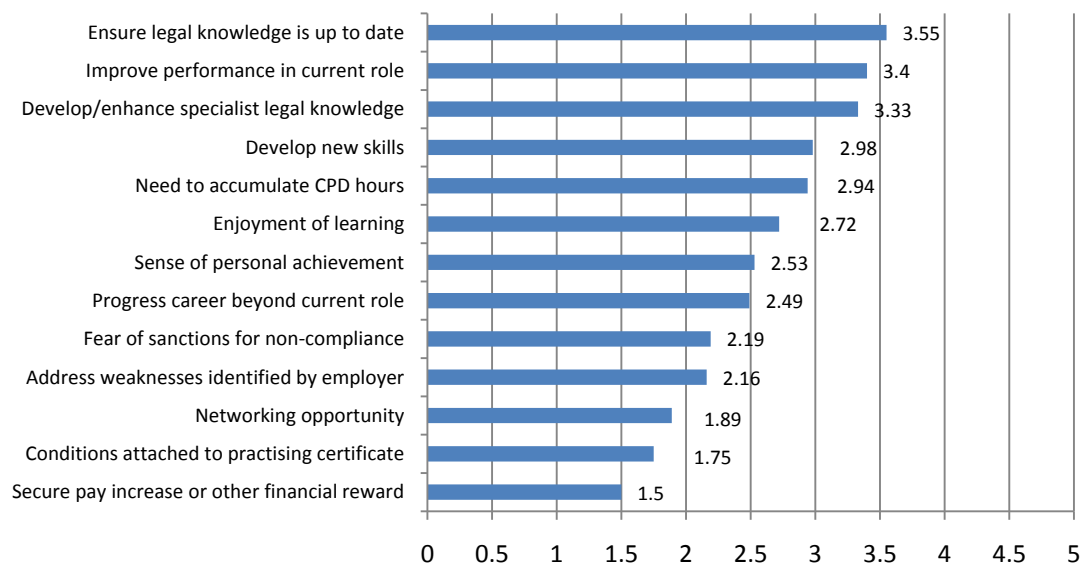**Key theme: Motivation & Influences**

<u>Motivation</u>

211   Participants were asked to identify how strongly different factors motivated them to undertake CPD activity generally. Quantitative data was obtained via the online survey and individual interviews, but the results were supported by qualitative data from the individual interviews and focus groups.

212   The online survey asked respondents to indicate the motivation strength of a pre-determined list of factors, ranging from 'never motivates me' to 'always motivates me'.

213   Responses from the online survey have been calibrated in Chart 14 to indicate an overall motivation strength for each factor.

Chart 14: Motivation strength of different factors

Factor	Value
Ensure legal knowledge is up to date	3.55
Improve performance in current role	3.4
Develop/enhance specialist legal knowledge	3.33
Develop new skills	2.98
Need to accumulate CPD hours	2.94
Enjoyment of learning	2.72
Sense of personal achievement	2.53
Progress career beyond current role	2.49
Fear of sanctions for non-compliance	2.19
Address weaknesses identified by employer	2.16
Networking opportunity	1.89
Conditions attached to practising certificate	1.75
Secure pay increase or other financial reward	1.5

Source: Online Survey Question 2
Base: 525 survey completions
Note: Data in Chart 14 has been calibrated to show comparative strength of motivation on a scale of 1 – 5.

214 Table 2 below summarises the data gathered from the individual interviews in relation to motivation to undertake CPD activity. Participants have been grouped according to demographic detail and role.

215 It is important to note that each participant's responses are counted three times in the table: according to gender, role and location (for example, one participant may be a 'Female' solicitor working in 'Private Practice' in 'London'). It is also important to note that participants did not necessarily provide a response to every question that was asked.

216 Participants were asked to identify their main motivation to undertake CPD activity. Some participants identified several motives. For the purpose of Table 2, the factor given in the participant's initial response has been recorded as their prime motivator.

Table 2: **Number of participants in individual interviews who identified each listed item as a motivating factor**

	Male	Female	Private Practice	In-house	London	Outside London	CPD providers
Compliance	5	7	3	6	4	8	13
Updating	7	10	8	6	5	11	1
Interest/usefulness	3	5	5	3	1	6	2
Desire for excellence	4	1	2	1		5	
Networking and comradeship	1	1	1	1		1	
No response to this question	11	7	7	1	5	16	2
Total interviewees in category	31	31	26	18	15	47	18

217 It will be noted that the responses of CPD providers have been included in Table 2. However, it is important to bear in mind that the answers they give refer not to themselves, but to solicitors as they encounter them in the context of providing them with CPD activity. Their responses are, therefore, third person and impressionistic.

218 As stated earlier, our evidence from across all the research elements suggests that a significant number of external courses and conferences are considered to be of poor quality and ineffective. Nonetheless, attendance at courses with a focus on legal knowledge is the most popular CPD activity. Moreover, there were also some very positive comments from participants, such as these:

"It's good fun. It's not about the points – it's about the culture". (Private practice, individual interview)

"Motivation to lead. I manage a large team, so need to set a good example and keep a lead". (In-house, individual interview)

219 It is unlikely that there is one single reason why so many individuals choose to attend courses, even if they have concerns about quality and effectiveness. However, the data that emerged from the individual interviews and online survey offers one explanation. A point of interest in Table 2 is that CPD providers' responses suggest that 'compliance' with SRA requirements is the prime motivating factor for individuals undertaking CPD activity. However, the responses of individuals taken overall suggest a more

balanced range of motivators, of which 'updating' is the most frequently cited. For example, a participant told us:

"Sheer necessity – keeping up to date. In local government, we're subject to constant change". (In-house, individual interview)

220   This is reflected in Chart 14, where it can be seen that survey respondents told us that they attend courses in order to ensure that their legal knowledge is up to date, improve performance and to help develop expertise in their practice area. As stated earlier, they see this as an important aspect of their overall professionalism. The data from the online survey and individual interviews is further supported by focus groups, where participants emphasised the importance of technical expertise.

221   Therefore, while compliance via accumulation of CPD hours is relatively high up the list of motivating factors, this is far from being the primary motivation for the profession as a whole. For example, a participant commented:

"I would do it anyway, but obviously compliance is important in terms of hours". (Private practice, individual interview).

222   Compliance as a primary motivator is perceived to be significant for those individuals who have not engaged with the concept of CPD, but for others it is a motivator only to the extent that the CPD Regulations require a certain amount of activity and hence individuals are alert to the need to comply.

223   It is worth noting that 'weaknesses identified by employer' is not a particularly strong motivator, which supports other data indicating that responsibility for professional development often lies with the individual, rather than the employer.

224   It is similarly worth noting that individuals are not strongly motivated by financial incentives. For some, of course, it will not be particularly relevant e.g. sole practitioners, locums and consultants, but it is not a key motivator for any identifiable group of individuals. Some individuals expressed surprise at the idea of financial reward. For example, survey respondents commented:

"Not rewarded - why should it be? It's compulsory and so there is no justification to reward someone from doing something that they must do." *(Survey, anonymous)*

"Why would it be recognised or rewarded? It is a requirement to a) stay qualified and b) maintain up to date legal knowledge. If you don't maintain up to date legal knowledge your performance and advice to clients will suffer. Paid CPD courses are an investment by your firm/company in you as the solicitor. What more reward is needed?" (Survey, anonymous)

Influences

225   In the online survey, we asked respondents to indicate the relative strength of influence of a range of factors on their choice of specific CPD activities, from 'seldom influential' to 'always influential'.
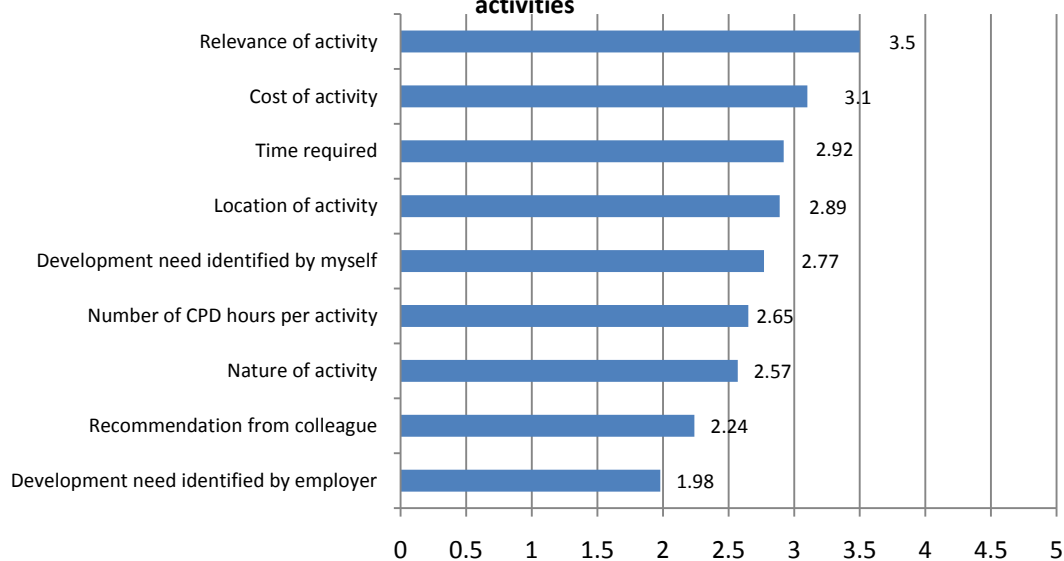
226   It is worth noting at this point the distinction between 'motivation' and 'influence'. In the context of this report, 'motivation' relates to those factors

which determine whether or not an individual decides in principle to undertake <u>any</u> CPD activity at all. 'Influence' relates to those factors which operate after that decision in principle has been made, so as to determine which <u>specific</u> activity they then choose.

227 Responses have been calibrated in Chart 15 to indicate the overall strength of influence of each factor on the choice of activity.

228 As with motivators, it is worth noting that 'development need identified by employer' is not particularly influential.

Chart 15: Strength of influence of different factors on choice of specific CPD activities

Factor	Value
Relevance of activity	3.5
Cost of activity	3.1
Time required	2.92
Location of activity	2.89
Development need identified by myself	2.77
Number of CPD hours per activity	2.65
Nature of activity	2.57
Recommendation from colleague	2.24
Development need identified by employer	1.98

Source: Online Survey Question 3
Base: 525 survey completions

Note: Data in Chart 15 has been calibrated to show comparative strength of influence on a scale of 1 – 5.

229 Table 3 summarises the data gathered from the individual interviews in relation to influential factors. Participants have been grouped broadly as per Table 2. Again, participants did not necessarily provide a response to every question that was asked.

230 Participants were asked to identify the factors that most strongly influenced them when choosing specific CPD activity. Some participants identified more than one factor. As before, the factor given in the participant's initial response has been recorded as the most strongly influential.

231 It is worth noting from Table 3 that a greater number of London-based participants (4), as opposed to those based outside of London (0), responded that the CPD activity they undertake is opportunistic and largely driven by the need to accumulate CPD hours. This is consistent with data explored later in this report, in relation to barriers to CPD, where evidence gathered from the focus groups and the online survey revealed a perception that specialist courses in particular are more readily available in London.

