

Policy statement: Training for Tomorrow

Ensuring the lawyers of today have the skills for tomorrow

16 October 2013

Foreword

The individuals, businesses and other entities that the SRA regulates offer services that are of critical importance in upholding the rule of law; protecting the rights of individuals; ensuring the efficiency of commercial and financial transactions and underpinning the strength of UK professional services in the global marketplace. It is essential that these services are of the highest possible quality and this requires a strong and effective system of legal education and training.

While the current education and training system has served us well, technology, changing consumer demands and the regulatory system itself are reshaping the ways in which legal services are delivered. Legal education and training must adapt to reflect these wider changes.

We set out in this policy document our plans to consult on some of the most far-reaching changes to legal education and training for over 40 years. These proposals include:

- Moving from a system where we prescribe the pathways to qualification (law degree/Common Professional Examination, Legal Practice Course and training contract) to one in which we set out the day-one skills, knowledge and attributes that a new solicitor must possess and permit much greater flexibility as to how those competencies are acquired.
- Ending the current discredited "tick-box" approach to post-qualification training (continuing professional development) and introducing a system under which, while professional development remains mandatory, it is in large part the obligation of individuals, in conjunction with the organisation in which they work, to tailor professional development to reflect their particular needs and circumstances - leaving the regulator to prescribe only where there are identified and significant risks to the public interest.
- Stripping away a number of the technical regulations which require unnecessary SRA involvement in the detail of the education and training process.

The extent of these changes will depend on the results of our consultation, but our objectives in proposing these reforms are clear:

- To focus the education and training system on ensuring that those who deliver legal services meet our standards with less emphasis on the process by which high quality outcomes are achieved.
- In doing this to increase flexibility for higher education institutions, vocational training providers and employers to come up with innovative and efficient ways of achieving the necessary outcomes.
- To ensure that the education and training system can adapt over time to take account of changes in legal services markets.
- To target our activities as a regulator on protecting the public interest, including consumer interests, in a proportionate manner.

One of our objectives is to move from a process under which we, as regulator, unduly influence the structure of the education and training system to one in which there is greater variety and choice. Our proposals could facilitate a number of changes including:

- A widening of access to the profession and entry by those who are less likely to progress through more traditional pathways – this could be through "apprenticeship" or other new schemes.
- The development of integrated academic, vocational and "on the job" training courses.
- The possibility for those working in various roles in legal services organisations (including as paralegals) to demonstrate that they have the knowledge, skills and attributes to qualify as solicitors without going through the current tightly structured process.
- Individual entities developing their own internal post-qualification professional development processes to satisfy continuing competence requirements.
- More targeted post-qualification training, for example ensuring that those who hold specific responsibilities in a legal practice, such as for financial management, undertake relevant training.

Our proposed focus on outcomes rather than process will enable us to give more attention to what really matters— minimising the risk of adverse events by ensuring the quality of legal services. While the new system will allow for more flexibility, it will not be a "soft option" compared to the current regime – to the contrary, it will require greater rigour on the part of all involved. So, for example, in order to satisfy continuing professional development requirements it will have to be demonstrated that the developmental activity relates to areas which are relevant to current or likely day-to-day activities of those undergoing the training and that the process can satisfactorily meet this need.

There has been debate over whether a generic solicitors' qualification is still appropriate or whether training should be targeted at particular roles and responsibilities that legal services professionals undertake regardless of the title held. Our view is that there are a number of common attributes relating to matters such as ethics, respect for and understanding of the rule of law and the independence of lawyers and legal reasoning that are a necessary requirement of qualified solicitors regardless of their area of specialisation. We shall be consulting on this and on how far the Day-One Outcomes and continuing training obligations should be more focused on the specific roles undertaken by a solicitor - both functional, for example responsibilities for finance within a legal practice, and substantive, relating to areas of practice.

If the means by which solicitors obtain their qualification are to be broadened it is important that all stakeholders, and in particular prospective students and employers, fully understand the consequences of their choices. The costs of making a wrong choice (both financial and in terms of "lost" alternative career opportunities) are high. It is not part of our role to demand-manage the number of solicitors qualifying, but those who offer education and training should be transparent about outcomes in a way that allows students and employers to make informed decisions. We would encourage all providers, perhaps under the auspices of The Law Society and other professional bodies, to work together to identify the sort of information and data which would assist students and others to make the right choices for themselves. Work on that could begin now, without waiting for wider reforms.

This document is a set of high level proposals each of which will be subject to more detailed consultation over the coming months. Our purpose in this document is to put the individual proposals in a wider context so that interested parties can see how they relate to each other and our broader ideas.

We are keen to encourage discussion about these possible changes and we strongly

encourage stakeholders (who include current and potential students; education and training providers; the profession and those delivering legal services; consumer groups and other legal services regulators) to contribute to the debate and respond to our consultations. For our part we would be more than happy to attend meetings of stakeholder groups to discuss the ideas set out in this paper.

Martin Coleman

Chair, SRA Education & Training Committee

Introduction

The legal services sector is in a time of unprecedented change with consumer demands, technology and the regulatory system fundamentally changing the way that legal services are delivered. A number of high profile cases involving professional services have meant that all professionals, including lawyers, are subject to greater public scrutiny than in the past. We have responded to these challenges by focusing our regulatory activities on identifying risks to the public interest, as set out in our regulatory objectives, and establishing standards, outcomes and regulatory priorities that minimise these risks.

Despite these wider regulatory changes, our approach to education and training has remained focused on the award of the qualifications within the traditional model of legal services delivery. This 'one size fits all' approach to the regulation of education and training is not sustainable in a world where our objective is to target our regulatory resource where we see evidence of the greatest risk to the public and consumer interest and where a range of individuals and entities, not just solicitors, are responsible for the delivery of legal services.

Our plans for reform of the education and training system are radical. They will see:

- An end to the historic 'one size fits all' approach to the solicitors' qualification
- A focus on robust assessment of the knowledge, skills and attributes required to qualify as a solicitor coupled with significant flexibility as to how the knowledge, skills and attributes are actually achieved
- Wide ranging opportunities for legal education providers and employers to develop and promote pathways to qualification which can be