Table 3: Number of participants in individual interviews who identified a listed factor as being influential to the choice of CPD activity

	Male	Female	Private Practice	In-house	London	Outside London	CPD providers
Any topic to catch up on points/Take what's available	3	2	1	1	4	0	13
Cost and/or distance	5	3	4	4	0	8	1
Relevance to own practice	4	8	9	6	4	16	1
Updating	2	4	2	2	1	4	
Own role as trainer (points gained through delivery of CPD	2	3	3	0	0	3	0
Recommendation by colleagues or reputation of speaker	0	2	2	1	0	0	0
Intellectual rigour	1	2	0	1	1	1	1
Opportunities for peer interaction	4	1	0	3	0	4	2
No response to this question	10	6	3	0	4	0	0
Total interviewees in category	31	31	26	18	14	48	18

232 This data should be treated with caution, as the numbers involved are small, but it is nonetheless interesting because it might have been assumed that, given the variety and number of CPD opportunities available in the capital, practitioners based there would be better placed to take a strategic, rather than opportunistic, approach to their CPD activity.

233 It is possible that the apparent opportunism revealed here relates to:

- The very fact that courses are readily available, thus reducing the motivation to plan ahead; and/or

- The existence of career development schemes in some organisations that provide much of an individual's development needs, but not necessarily the accredited element. Although some will have the benefit of a waiver under CPD Regulation 17, this is not universal, so there may still be an end of year rush to accumulate accredited hours; and/or

- Some individuals are simply tempted by particular courses that they see advertised, regardless of the other CPD activities they may be planning to undertake, perhaps because the courses are specialist or distinctive in some way. Issues identified in relation to barriers, especially cost, suggest that such individuals are likely to be comparatively few in number, but that is not to say they don't exist.

234 It is also worth noting that a similar mis-match arises between practitioners and CPD providers as was identified in relation to motivating factors. In terms of influential factors, CPD providers emphasised randomness and accumulation of hours. However, this was at odds with practitioners' own accounts, which suggest a key factor is relevance to practice.

235 Taking account of quantitative and qualitative data from across the research elements, the four factors that most strongly influence the decision to undertake one particular activity rather than another are:

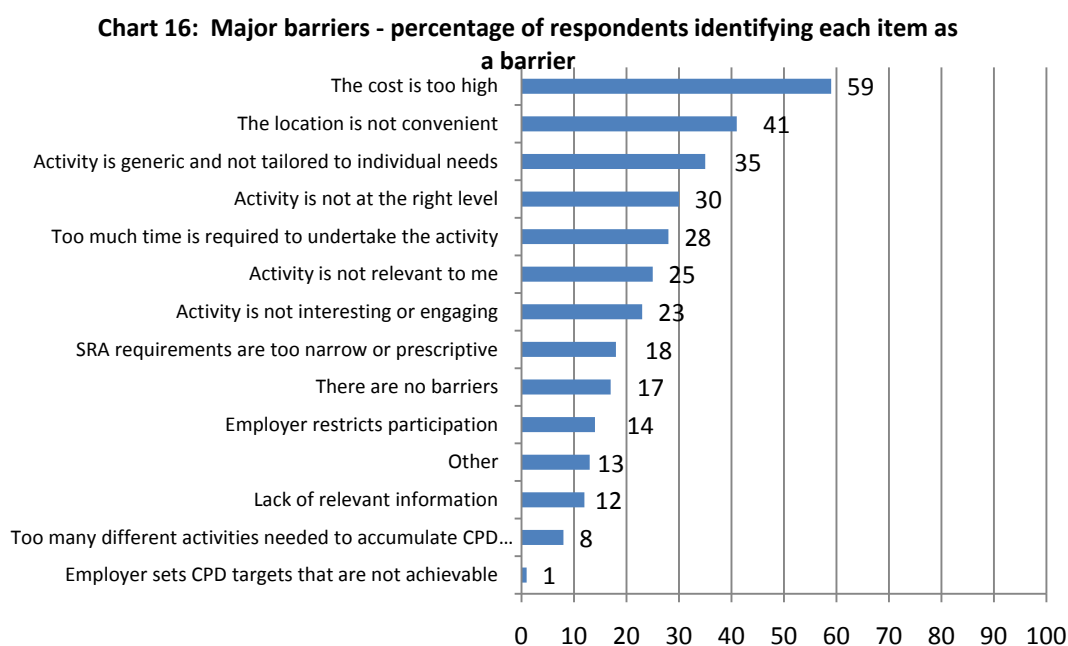- Relevance;
- Cost;
- Time; and
- Location.

236 As discussed later in this report, these four factors were also identified by survey respondents and by participants in individual interviews and focus groups as the most significant barriers to effective CPD.

237 The data suggests that it is barriers, rather than positive choice, that are most strongly influential when it comes to selecting an activity. This may offer another explanation as to why individuals are most likely to choose an activity (external courses) that they do not find particularly effective.

Key theme: Barriers

Identifying all the barriers

238 We sought to identify barriers via the online survey and also via open questions in the individual interviews and focus groups.   The relative importance of different barriers was assessed by way of the online survey. Survey respondents were initially asked to select all of the barriers that they considered to apply to them and a summary of their responses is set out in Chart 16.

Chart 16: Major barriers - percentage of respondents identifying each item as a barrier

Barrier	Percentage
The cost is too high	59
The location is not convenient	41
Activity is generic and not tailored to individual needs	35
Activity is not at the right level	30
Too much time is required to undertake the activity	28
Activity is not relevant to me	25
Activity is not interesting or engaging	23
SRA requirements are too narrow or prescriptive	18
There are no barriers	17
Employer restricts participation	14
Other	13
Lack of relevant information	12
Too many different activities needed to accumulate CPD…	8
Employer sets CPD targets that are not achievable	1

Source: Online Survey Question 13
Base: 525 survey completions

Impact upon different participants

239 By cross-linking questions in the online survey and referring to data from the individual interviews, we were able to establish that where CPD activities are planned as part of a formal appraisal process, participants were slightly more likely to say that there are no barriers, though they were also slightly more likely to identify activity as being generic and not tailored to meet individual needs.

240 Again, by cross-linking questions and data, we were able to establish that, although there were variations across all the possible barriers, respondents with a disability appear more concerned than others with cost, location and the degree of prescription by the SRA. The relative percentage responses

from the online survey are as set out in Table 4. This is consistent with information gathered in individual interviews where participants expressed concern at being constrained to undertake activities that were difficult for them to access.

Table 4: **Comparative percentages of online survey respondents identifying a listed item as presenting a barrier, by reference to whether or not respondents considered themselves to have a disability (Yes) or not (No).**

	Yes	No
Lack of relevant information	10	12
Available activity is not relevant to me	33	25
Available activity is not at the right level for me	38	30
Available activity is generic, not tailored to meet individual identified needs	38	35
The location is not convenient	62	40
The cost is too high	81	58
Too much time is required to undertake the activity	24	28
Too many different activities needed to accumulate the required CPD hours	10	8
Available activity is not interesting or engaging	24	22
Employer restricts participation in CPD activity	19	13
Employer sets CPD targets that are not achievable	5	1
SRA CPD requirements are too narrow and/or prescriptive	29	17
There are no barriers	14	17
Other	10	13

Source: Online Survey Question 13, cross-linked to Question 23
Base: 525 survey completions

241 As can be seen from Table 5, which uses data drawn from the online survey, almost all of the barriers were a greater concern for women than for men. Only 'activity is not interesting or engaging' and 'SRA requirements are too narrow or prescriptive' were a greater concern for men than for women. In most cases, the differences are not large, although it is worth noting the greater concern of women with restrictions imposed by the employer, since this also came through when the data was analysed by reference to part time working. Since women are more likely than men to work part time, it is possible that some employers are less willing to invest as much in CPD activity for part time employees as they are for full time employees.

Table 5: Comparative percentages of online survey respondents identifying a listed item as presenting a barrier, by reference to gender of respondents.

	Male	Female
Lack of relevant information	12	13
Available activity is not relevant to me	25	26
Available activity is not at the right level for me	28	32
Available activity is generic, not tailored to meet individual identified needs	31	38
The location is not convenient	39	42
The cost is too high	55	62
Too much time is required to undertake the activity	27	29
Too many different activities needed to accumulate the required CPD hours	6	9
Available activity is not interesting or engaging	23	22
Employer restricts participation in CPD activity	8	18
Employer sets CPD targets that are not achievable	1	1
SRA CPD requirements are too narrow and/or prescriptive	21	15
There are no barriers	22	12
Other	12	14

Source: Online Survey Question 13, cross-linked to Question 20
Base: 525 survey completions

242 Interestingly, the same overall pattern was not evident when a comparison was made between full time and part time working, even though our data indicates that women are more likely than men to work part time. Overall, participants who worked full time were more concerned with barriers than those who worked part time. However, as mentioned above, part time workers were slightly more likely to say that their employer restricts their participation in CPD activity (16% compared with 13%).

243 In terms of participants in individual interviews, proportionately fewer of those based in London reported barriers to effective CPD overall. This is consistent with data from the online survey and focus groups, where some participants perceived that more CPD activities were available in London than elsewhere, notably specialist law activities. For example, survey respondents commented:

"There always seems to be more on offer in London than anywhere else which increases the price for those who have to travel at peak hour down to London by rail and/or stay over night to attend courses." (Survey, anonymous)

"I specialise in Maritime Law only. The courses and seminars with CPD are mainly held in London whereas I am based in Dubai." (Survey, anonymous)

Impact of PQE on barriers

244   Table 6 is drawn from the online survey and indicates the percentage of respondents at different career stages who identified a factor as presenting a barrier to effective CPD.

Table 6:   Percentage of survey respondents who identified a listed factor as being a barrier to effective CPD, by reference to PQE

	0 – 3 PQE	4 – 8 PQE	9 – 20 PQE	21+ PQE
Lack of relevant information	18	17	14	7
Available activity is not relevant to me	32	26	27	21
Available activity is not at the right level for me	23	24	36	30
Available activity is generic, not tailored to meet individual identified needs	40	37	41	27
The location is not convenient	38	35	42	43
The cost is too high	60	55	54	64
Too much time is required to undertake the activity	25	22	28	32
Too many different activities needed to accumulate the required CPD hours	11	8	7	7
Available activity is not interesting or engaging	23	17	24	22
Employer restricts participation in CPD activity	23	15	10	12
Employer sets CPD targets that are not achievable	0	0	1	0
SRA CPD requirements are too narrow and/or prescriptive	15	12	20	20
There are no barriers	12	18	14	21
Other	3	10	14	17

Source: Online Survey Question 13, cross-linked to Question 24
Base: 525 survey completions

245 As can be seen from Table 6, no single inference can be drawn from the data. For example, it is not simply the case that new entrants to the profession experience more barriers than others.

246 The data from the online survey does suggest that the impact of the following barriers diminishes as PQE increases (though the third of these does not appear to be a major barrier for any participants):

- Lack of relevant information;

- Activity is not relevant to me;

- Too many different activities are needed to accumulate the required CPD hours; and

- Employer restricts participation in CPD activity.

247 The data from the online survey also suggests that the impact of the following barriers increases as PQE increases:

- The location is not convenient;

- Too much time is required to undertake the activity.

248 This is supported by qualitative data from individual interviews and focus groups which indicate that it becomes increasingly difficult to take time out of the office (including travel time) as individuals move into more senior roles. It is also indirectly supported by qualitative data that suggests that, as individuals gain experience generally, they benefit more from different activities such as mentoring and coaching. As such, there may be a sense of frustration and of time being wasted in attendance at external courses simply to accumulate CPD hours. Some individuals in focus groups spoke of their frustration at having paid for and attended courses which turned out not to meet their requirements. In most cases, the focus of this frustration was the difficulty in assessing the appropriateness of a course before booking a place. However, there were additional comments to indicate that this is exacerbated by the limited availability of courses that are delivered at a higher level or that are more specialist in nature. This is borne out by data gathered in the online survey in relation to barriers to effective CPD, where 'relevance' was a key concern.

249 Individuals of 21 years of more PQE are more likely than others to say that there are no barriers at all to effective CPD.

Which are the most significant barriers?

250 In addition to asking people to identify all barriers that impacted upon them, we also asked them to identify the single most significant of these barriers. A range of barriers were identified, including the poor quality of accredited courses, which individual interviews suggest is a particular concern for solicitors in private practice. However, four barriers emerged as the most significant, across all the research elements. These were:

- Cost;
- Time;
- Relevance; and
- Location.

251 Of these, 'cost' consistently emerged as the major barrier, but it is worth noting that these four barriers are inter-linked.

252 An interesting divergence of opinion as to barriers emerged in the individual interviews between practitioners and CPD providers. Although both identified 'time' as a significant barrier, CPD providers did not identify 'cost', 'relevance' or 'location'. The other significant barrier identified by CPD providers was compliance (a 'tick box' culture), which presumably relates to the perceived lack of engagement of some individuals with CPD generally.

Cost

253 Concerns about cost were almost universal, although it was acknowledged in focus groups that larger firms may have more resources at their disposal and may also derive greater benefit from economies of scale. A participant suggested:

"*There's a huge gap between small firms and top firms. Some lawyers earn little and have to pay for their own CPD. This should be addressed". (Private practice, individual interview)*

254 Some employers have a per capita budget, though this is not necessarily sufficient to enable all CPD needs to be met via attendance at external courses. Course fees vary from provider to provider, but may reach £80 per hour for a routine live legal updating course, assuming no loyalty or membership discount. Online CPD courses can be considerably cheaper than live courses, especially if there is no interactivity, but they still represent a significant financial commitment for some individuals. While a team may be able to participate in online courses together for a group fee, especially 'webinars', similar economies of scale are not readily available to sole practitioners, locums, individuals working in small teams, such as some in-house or local government teams, or individuals not currently employed in legal practice, but still wishing to undertake CPD activity.

255 Employers are understandably looking for value for money. However, it is evident that individuals are also concerned with this, even when their employer is paying. This is reflected in a strong sense among individuals that they, rather than their employer, are responsible for their own professional development. This is consistent with the SRA's own statement that compliance is a matter of individual responsibility[31].

256 There is evidence that, in some organisations at least, once an individual has accumulated the required 16 CPD hours, no further expenditure is permitted. In addition, some individuals commented that their employers arrange training for teams, then require other members of staff to attend, in order to accumulate CPD hours at no extra cost.

257 Likewise, there is evidence that some organisations encourage their staff to undertake as much free CPD as possible, with any expenditure requiring justification. Associated with this, there was some evidence that certain individuals are supplementing their CPD activity from personal funds, though this seems to be the exception rather than the rule (save, of course, for such individuals as sole practitioners and locums). Given that guidance on the SRA's website advises that employers are not obliged to pay for CPD,

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[31] SRA Training Regulations 2011 - Part 3 CPD Regulation 8.5

nor are they bound to allow time off to attend courses[32], the level of support from employers appears to be fairly good in most cases. Indeed, in some cases it is exemplary.

258 However, the evidence we have gathered suggests that employers would be more supportive overall if they could see significant, demonstrable benefits from CPD activity. A participant commented:

"There has to be a sea change from the profession seeing CPD as a chore. A change in philosophy, so that people can see the benefit and the empowerment, and then they'd really engage instead of just go through the motions". (Training partner, private practice, individual interview)

259 The problem of cost is exacerbated by the perceived variable quality of external CPD provision mentioned earlier. Participants expressed concern at spending a lot of money on a course that might not be relevant or useful. They queried the role of the SRA in setting standards for pre-booking information and assuring quality.

Time

260 Time out of the office was a concern for both individuals and employers. It emerged particularly strongly in focus groups and individual interviews, but is also evident in the online survey.

261 Individuals evidently feel the pressure of taking time out, even when their employer is supportive generally of CPD. Individual workloads are not always adjusted to allow for time out of the office and the CPD Regulations do not require this. As a participant said:

"CPD isn't prioritised equally with client contact". (In-house, individual interview)

262 Where an individual is a sole practitioner, locum or a member of a small team, perhaps working in-house or in local government, the issue of time out of the office becomes especially acute. There may simply be no one available to cover client files, attend court and deal with enquiries. Arranging locum cover for a single day's absence is rarely practicable. A participant told us:

"Time is a huge issue. I've sometimes paid and then not been able to attend because I'm so busy". (Private practice, individual interview)

263 Employers are also concerned about the amount of time taken for CPD, which often means an individual is out of the office for a full day. Again, arranging cover for client files, court attendance and enquiries may be as big a problem as the lost fee earning time.

264 Again, this issue is exacerbated by the variable quality of external provision, leading to frustration that valuable time has been wasted.

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[32]   http://www.sra.org.uk/faqs/cpd/What-if-my-firm-or-employer-will-not-pay-for-my-CPD-training.page

265 A significant number of participants advised us that available CPD activities tend to be generic and are not tailored to meet individual needs. Even in the case of substantive law courses, which are the most widely available courses and the ones that individuals say they are most likely to undertake, individuals cannot always find what they're looking for. For example, a participant said:

"There is a limited number of courses in my specialist field and sometimes two run at the same time, which is frustrating when you're looking for relevant CPD". (In-house, individual interview)

266 This was reinforced in the online survey in particular by strong data indicators that available CPD activities were not relevant or at the right level for participants. This was consistent with comments made during focus groups and individual interviews where some participants spoke of the difficulty of establishing whether an activity would be effective for them personally, based on limited pre-activity information. In particular, while information about broad content might be adequate, some participants said that insufficient detail was given about the level at which the activity would be pitched and there might not be any stated learning outcomes. Therefore, it was difficult to assess whether an individual's identified development needs would be met by the activity.

267 Participants have commented that they would like to see some mechanism put in place under a new CPD framework that would address the issue of poor or misleading pre-activity information issued by external CPD providers. A number of participants have also queried the role of the SRA in assuring the quality of accredited provision.

268 Similarly, some individuals commented that they were required by their employers to participate in CPD activity that had been put in place for a group of colleagues. Although the activity might be very high quality, it was not relevant to that particular individual.

EXAMPLE OF POOR PRACTICE: Undertaking irrelevant activity

A participant in a focus group worked in a niche private practice where most colleagues worked in the firm's core area of law, but this particular individual worked in a different area of law (albeit complementary).

The employer was proactive in putting in place in-house CPD activity relating to the core area, which was sufficient to satisfy the SRA's CPD requirements in terms of hours.

The employer required the participant to attend the in-house provision, even though it was not relevant to her role.

She was then not permitted to undertake additional external CPD activities, on the basis that she had accumulated the required 16 hours (including the accredited element).

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269 As stated earlier, the rationale for this approach was usually cost i.e. CPD hours could be accumulated by the individual without the employer incurring additional cost.

270 The cost of travelling increases the overall cost of CPD. In some cases, this may mean that a particular activity is simply not affordable. Also, travel time to distant locations increases the time spent out of the office.

271 Participants with a disability were more likely than others to identify location as a barrier, indicating that some CPD activity is difficult for them to access.

272 There was a strong sense in individual interviews that more courses are available in London, especially more specialist courses. This theme also emerged from some of the focus group discussions, but less strongly than in the individual interviews. Combined with concerns about cost and time, the limited availability of some courses in a convenient location may result in individuals selecting alternative activities that are less relevant, or not relevant at all, in order to comply with CPD requirements.

273 Again, the variable quality of external CPD provision and limited pre-booking information for some courses exacerbate this problem. The additional cost and time out of the office associated with travelling increase the sense of frustration if a course proves to be of poor quality or otherwise unsuitable. Individuals may feel discouraged and anxious about asking an employer to pay for them to attend external courses in future. Those paying for their own CPD, such as sole practitioners, locums and some employed solicitors, may not have funds remaining in their budget for additional, unanticipated courses.

Overcoming barriers

274 The main barriers that people identified are all inter-linked to some extent: cost, time, relevance and location. Therefore, solutions to barriers cannot focus on just one of them. However, data was obtained in relation to approaches which have enabled individuals to meet their CPD requirements. Chart 17 shows the relative effectiveness of possible approaches to overcoming barriers.

Chart 17: Approaches that enable CPD needs to be met - percentage positive responses
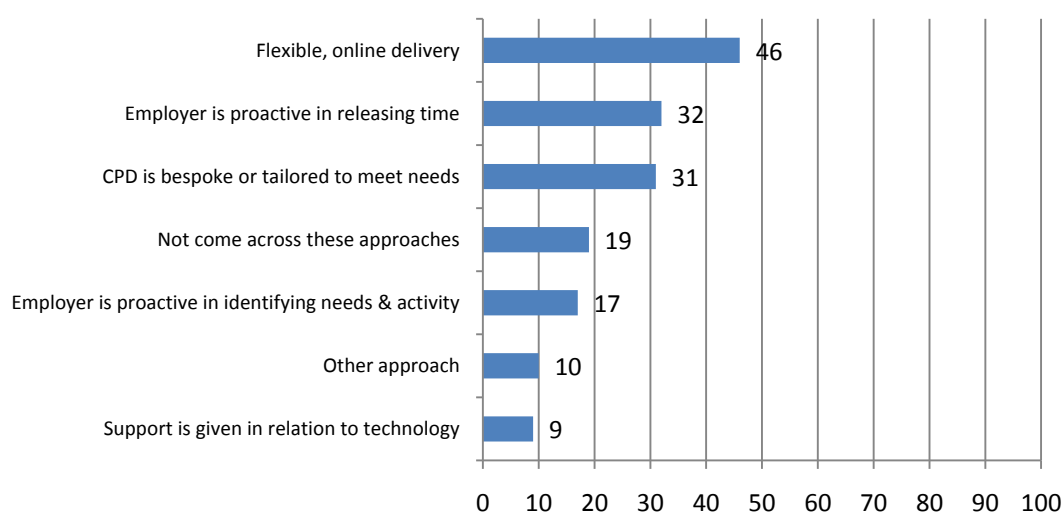
Source: Online Survey Question 15
Base: 525 survey completions

275 A range of possible approaches was identified, though the highest ranking of these scored only 46%, suggesting that the main barriers cannot always be overcome within the current CPD framework.

276 In terms of 'other' responses, a number of respondents commented that they make use of free CPD that is offered e.g. by local chambers.

Online delivery

277 As can be seen from Chart 17, flexible online delivery of CPD was identified as the most effective approach by participants overall. Online delivery may take a range of forms, including any or all of the following components:

- A pre-recorded lecture or other presentation;
- A live lecture or other presentation;
- A live panel presentation/discussion;
- Opportunities to engage with presenters or panel members via email e.g. to ask questions or comment on the session;
- Polls or surveys;
- Materials for individuals to read online, with or without a degree of interactivity;
- Self-test questions or other forms of self-assessment.

278 Where the delivery of the session is 'one way' and does not include any interaction between the presenter and participants, it may be referred to as a 'webcast'. Where the delivery of the session does include interaction, it may be referred to as a 'webinar'. However, these terms are not absolute and 'webinar' is often used for sessions that are entirely pre-recorded.

279 Relatively few respondents had required support in relation to the technology that would made online delivery accessible to them. The evidence suggests that the profession is generally comfortable with technology, which perhaps reflects the volume of commercial legal products that are available electronically or online. Technology does, however, need to be reliable, as one survey respondent commented:

"We have found online training to be useless. the recordings jam or cannot be played at all. We have wasted a lot of time in the past and are now reluctant to pay for a set session and then find that time and money is wasted." (Survey, anonymous)

280 As stated above, online delivery may take the form of a webcast e.g. watching a pre-recorded presentation, perhaps with accompanying notes and a self-test pack. This offers the advantage of flexibility as to when an individual completes the activity and is relatively affordable. A survey respondent commented:

"I work overseas, therefore, location is a major obstacle for me. That's why online courses suit me best." (Survey, anonymous)

281 Done well, it is potentially effective for developing non-legal skills, such as business management or drafting, where the ability to pause and take time to practice or reflect, may be essential. However, review participants did not generally appear to be undertaking this kind of online CPD activity; the focus was on legal content. Moreover, many 'live' webinars are then available for participants to review for a period of time afterwards.

282 Moreover, evidence was gathered during this review to suggest that some individuals struggle to engage with this type of online delivery, such that it becomes a 'tick box' exercise. There was evidence of individuals who eat their lunch, paying little or no attention to the online course. Participants said:

"[the system] … encourages a tick box culture where people do the minimum to get the points. It doesn't encourage the understanding that CPD is something which enhances the reputation of the profession". (CPD provider, individual interview)

"I am not personally a big fan of webinars as a way of achieving CPD although I note on a cost basis that there has been a drive towards them in recent years. I believe that they are too 2 dimensional and once again leave legal advisers stuck in front of a computer screen where increasing amounts of time are already spent. The result I believe is a lethargic way of learning." (Survey, anonymous)

"I use online courses to build up the hours I need - even though the courses are not of real benefit to me from a professional development point of view." (Survey, anonymous)

283 In addition, frustration was expressed by some individuals at the 'one size fits all' approach of common online CPD models, especially those that rely on pre-recorded material, and the fact that there is no opportunity to engage with the presenter or ask questions. Indeed, one CPD provider told us that they do not offer any pre-recorded courses at all, as they find them to be ineffective compared with their 'live' online offering.

284 Online delivery via webinars may be delivered 'live' to both individuals or groups, encouraging interaction and collaboration with presenters and also groups inter se. This approach facilitates group participation and individuals in focus groups who had experienced such webinars considered them to be very effective even where participants were at different levels and performed different roles within an organisation. A survey respondent commented:

"I believe the best training is interactive and involves individuals discussing real issues within their practices and trying to resolve them with help from other practitioners." (Survey, anonymous)

285 Overall, therefore, this form of online delivery offers the benefit of higher individual engagement than pre-recorded delivery, as well as the ability to check and clarify issues immediately. However, it is generally more expensive than non-live delivery. It might also be less effective for certain types of activity, such as developing financial skills, where it may be more beneficial for an individual to work through a course at their own pace. However, as noted earlier, many 'live' webinars can be reviewed for a period of time after first delivery.

286 Poor quality online provision is recognised as being of little value beyond mere compliance, even if it is cheap, or free. This issue is important, given that participants find CPD activity to be most effective when it is tailored to meet individual needs.

287 Moreover, the potential effectiveness of online delivery needs to be read in conjunction with evidence presented earlier in this report, that the most popular CPD activities are those with a focus on substantive law. It is doubtful whether online delivery would be effective as the sole method of developing certain skills, such as advocacy, where 'live' practice and feedback are important.

288 As such, online CPD activity may be very effective in terms of achieving required outcomes, as long as it is of sufficiently high quality and, ideally, offers some element of interaction or can otherwise ensure full engagement of participants.

ONLINE COURSES: Summary of effective and less effective approaches

Effective	Less effective
Live delivery	Pre-recorded delivery
Interactive	Non-interactive
Clear statement of learning outcomes	No clear statement of learning outcomes
Tailored to a particular audience	Aimed at mass market
Supported by high quality additional materials	No, or poor quality, additional materials
Includes some assessment of learning outcomes	No form of assessment
Provides an opportunity to view the course again	No opportunity to view the course again
Seeks feedback on delivery & effectiveness	Seeks feedback only on delivery

Employer support and in-house provision

289   Participants commented during individual interviews and focus groups on the importance of employer support in overcoming potential barriers. This was reflected to a certain extent in the online survey, where 17% of respondents said that their CPD needs can be met where their employer is proactive in identifying needs and 32% said those needs can be met where their employer is proactive in releasing the necessary time to undertake the activity.

290   For some participants, greater employer support was considered to be dependant upon a culture change in the perception of CPD. For example:

"… the partners are … more influenced by cost rather than benefit of CPD. If we encourage them to go to the better, more in depth, interactive, bespoke courses and see the benefit, they might be more willing to invest for other members of the firm." (Private practice, focus group)

291   Taking into account that a proportion of survey respondents do not have a regular employer as such, so could not be expected to select these particular ideas for overcoming barriers (for example sole practitioners, consultants and locums), this data is worth noting. It indicates that if an employer is supportive of CPD activity, then this may impact positively in terms of identifying an individual's development needs and releasing time from client work to undertake activity to address those needs. However, the percentages are not particularly high, which suggests that CPD activity is not considered to produce sufficient benefits to justify giving it precedence over client work.

292   Potentially, there is a vicious circle in operation, whereby:

- Lack of planning may mean that an individual's needs are not identified;

- As a result, they do not undertake CPD activity that will best address those needs;

- Instead, they undertake other activity, which does not produce the desired outcomes in terms of professional development;

- Therefore, both the individual and (where they have one) their employer may conclude that CPD is inherently ineffective;

- As such, there appears to be little apparent value in planning CPD activity or releasing time to undertake it; so

- Compliance with the SRA's CPD Regulations becomes a tick box exercise.

293   Breaking this circle presents a significant challenge, as it will be difficult to persuade individuals and/or their employers to undertake a full planning process and then fund expensive activity in the face of client demands when current experience might suggest that they will derive very little benefit from it. A change in culture is required, something which will require time, plus goodwill and trust on both side. Setting out a new CPD framework that addresses the major barriers, notably cost, will go someway towards establishing that goodwill and trust.

Local law societies, affinity and membership groups

294 Around 31% of survey respondents indicated that barriers to effective CPD can be overcome by undertaking CPD that is bespoke or tailored to meet individual needs. This was supported by evidence gathered via individual interviews and focus groups, in which participants spoke highly of the CPD activities offered by local law societies, affinity and membership groups. For example:

"Specialist providers are more aware of career trajectory in their provision." *(Private practice, focus group)*

295 For example, some focus group participants mentioned membership groups for solicitors working in niche areas, industry or in local government. These groups were cited as providing high quality CPD activities that were delivered by experts who understood the distinctive needs of individuals working in particular environments. Participants said that they often struggle to find these high quality, relevant activities elsewhere.

296 As one survey respondent commented:

"Course variety is often to the benefit of private practice. In-house lawyers needs are often different due to their industry-specific focus and being embedded in the business. There is far less choice for us in the market place for CPD courses." *(Survey, anonymous)*

297 The evidence suggests that CPD activity organised with a specific group in mind is more likely to be relevant, tailored to meet the group's needs and delivered at the right level. It is sometimes cheaper than activity organised by mainstream commercial providers.

Niche CPD providers

298 Participants in individual interviews and focus groups also spoke highly of niche CPD providers. These are providers who deliver CPD activity in select areas, usually to a limited pool of members e.g. employment law, personal injury litigation. In some cases, this provision is integrated within a formal competency and/or CPD framework and some activities may be accredited by the SRA.

299 Again, the evidence suggests that CPD activity which is organised by a niche provider with distinctive specialisation is more likely to be directly relevant to participants, tailored to meet their needs and delivered by someone with genuine expertise and a deep understanding of legal practice in the area.

300 Although the CPD activity organised by niche providers does not necessarily cost less than comparable activities organised by large external providers, there is evidence that individuals consider it to be better value for money, because it is more effective in meeting individual development needs.

> **MODEL OF GOOD PRACTICE: Niche membership organisation CPD framework**
>
> An individual interview was conducted with a representative of a membership organisation, which operates in a niche area of legal practice. The organisation offers its own accreditation scheme, with eligibility being determined by reference to published criteria.
>
> One of the perceived benefits of the accreditation scheme is that it functions as a quality kite mark both for members of the scheme and for the general public seeking legal advice in this niche area.
>
> In order to maintain their accreditation, individual members must comply with the organisation's CPD requirements. The core requirements are similar to the SRA's CPD framework in that members must undertake a certain amount of CPD activity each year and keep a formal record. However, all of the activity must be accredited, not just a proportion of it.
>
> Accreditation is closely linked to quality control, in respect of which the organisation has extensive and robust requirements.
>
> A wide range of different activities may be undertaken, similar to, though slightly more limited than, the range included in the SRA's scheme.
>
> To support the requirements of its scheme, the organisation is proactive in delivering a substantial number of accredited events itself, all of which focus on its members' particular area of legal practice. These events are delivered by practitioners with acknowledged expertise in the area and are tailored specifically to meet the needs of participants.
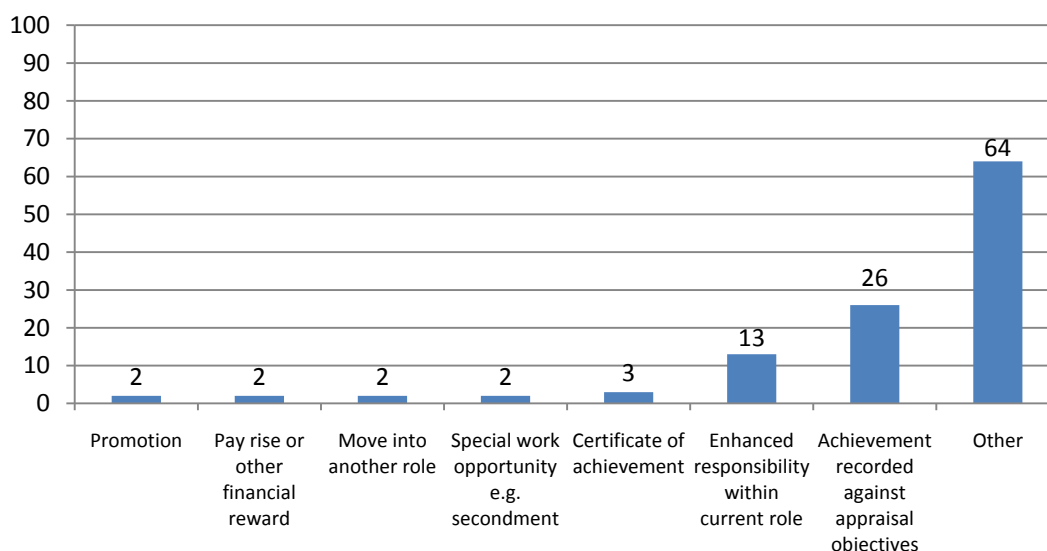>
> A more limited number of events is delivered each year which focus on other development needs, such as skills and management training. However, the law-focused events are apparently most popular with members.
>
> Members of niche organisations who participated in the SRA's CPD review spoke highly of the relevance of the content, high quality of the speakers and strong supporting materials of events delivered by such organisations.

Incentives to engage in CPD activity

301 We explored whether or not incentivising individuals could support greater engagement with CPD activity, which might then operate to mitigate the impact of barriers. In the online survey, we asked whether CPD was officially recognised or rewarded by employers.

302 As can be seen from Chart 18, there is minimal evidence of any formal reward or recognition. Although there is a seemingly high positive return rate for 'other' the comments made in relation to Question 12 state effectively that there is no reward or that they the employer or otherwise working for themselves.

303 There were also a small number of returns suggesting that the only time CPD activity is recognised is when a particular individual hasn't complied with SRA requirements. Therefore, this should be seen as a predominantly negative return. A small number of comments attached to the 'other' response indicated reward by way of recognition that CPD had been undertaken as part of overall performance development.

Chart 18: Recognition & Reward - percentage positive responses

Bar chart showing percentage positive responses:
- Promotion: 2
- Pay rise or other financial reward: 2
- Move into another role: 2
- Special work opportunity e.g. secondment: 2
- Certificate of achievement: 3
- Enhanced responsibility within current role: 13
- Achievement recorded against appraisal objectives: 26
- Other: 64

Source: Online Survey Question 12
Base: 525 survey completions

304   One comment in the online survey, however, suggested that there may be some more tangible rewards on offer:

"It is treated as a mini-competition. The person who achieves the most CPD points in a 6-month period receives a magnum of champagne". (Survey, anonymous)

305   The survey data is supported by evidence gathered via individual interviews and focus groups, where individuals confirmed that there is generally no formal reward or recognition. Comments made across the survey, individual interviews and focus groups indicate that a number of people would not expect any reward or recognition simply for complying with a regulatory requirement. These comments are interesting in that they support a discussion that emerged during focus groups around a disconnection between activity that people undertake in order to progress their careers and activity that they undertake in order to comply with SRA CPD requirements. They do not necessarily see the latter as having any bearing on the former.

306   Generally, individuals see CPD activity as part of their overall professionalism and do not consider that they are going 'above and beyond' what is expected of them simply by engaging in CPD.

The CPD Year

307   One suggestion emerged from focus groups which was not addressed in the online survey, relating to the start and end points of the SRA's CPD year. The suggestion was that the CPD year should be aligned more closely to the most common financial year (or tax year). The view was that this would assist in budget management. It is recommended that the SRA considers this suggestion, given that cost was identified by the profession as the single biggest barrier to effective CPD.

Key theme: Regulation

308 Many of the issues in relation to regulation have been raised earlier in this report. However, given the role of the SRA as regulator, it is worth drawing them together here.

<u>Attitudes towards regulation</u>

309 The evidence gathered from review participants indicates general support for a regulatory framework for CPD, even though they are neutral about prescribing activity in particular areas or at particular career stages. Review participants appeared to view the SRA's role as sitting at a higher level, ensuring that effective systems exist at organisational or individual level, supported by guidance and templates where appropriate, then monitored and reported upon. It was not generally perceived to be part of the SRA's role (or realistically achievable) to micro-manage the detail of individual CPD activity.

310 A survey respondent commented:

"There should be some flexibility given how an individual's career is developing. We need to avoid the situation where organisations are paying for people to go on courses because they have to if there is not perceived to be a relevance." (Survey, anonymous)

311 However, the idea that a CPD framework of any description can drive standards in the profession is not universally supported. A comment in the online survey had this to say about the CPD framework:

"I have always considered it an unnecessary layer of expensive bureaucracy and an impertinence. All solicitors, just by virtue of doing their jobs, are engaged in constant daily CPD as a matter of course and I know of no solicitor who was saved from the results of his or her own professional inadequacies by the CPD regime". (Survey, anonymous)

312 That said, evidence from review participants indicates that there is recognition that the SRA as regulator has a role to play in assuring the competence of the profession, and raising standards, especially in relation to protecting and promoting public trust and confidence. As stated above, they see this as encompassing the establishment of a framework, plus its effective monitoring. In addition, the evidence suggests a perception that some individuals will not engage with their own professional development at all unless there is some regulation. For example, there was this comment on the survey:

"We do courses that are not relevant to what we do because they are the cheapest and only do them because there is compulsion." (Survey, anonymous)

313 This perception might, of course, emanate from a belief that some members of the profession have no interest in their own professional development. However, given the evidence presented in this report in relation to the effectiveness of CPD, concerns about the quality of external provision and the main barriers experienced by individuals, it seems more likely that any

disengagement predominantly emanates from these factors rather than a lack of professionalism.

The hours requirement

314 There was support from review participants for maintaining some form of hours requirement, both in terms of ensuring everyone must engage to a minimum level and also in terms of having a quantifiable level to reassure the public. Participants in focus groups acknowledged that the SRA, as regulator, will wish to implement a system that can demonstrate achievement of CPD Regulations Outcome O(TR1) and that a quantitative measure may in some way support this.

315 However, very few participants in the review suggested increasing the hours requirement beyond the current 16 hours. Given the identification of cost and time as major barriers, this is hardly surprising.

316 There was also support on the basis of ensuring employer engagement in CPD. For example, participants commented:

"If there was no compulsion at all, that would lead to some firms making savings by cutting CPD". (Private practice, individual interview)

"… the "sticks" of the professional requirements are also important as a justification as to why I need to spend my firm's time and money on my training." (Survey, anonymous)

317 There is a small amount of evidence of confusion and dissatisfaction with the current rules and guidance in terms of:

- how many hours an individual must undertake;

- how many of these must be accredited (a CPD provider commented that some course attendees believe all 16 hours must be accredited);

- how many hours can be claimed for each activity;

- what is effective, but doesn't count for CPD purposes; and

- double counting for the same activity.

318 For example:

"While CPD credit can be obtained for "research", I understand this only applies if the research results in a precedent or memo which is circulated within the firm. (At least, that is how my firm applies the rules.) CPD credit is not available for research to produce an advice sent to a single client, which seems a spurious distinction and excludes the vast bulk of lawyers' research work. As a matter of record-keeping, it is also potentially difficult to "prove" that a memo actually took [x] hours to produce - what if the time spent seems excessive to the SRA? Court cases over legal costs show there is plenty of scope for argument here. And so everyone meets the CPD requirements by attending training courses instead, where they probably learn less, but emerge confident they'll be entitled to claim [y] hours CPD credit." (Survey, anonymous)

319   The evidence suggests that a review and simplification of this element of the framework would be welcomed.   For example, a survey respondent commented:

"The reduction in CPD requirements for those who work less than full time are not calculated fairly. There should be a pro-rata reduction or a standard minimum number of hours. I work 70% of FTE but my CPD requirement is reduced by only 1 hour; the accredited portion is 25% of 15 hours which is a reduction of 15 minutes." (Survey, anonymous)

Monitoring and enforcement

320   There was recognition among review participants that the SRA cannot scrutinise every record of CPD activity and that to attempt to do so would be prohibitively expensive.   However, it was also recognised that, without some monitoring, a minority of individuals might simply never comply with any CPD requirements, though there was also a perception that some will not comply in any event.   For example, a participant who suggested removing the hours requirement entirely, commented:

"Okay, some people will fall through the cracks, but they will anyway." (Private practice, focus group)

321   The current system of keeping a record and making a declaration of compliance appears to be well understood and not administratively burdensome for either the SRA or individuals.   However, concern was expressed in individual interviews and focus groups that the SRA might not, in fact, be conducting any checking of records (though a small number of individuals commented that their records had been audited).   For example, a participant asked:

"Are sanctions ever employed?   Are people's records ever checked?   I've never heard of it happening to anyone I know". (Private practice, individual interview)

322   The evidence gathered during the review indicates that some form of systematic monitoring would support the SRA's objective of protecting and promoting public trust and confidence.   Some focus group participants commented that it may be important to the public that the SRA is seen to be monitoring the CPD framework and taking action where necessary.

323   The SRA might wish to request to inspect a certain percentage of CPD records each year, for auditing purposes, the level to be determined by reference to the need to conduct a meaningful exercise without demanding excessive resource.   This may be individual records, or an audit of an employer's training and development system, if the SRA decides to consider this as an alternative, opt-in framework.   To be effective, such a system would need to do more than simply 'spot check' that a certain number of hours of activity had been undertaken.   Some qualitative evaluation would be necessary and this would require a review of the current requirements in terms of CPD records, to ensure that these identified individual development needs and linked them to the achievement of learning outcomes via relevant CPD activities.

324   There was some support from review participants for enhancing the current system to include such a mechanism for demonstrating that development

needs have been identified and that relevant CPD activity has been undertaken to address those needs. A participant said:

"People should have to explain how their CPD hours have been relevant to what they do". (Private practice, individual interview)

325 However, some participants were more cautious about such a system, fearing that it may simply add to the cost or time involved, without achieving the desired benefits, in the absence of closer monitoring. In particular, given that 'time' was a major concern in relation to the current CPD framework, care should be taken to avoid adding to the administrative burden of complying with SRA requirements.

326 It was suggested by some focus group participants that the SRA could support members by providing template records for those who wish to use them. Other focus group participants suggested that the SRA should allow employers and organisations to opt to use their existing internal records (perhaps currently in use as part of a formal appraisal or career development system) where these are sufficient to satisfy SRA requirements. It was suggested by some focus group participants that this could be achieved via electronic completion and submission. This would minimise the administrative burden and cost for both sides by ensuring that the paperwork completed for internal purposes will also suffice for the SRA's regulatory functions.

327 In terms of enforcement, it would presumably be a simple matter to refuse to renew an individual's practising certificate in the event that they did not comply with CPD requirements (or failed to provide a declaration that they had complied). The deadline for the declaration would need to coincide with the annual renewal of the practising certificate. This would emphasis the importance of professional development and should, in theory, improve the overall competence of the profession.

328 However, such a sanction might be regarded as excessive, particularly given that individuals have told us that they often carry out far more than 16 hours of development activity each year, even though much of it might not count for the purposes of the CPD Regulations. As such, this sanction would not distinguish between those individuals who were fully engaged in their own professional development, but had technically not complied and those individuals who simply didn't engage at all. It was also perceived to be unfair on those individuals whose CPD activity was impeded by a lack of employer support. This was a concern expressed by some participants in individual interviews and focus groups. For example, when discussing sanctions, a participant commented:

"Fine the firm. Hit them in their pockets. It's the firms who are causing the problem by trying to save money". (Private practice, focus group)

329 There is the risk of perceived injustice on other grounds too, or mistakes being made. A participant commented:

"Sanctions should be used with care. I got a scary letter threatening to strike me off the roll, when I was simply on maternity leave". (In-house, individual interview)

330 A further issue with this sanction would be the impact upon the public, notably clients who would be left without legal assistance if their solicitor

was unable to renew his or her practising certificate. This would most obviously impact upon sole practitioners, small practises and individuals with highly specialised, niche expertise. Therefore, while the public might feel reassured in principle at the thought that non-compliant solicitors were taken out of circulation, in practice it could prove problematic.

331 Therefore, while refusal to renew an individual's practising certificate might be an appropriate sanction in some circumstances, we would suggest that this should be confined to the most serious cases where there is reason to believe that the public would be at risk if the practising certificate was renewed.

332 We would suggest that a progressive system of enforcement and sanctions should be considered, with an administration fee charged:

- Time extensions for compliance, where a good reason is given for non-compliance;

- Requirements as to CPD activity to be undertaken in the following year;

- Formal attachment of conditions to the practising certificate;

- Fines; and

- Refusal to renew the practising certificate.

Accreditation

333 There is some evidence that the current system of accreditation is not functioning effectively and should be reviewed. In particular, individuals in interviews and focus group discussions considered that accreditation could have a role to play in assuring quality, as discussed below, but were otherwise doubtful of any difference in effectiveness between accredited and non-accredited activity.

334 As noted elsewhere in this report, activity that is not based around law may also be desirable for certain individuals, even though it may not be accredited. For example:

"*From time to time I attend seminars that are not wholly relevant to my business but helps me in my personal development as a person. There is no CPD for this but I learn a lot from such seminars.*" (Survey, anonymous)

335 That said, there are practical challenges for a system that does not have some form of accredited activity, in that it becomes more difficult to ensure that activity is taking place, that it has validity and that it is effective. These challenges would not be insuperable, but would require care in establishing the system and reporting requirements.

Quality assurance

336 There is evidence that participants expect the SRA to assure the quality of accredited CPD provision, but do not consider that the SRA is currently doing so. In part, this expectation is due to the assumption that the SRA is deriving some financial benefit from the current accreditation system. There is concern that the system should do more to drive improvements in the quality of external provision. A number of participants in individual

interviews and focus groups expressed frustration that they complete feedback sheets for many external courses, often negatively, but those courses continue to run without alteration. For example:

"Having been in practice for 10 years I find that most of the conveyancing courses have not changed much so it gets harder and harder to find relevant courses which I've not already been on." (Survey, anonymous)

337 Based on the evidence gathered from review participants, a system of accreditation that did more to drive improved quality of external CPD provision would be welcomed. One suggestion made was a 'live updated' ratings system for all external accredited courses, akin to systems that exist on hotel accommodation and travel sites. The SRA could:

- Require such a system as a condition of accreditation;

- Prescribe the component parts and ratings mechanism for the system, so that it would be consistent across providers and courses, perhaps linked to a central SRA online 'alert' system to facilitate monitoring;

- Require the system to be online and 'live updated' so that ratings are always accessible and up to date;

- Provide that accreditation of courses that receive a prescribed level of negative feedback may be withdrawn and not reinstated until the SRA is satisfied that the courses have been fully reviewed; and

- Support the system with an annual reporting requirement that includes an analysis of feedback for all accredited courses and a robust, measurable action plan in response.

338 In addition, the SRA should consider regulating the provision of information in relation to external accredited courses, such as pre-booking information, statement of learning outcomes, description of the activities and the course materials. The aim would be to enable individuals better to assess in advance whether a particular course is likely to meet their identified needs and represents good value for money.

339 Evidence gathered from participants in the review indicate that they would not welcome a system of accreditation that created bureaucracy within the SRA or increased the cost of the CPD framework. Therefore, care would be needed to ensure that the core tasks of implementing and reporting against such a system rested with the CPD provider, not the SRA, but that requirements were sufficiently clear and streamlined so as to ensure that they could not be used to justify an increase in course fees. One survey respondent summed up the current framework as follows:

"I feel the CPD industry now just regards solicitors as a revenue stream. Do the course, pay the fee and tick the box." (Survey, anonymous)

5 CONCLUDING SUMMARY AND RECOMMENDATIONS

General points

CPD activity has the potential both to support professional development and also to assure the competence of individuals. This is particularly true taking account of the breadth of activity that may be involved. However, our research findings indicate that there is not full alignment between what individuals do in order to comply with the SRA CPD Regulations and what they find to be of practical benefit to them. Therefore, the current CPD framework does not appear to meet the SRA's stated Objectives.

Our research findings also indicate that a framework which increases complexity, expense or bureaucracy would not be welcome. A new framework must be simple, affordable and easy to operate for both the SRA and solicitors.

SRA Objective 1

Identify current models of good practice in the practice and provision of CPD within the solicitors' profession.

Models of good practice

Models of good practice do exist within the profession, as highlighted in the report. In particular, there are sophisticated career development systems operating in some firms and organisations that seek to develop individuals 'in the round', and which incorporate CPD activity as part of that overall development. There are also examples in this report of effective CPD schemes and individual activities arranged by local law societies and membership groups, as well as niche CPD providers.

What works

A distinction should be drawn between the quality of delivery of CPD activities and the practical benefits that an individual derives from the activity. Both of these can impact upon the ultimate effectiveness of an activity.

In terms of the quality of delivery, our research findings indicate that the following are important to overall effectiveness (where relevant to the particular type of activity being undertaken):

- Sufficiently detailed pre-booking information, including clear statements as to expected learning outcomes;

- Speakers and facilitators with genuine expertise in the area;

- Content that is tailored to the needs of participants;

- Strong engagement with participants and (preferably) a good level of interaction;

- High quality materials; and

- A formal mechanism for reflection and assessment of learning outcomes.

In terms of practical benefits, CPD activities appear to be most effective when they are:

- planned by reference to identified needs;

- high quality;

- relevant to the individual;

- applicable in practical terms to the individual's role; and

- at the right level for the individual.

In respect of both of these elements, it is important that robust quality assurance processes are in place to ensure that activities are evaluated in terms of delivery and effectiveness, in line with peer and participant feedback, with appropriate action taken in response. This point is addressed more fully in relation to Accreditation below.

Recommendations – Objective 1

Authorising independent schemes

We recommend that those employers who can demonstrate that they have an effective CPD scheme of their own, perhaps as part of a formal appraisal or career development scheme, should be permitted to seek approval to implement that scheme for their employees and partners/managers on the basis that it satisfies the SRA's requirements in full. While Lexcel/Investors in People accreditation may be beneficial, it should not be a strict requirement of such authorisation.

Such a scheme should be supported by an annual reporting and monitoring/auditing process, that is proportionate and risk-based. Potentially, auditing could be conducted at the employer's/organisation's expense using an external body (perhaps approved by the SRA), in order to manage the administrative burden for the SRA.

We further recommend that the SRA considers adjusting its current process that allows other organisations, such as local law societies and affinity groups, to offer CPD activities that are accredited by the SRA. Instead, they should be permitted to seek approval to implement a full CPD scheme for their members on the same basis as above.

The challenge will be in evidencing the quality and effectiveness of each system and it is not to be expected that every employer or organisation will be able to do so, or have sufficient resources to consider it.

SRA Objective 2

Address the challenges to effective practice of CPD within the solicitors' profession and provide examples of how barriers may be overcome.

Barriers

Cost, time, relevance and location are the major barriers to effective CPD and, as can be seen from our exploration of key themes in this report, pervade the whole CPD cycle, from planning, through implementation, to evaluation and reporting. Therefore, a framework that does not address these barriers (or operates so as to

make them worse) and so does not achieve Objective 2, will also fail in respect of Objective 3 i.e. it will not result in professional development activity that maintains and enhances the competence, performance and ethical conduct of solicitors.

Accreditation

Some accredited external provision is considered to be poor quality and our evidence indicates that attendance at external courses and conferences are currently the least effective forms of CPD activity in terms of achieving an individual's desired learning outcomes. On the other hand, non-accredited activity may be highly effective. Accreditation may, therefore, be less significant in terms of ensuring the effectiveness of an activity than the quality assurance processes in place and the pre-booking information provided to potential participants.

Furthermore, the requirement to undertake a stipulated amount of accredited activity has implications in terms of what activity is planned, how much it costs and the time commitment involved. It does not operate so as to encourage individuals to participate in a broad range of relevant activities that will develop their knowledge and skills, so as to maintain competence (if not more).

Accreditation by the SRA could potentially function as an important assurance of quality, but was not perceived by participants in the review as doing so at present. Accreditation was viewed by some participants as merely generating income for the SRA and enabling external providers to charge higher course fees. This appears to be a greater concern in respect of external provision that is open to the profession as a whole, as opposed to the more tailored activity that is delivered in-house, commissioned by individual clients or delivered by membership and affinity groups.

The evidence gathered from review participants suggests that a framework that operated effectively so as to guarantee the quality of external provision, whether accredited or non-accredited, would be welcome. This is an area in which participants considered the SRA should play a key role. However, this should not be achieved simply by constraining the number of providers who can seek accreditation, as this could lead to a near monopoly situation that might:

- limit choice;

- reduce flexibility;

- reduce the availability of niche and specialist activities; and

- drive up costs.

Recommendations – Objective 2

Accreditation

We recommend that the SRA reconsiders the purpose of accreditation, including whether it should dispense with the requirement that a certain amount of an individual's annual CPD activity must be accredited. This should relieve individuals from the perceived requirement to attend external courses, even though our evidence suggests that these are the least effective form of CPD. It should also then operate so as to drive an improvement in the quality of those

courses, by reducing their 'captive market', such that they can then become more effective.

We further recommend that the SRA considers how it can use accreditation to improve the quality and relevance of external provision. In particular, the SRA should consider imposing obligations on accredited provision in relation to pre-booking information, ratings/feedback and annual reporting.

<u>Pre-booking information</u>

We recommend that the SRA requires CPD providers to publish detailed pre-booking information for all the courses that they advertise, as a condition of accreditation. The aim would be to ensure that all individuals will have sufficient information to assess for themselves whether a course is relevant to their identified needs and at the right level for them, before they book a place on it.

<u>Online ratings/feedback</u>

We recommend that the SRA requires any CPD provider who delivers activity which is available to the profession as a whole (i.e. not in-house or client commissioned) to publish online ratings/feedback via a standard SRA-determined system for those activities, again as a condition of accreditation. This feedback should address the learning experience of individuals, not just the quality of delivery or the catering.

<u>Annual reporting by CPD providers</u>

We recommend that the SRA requires CPD providers to report annually on each course that they deliver, including an analysis of the ratings/feedback for each activity and the action they are taking in response to it, again as a condition of accreditation.

<u>Cost of CPD</u>

We recommend that the SRA reconsiders its current provision that an employer is not bound to pay for CPD or to release time for activities to be undertaken. The SRA should consider a requirement that employers support a minimum stipulated level of CPD activity. It would be simplest to link this either to the proposed retained hours requirement or the element each year that is subject to a full reflective report.

SRA Objective 3

Examine the role of CPD as a regulatory tool in maintaining and enhancing the competence, performance and ethical conduct of solicitors.

Objective 3 raises an interesting question in relation to how far any regulatory tool that sits at the high level of the SRA can genuinely assure the competence of each and every individual solicitor. It is apparent that a highly prescriptive scheme is not likely to succeed, as such schemes tend to measure inputs, which have been demonstrated to offer no guarantees beyond that a certain quantity of activity of some sort has taken place, regardless of relevance and applicability.

Therefore, as it takes a step further towards outcomes-focused regulation, arguably the SRA needs to take a step back from detailed prescription of activity. Rather it should relax the rules somewhat in order to return true autonomy to

individuals (and, where relevant, their employers) so that CPD activities can be based on the actual identified needs of each individual rather than a 'one size fits all' framework.

The SRA has an important role to play in defining the general standard for the profession, which it has done in CPD Regulations Outcome O(TR1). It can also offer guidance on suggested expected competencies. However, it is suggested that it is neither necessary nor desirable for the SRA to attempt to define CPD activity too tightly or to prescribe too closely the activity which should be undertaken.

Nonetheless, there are some issues in which the SRA, as regulator, will remain closely interested.

How much CPD should be required?

The Law Society of Upper Canada published its Joint Report to Convocation in February 2010, in which it discussed prescribing between 10 and 20 hours of CPD activity per year, against a backdrop of a perceived industry norm of around 12 hours. The report commented that 'there does not appear to be literature that points to any pedagogical rationale for one choice or another, rather the choice probably reflects a somewhat pragmatic decision to articulate the requirement as a minimum, which in traditional CLE [CPD] terms represents the equivalent of two full days of learning. The number of hours also seeks to balance time and cost pressures, particularly on sole and small firm practitioners'[33]. As such, stipulating a quantity of hours may have more to do with the convenience of an easily measurable requirement than with real learning.

While the evidence we have gathered indicates general support for some stipulation as to the amount of CPD activity that should be undertaken, there is no apparent support for increasing the current level of 16 hours. In particular, the evidence gathered from review participants indicates that an increase in the current requirement in relation to the proportion that must be accredited would not be welcome. As stated above, the SRA might wish to consider removing the requirement in relation to accreditation in any event.

Our research findings indicate that it is more important that CPD activity is undertaken on the basis of individual identified needs and that its practical effectiveness can be evidenced, rather than that there is a particular quantity of it in any given year. This is apparent in the research data which indicates that individuals are currently most likely to undertake the least effective activities, in part at least because of the current CPD requirements in relation to accredited activity and the poor quality of some of that activity.

Moreover, the cost of CPD activity is the most significant issue for the profession as a whole, closely followed by time out of the office. Therefore, an increase in the hours requirement, which would inevitably exacerbate both of these issues, would not be well received. This is particularly the case for certain individuals, who are paying for their own CPD activities and undertaking them in their own time.

Nonetheless, some participants in this review observed that a minimum hours requirement would ensure that employers must support, and individuals must engage in, at least a minimum level of CPD activity. Although there were

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[33] Law Society of Upper Canada *Joint Report to Convocation* February 25, 2010 at para 66

differing views, overall review participants did not appear to be seeking a framework with no form of hours stipulation.

In addition, the retention of some form of quantitative measure could be used to encourage and recognise the effectiveness of participation in particular activities, perhaps by attaching a weighting to them. For example, each hour of participation in a structured mentoring scheme might count for 1.5 hours of CPD activity. A weighted scheme is currently operated by the Institute of Legal Executives (Victoria)[34].

That said, the current rules and guidelines on how hours are counted appears to be causing confusion in some individuals and also concerns that it may lead to double counting of certain activities. Therefore, a new framework should avoid too many complexities and permutations in terms of how CPD hours are counted.

The planning cycle

It is clear that CPD activity is not always planned, may not be based on identified needs and is not consistently evaluated or reflected upon. There is evidence of good practice, usually based around appraisal or some other form of career development planning, but this is far from universal. Nonetheless, our research findings indicate a link between a formal planning process and the ultimate effectiveness of CPD activity.

Where schemes exist, these take varying forms, based upon the formal structures within the organisation and the resources available. However, it is apparent that different schemes can be equally effective, so it is suggested that it would not be appropriate to require the profession to adopt one single planning system.

The most sophisticated schemes plan the career development of the individual in the round and do not focus solely upon formal CPD requirements. Indeed, a large proportion of the development activity that is planned and undertaken as a result of such a scheme may not be accredited. Since not all such organisations will benefit from the SRA's Lexcel/Investors in People exemption, this can lead to an individual undertaking substantial development activity, designed to address their identified needs, yet still struggle to complete the accredited element of their 16 CPD hours.

Our research indicates that this dilemma presents such individuals (and their employers) with three main options:

- Option 1: where funds are available, extra accredited activity can be built into an individual's development plan, in addition to the other activity which has already been planned;

- Option 2: where funds are not available, non-accredited activity can be removed from the plan and replaced with accredited activity, even though the accredited activity might be less desirable or effective;

- Option 3: the plan is not changed, but additional accredited activity is undertaken on an ad hoc basis during the CPD year (or, as the evidence suggests, in a rush towards the end of the year), with the result that it may not be relevant or appropriate for the individual concerned.

[34] The Institute of Legal Executives (Victoria) *Continuing Professional Development points guidelines for Fellows and persons enrolled in other Institute categories* - http://www.liv.asn.au/PDF/Lega-lExecutives/Membership-Application/Continuing-Professional-Development-guidelines-201

Of these, Option 1 is the 'least worst', but evidence gathered in the review suggests that this might be the least practical option at present, especially as cost emerged as the biggest barrier to effective CPD.

Our sense is that Option 1 is the least likely to be adopted, given that the evidence we gathered identified 'cost' as the biggest barrier to effective CPD. Evidence gathered from participants in the review (both solicitors and CPD providers) indicates a notable increase in attendance at external accredited courses towards the end of the CPD year, suggesting that Option 3 is often the option of choice.

In reality, none of the options are ideal, as they all have potentially adverse implications for the budget, the time required to undertake the year's activity and/or the relevance and effectiveness of the development activity.

It is interesting to note that even the most sophisticated career development schemes operated by employers do not guarantee that any one individual will develop professionally in line with an expected 'normal' career trajectory. Intervention and special development measures may still be necessary, as individuals develop personally and professionally at different rates and in response to different career experiences.

This has implications for the SRA as regulator, since it is further removed than employers from individual participants, so is inevitably limited in its ability to take account of individual career progression. As such, a regulatory framework that attempts to prescribe a detailed 'one size fits all' model is unlikely to succeed in its objectives.

Monitoring and enforcement

The current system of keeping a record and making a declaration of compliance appears to be well understood and is not administratively burdensome for either the SRA or individuals. However, there was evidence of a lack of clarity as to the nature and extent of the auditing process undertaken by the SRA in relation to individual CPD records. Some form of systematic monitoring would be acceptable to the profession and would support the SRA's objective of protecting and promoting public trust and confidence.

Moreover, the current framework requires little in the way of evaluation and reflection on completed CPD activity. For records – reflective element – just for some of it, not all. Keep down admin burden.

It is important that any sanctions for non-compliance should not be excessive or disproportionate to the offence. An enforcement system should be capable of distinguishing between those individuals who are fully engaged in their own professional development, but have technically not complied and those individuals who simply do not engage at all.

Compulsory elements

While review participants clearly recognised the importance of maintaining standards and professionalism, there was not strong support overall for the SRA to prescribe compulsory training for all solicitors. However, there was a recognition that new entrants to the profession have special requirements as they transition into practice that could be effectively addressed via compulsory elements.

In addition, there was limited evidence that compulsory training in ethics may be desirable as the profession embraces alternative business structures. However, there was no clear consensus on this point.

While the PSC was valued, the SRA's Management Course Stage 1 was not considered to be effective by those participants who commented upon it. Participants in the review expressed concern that individuals are obliged to complete it at a particular point in time, even if that is not the right career stage for them personally. There was also a perception that this course focuses on sole practitioners and does not address the needs of employed solicitors. Therefore, the course needs to be reviewed to ensure that the content is appropriate and is undertaken at the appropriate career stage.

Recommendations – Objective 3

Although there is little evidence to suggest that a time requirement results in better learning, we suggest that its retention would ensure professional discipline and offer a degree of tangible reassurance to the public. However, this should be supported by measures that will demonstrate achievement of outcomes, notably via a formal planning and evaluation requirement.

The 16 hours rule

We recommend that a minimum hours requirement is retained. However, this should not exceed the current level of 16 hours per year and could safely be lowered without compromising the integrity of the scheme.

We also recommend that the SRA discontinues the current requirement that a certain proportion of CPD activity should be accredited. Arguably, the individual solicitor is best placed to determine whether any particular CPD activity will address his or her identified development needs. If a fuller planning cycle is introduced, as recommended below, then the relevance of an activity should be capable of being evidenced as part of an individual's CPD plan and record. This does not mean that accreditation serves no function. As stated earlier, it may be used as an effective mechanism for assuring quality. However, as non-accredited activity can also be of high quality, the current stipulation appears otiose.

We further recommend that the SRA reviews the rules and guidelines on how hours are counted for the purposes of CPD requirements, with a view to simplifying these and reconsidering the appropriateness of double counting. The review may include consideration of weighted hours for certain activities, though we are not positively recommending this.

Planning cycle

We recommend that some form of documented planning, implementation, evaluation and reflection cycle should be required of all solicitors. The SRA may wish to review its current guidance to offer a full online system that individuals can choose to use, including template documentation, and which would automatically link to the SRA's system for monitoring compliance.

We also recommend that the SRA considers whether such an online system can send automated messages to members at regular (though not too frequent) intervals, to confirm the number of CPD hours they have recorded for that year and how many remain to be recorded. This could act as a prompt for individuals to plan ahead more than is currently the case and avoid the 'end of year' rush.

Care should be taken to ensure that the system is not so onerous that busy professionals are unable to keep up to date with its requirements. One way to do this would be to require that a certain minimum number of hours of CPD activities, say 6 hours, be subject to a full reflective report, which can be effectively audited if required. A shorter reporting form can be used for the remaining activities.

Recording

We recommend that individuals should be required to record all their completed CPD activity via an online system, not just the minimum required to comply with the proposed retain hours requirement.

Although there was some debate in a focus group around timing, there does not seem to be significant demand to move away from the current link to renewal of the practising certificate.

Ideally, the same records and reflective reports that are required for the SRA should also match the requirements of any organisations and membership groups that have been authorised to implement their own CPD schemes.

Audit of records

If the reporting forms in particular are linked directly to the SRA's own system, no routine checking of technical compliance with a minimum hours requirement should be necessary. However, in order to demonstrate the robustness of the system and to ensure that outcomes are being achieved, we recommend that an auditing process should be implemented.

We recommend that a certain percentage of CPD records and reflective reports should be requested each year, for auditing purposes, the level to be determined by reference to the need to conduct a meaningful exercise without demanding excessive resource.

Where employers, membership groups and other organisations have been authorised to implement their own CPD schemes, they should also be permitted to conduct their own monitoring and auditing of records, as long as they can demonstrate that these meet the SRA's requirements. In that case, it is recommended that it will be sufficient for such organisations to submit a declaration to the SRA that records have been audited and to report any incidences of non-compliance.

Enforcement

We recommend that the SRA reviews its system of enforcement to ensure that it is fair and proportionate, while still serving to protect the public. We suggest that a progressive enforcement and sanctions system would be appropriate.

Compulsory elements

We recommend that the SRA reviews the Management Course Stage 1, to ensure that it is relevant, at the right level and flexible in terms of timing and content.

There was no evidence of a clear consensus in favour of additional compulsory elements to a new CPD scheme. Therefore, we cannot positively recommend that any such be included. However, given the SRA's Objective 3, especially in relation to ethics, the growth of alternative business structures and evidence of

possible confusion over what form any compulsory elements would take, we recommend that the SRA consults the profession in more detail on this issue.

In short …

We believe that the profession would welcome an effective CPD framework that is:

- Quality assured;

- Proportionate;

- Affordable;

- Time manageable;

- Accessible;

- Flexible;

- Relevant to them; and

- Appropriate to an individual's career stage.

ACKNOWLEDGEMENTS

APPENDICES

Appendix 1: Online survey questions
Appendix 2: Outline of individual interview topics
Appendix 3: Outline of focus group discussion points

Appendix 1: Online Survey Questions

Section 1 – Current practice and experience of CPD

1. **Please indicate the extent to which you have undertaken and updated each of the processes set out in the table below.**

Process	Undertaken & updated regularly	Undertaken & updated occasionally	Undertaken, but never updated	Not undertaken
Identified and recorded my strengths and weaknesses				
Set down a personal development plan				
Planned CPD activity on the basis of a personal development plan				
Recorded completed CPD activity against a personal development plan				

2. **For each of the following factors, please indicate how strongly they motivate you to undertake CPD activity generally.**

Factor	Never motivates me	Occasionally motivates me	Often motivates me	Always motivates me
Ensure legal knowledge is up to date				
Improve performance in current role				
Develop new skills				
Progress career beyond current role				
Address weaknesses identified by employer				
Develop or enhance specialist legal knowledge				
Need to accumulate CPD hours				
Fear of sanctions for non-compliance				
Conditions attached to my practising certificate				
Enjoyment of learning				
Sense of personal achievement				
Secure a pay increase or other financial reward				
Networking opportunity				
Other factor				

3. **For each of the following factors, please indicate how strongly they influence your choice of specific CPD activities.**

Factor	Seldom influential	Occasionally influential	Usually influential	Always influential
Development need identified by employer e.g. via appraisal				
Development need identified by myself e.g. via a personal development plan				
Nature of activity e.g. external course, conference				
Relevance of activity				
Recommendation from colleague				
Location of activity				
Cost of activity				
Time required				
Number of CPD hours per activity				
Other factor				

4.   **Please select buttons in the table below to select only those activities that you have undertaken in the last 3 years. For every activity, please then use the drop down menus to state your main reason for undertaking or not undertaking it, as appropriate.**

Activity	Last 3 years	Undertaken – main reason	Not undertaken – main reason
Attend an external course	Yes/No	Development needs identified by employer e.g. via appraisal	Lack of necessary experience or expertise
Attend a conference			
Deliver a session at an external course			Not relevant to me
Complete an external online course		Development needs identified by me personally	
Attend an in-house course			Location
Deliver a session at an in-house course		Relevance to practice	
Receive a structured coaching/mentoring session			Cost
Deliver a structured coaching/mentoring session		Location	
Write a book, article or client publication on law or practice			Time required
Participate in a structured work shadowing scheme		Cost	Would not attract sufficient CPD hours
Conduct research on legal topics		Would not take up too much time	
Undertake an external course leading to a recognised academic qualification e.g. LLM, NVQ			Would not attract any CPD hours
Undertake an external course leading to a recognised professional qualification e.g. mediator, insolvency practitioner		Number of CPD hours per activity	It did not look interesting
			Had not occurred to me
Participate in relevant specialist committees or working parties		It looked interesting	
		Other	Other

5.   **Please identify how effective you find each of the following activities in terms of your professional development.**

Activity	Not at all effective	Not very effective	Fairly effective	Very effective	Never undertaken
Attend an external course					
Attend a conference					
Deliver a session at an external course					
Complete an external online course					
Attend an in-house course					
Deliver a session at an in-house course					
Receive a structured coaching/mentoring session					
Deliver a structured coaching/mentoring session					
Write a book, article or client publication on law or practice					
Participate in a structured work shadowing scheme					
Conduct research on legal topics					
Undertake an external course leading to a recognised academic qualification e.g. LLM, NVQ					
Undertake an external course leading to a recognised professional qualification e.g. mediator, insolvency practitioner					
Participate in relevant specialist committees or working parties					

6.   **Are you always able to find an appropriate activity that meets an identified CPD need?**

Never
Occasionally
Most of the time
Always

7. **To what extent does participation in CPD activities enhance your professional practice?**

Not at all
Very little
Somewhat
To a great extent

8. **How do you assess the effectiveness of the activities that you undertake in meeting your CPD needs? Please select all that apply from the list below.**

Record of activity undertaken
Reflective report & supporting portfolio
Appraisal follow up
Put learning into practice
Review and update personal development plan
Formal assessment as part of the activity
I do not assess the effectiveness
Other (please specify below)

9. **Thinking about any CPD activities you intend to undertake over the next 12 months, do you expect that the content focus will be on any of the following?**

Course	Yes	No	Don't Know
Legal updating			
Specialist legal knowledge			
Skills (e.g. drafting)			
Personal development (e.g. team working)			
Management of the business			
Client care			
Professional conduct			
Equality & diversity			

Section 2 – Integrating CPD into practice

10.   Are your CPD activities planned as part of a formal appraisal or performance review process?

Yes
No
Don't know
My organisation does not have an appraisal or performance review process

11.   How often are the CPD activities you have undertaken evaluated as part of a formal appraisal or performance review process?

Never
Occasionally
Usually
Always

12.   How is your CPD activity officially recognised or rewarded by your employer? Please select all that apply from the list below.

Pay rise or other financial reward
Promotion
Enhanced responsibility within current role
Move into another role
Special work opportunity e.g. secondment to another office or department
Achievement recorded against appraisal objectives
Certificate of achievement
Other (please specify below)

Section 3 – Challenges and barriers to CPD

13.   What do you see as the major barriers to effective CPD? Please select all that apply from the list below.

Lack of relevant information
Available activity is not relevant to me
Available activity is not at the right level for me
Available activity is generic and not tailored to meet individual identified needs
The location is not convenient
The cost is too high
Too much time is required to undertake the activity
Too many different activities are needed to accumulate the required hours
Available activity is not interesting or engaging
Employer restricts participation in CPD activity
Employer sets CPD targets that are not achievable
SRA CPD requirements are too narrow and/or prescriptive
There are no barriers
Other (please specify below)

14.   Which do you think is the most significant barrier to effective CPD? Please select just one from the list below.

Lack of relevant information
Available activity is not relevant to me
Available activity is not at the right level for me
Available activity is generic and not tailored to meet individual identified needs
The location is not convenient
The cost is too high
Too much time is required to undertake the activity
Too many different activities are needed to accumulate the required hours
Available activity is not interesting or engaging
Employer restricts participation in CPD activity
Employer sets CPD targets that are not achievable
SRA CPD requirements are too narrow and/or prescriptive
There are no barriers
Other (please specify below)

15.   Which (if any) of these approaches have enabled you to meet your CPD requirements. Select all that apply from the list below.

Flexible, online delivery
CPD that is 'bespoke' or tailored to meet identified needs
Employer is proactive in identifying individual needs and matching to relevant CPD activity
Employer is proactive in releasing time to undertake CPD activity
Support is given in relation to challenges using relevant technology
I have not come across any of these approaches
Other (please specify below)

Section 4 – Regulatory framework

16. To what extent do CPD regulatory requirements facilitate your ongoing professional development?

Not at all
Not very well
Fairly well
Very well
Completely

17. With reference to the SRA Principles 2011, which areas of practice do you feel need CPD regulatory input for all members of the profession?

Principle	Yes	No
Uphold the rule of law and the proper administration of justice		
Act with integrity		
Not allow your independence to be compromised		
Act in the best interests of each client		
Provide a proper standard of service to your clients		
Behave in a way that maintains the trust the public places in you and in the provision of legal services		
Comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner		
Run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles		
Run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity		
Protect client money and assets		

18. Which of the following would you say are your most pressing professional development needs right now?

Professional Development Need	Yes, pressing	No, not pressing
Legal updating		
Specialist legal knowledge		
Skills (e.g. drafting)		
Personal development (e.g. team working)		
Uphold the rule of law and the proper administration of justice		
Act with integrity		
Not allow your independence to be compromised		
Act in the best interests of each client		
Provide a proper standard of service to your clients		
Behave in a way that maintains the trust the public places in you and in the provision of legal services		
Comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner		
Run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles		
Run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity		
Protect client money and assets		

19. **How frequently do you think an individual should undertake CPD activity during the relevant stage of his or her career, for those areas listed below? Please select from the drop down menus for each activity.**

Activity	0-3 years PQE	4-8 years PQE	9-20 years PQE	21+ years PQE
Legal updating	Annually	Annually	Annually	Annually
Specialist legal knowledge				
Skills (e.g. drafting)	Once during this stage	Once during this stage	Once during this stage	Once during this stage
Personal development (e.g. team working)				
Management of the business				
Client care & standards of service	Not during this stage	Twice during this stage	Every 3 years	Every 3 years
Professional conduct, including confidentiality & conflict				
Equality & diversity		Not during this stage	Every 5 years	Every 5 years
Regulatory reporting & notification requirements				
Protecting client money & assets			Not during this stage	Not during this stage

Section 5 – Profile information

20. Are you?

Male
Female

21.   What is your ethnic origin?

Asian or Asian British
Black or Black British
Chinese
Mixed
White
Other (please specify below)

22.   The Disability Discrimination Act 1995 defines a disability as "a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities. Do you consider yourself to be disabled as defined by the Disability Discrimination Act?

Yes
No

23. Do you work?

Full time
Part time

24. How long have you been qualified as a solicitor?

3 years or less PQE
4-8 years PQE
9-20 years PQE
21 years or more PQE

25. What type of organisation do you work for?

Private practice
In-house lawyer
Government office
Local authority
Other, please specify

26.   Approximately how many qualified solicitors work in your organisation?

Sole practitioner
Fewer than 10
10 – 50
More than 50

27. At the end of the survey

Box for contact details, if willing to participate in a telephone interview.

Appendix 2: Telephone Interviews - summary of areas covered

Motivation to undertake CPD

Identify factors that most strongly <u>motivate you to undertake</u> any CPD activities at all.

Do these impact positively or negatively on good practice?

Do SRA requirements support or impede professional development? e.g. what bearing does the stipulation that 25% of hours must come from external accredited courses have on the choice and effectiveness of activities?

What influences choices

What activities do you most commonly undertake?

What factors are most <u>influential in your choice</u> of specific types of CPD activities e.g. external courses, online courses, writing an article?

Do these factors impact positively or negatively on good practice e.g. is cost so influential that an individual feels bound to opt for a cheap, local course?

Barriers

Have you encountered any barriers to effective CPD?

Why do these barriers exist and at what level do they occur? Personal? Employer? Identify examples of good practice that have helped to overcome barriers.

What is the impact on you personally of those barriers e.g. career progression?

How might the regulatory system be adjusted to help address barriers?

How far does the regulatory system present (or not present) barriers?

Assessing effectiveness

How far does your appraisal system (if any) help to identify individual development needs and plan CPD?

To what extent do you/your employer take responsibility for identifying needs and planning activity?

How do you assess the positive impact of that activity? How ideally could the SRA help with this process?

What rewards/benefits, if any, are there for undertaking CPD activity? Identify models of good practice.

Improvement and regulation

Are you undertaking a broad enough spectrum of activity, in terms of content and type of activity? If not, why not?

How do you anticipate your CPD needs might change in the future, and why?

What would be the advantages and disadvantages of tightening the SRA requirements so that they became very specific?

What if the SRA did not prescribe anything at all?

What are your perceptions of the sanctions for non-compliance, including levels of sanctions; and issues around reporting and monitoring CPD activity?

Appendix 3: Focus Groups - summary of areas covered

Explore how far CPD activity is currently planned, evaluated and assessed for effectiveness and impact.

Seek to identify models of good practice in the planning, evaluation and assessment process, including what formal processes and mechanisms could be used.

Explore how far CPD activity takes account of career stage, performance and planned progression.

Explore barriers, especially how the nature of challenges and barriers operate to impede the maintenance and enhancement of professional standards. At what levels do these barriers occur and why? Explore how they can be mitigated or overcome at the different levels at which they occur

Discuss how far the current CPD requirements support and/or present barriers in terms of effective development and good practice.

Explore the ways in which the SRA, as regulator, can develop standards within the profession via a new CPD framework.

Identify alternative CPD models, including what CPD activities should be included in a new OFR framework and what processes would be needed to underpin that activity. Some discussion of reporting, monitoring and sanctions as part of a new CPD model. In particular, what would represent good practice in an OFR model.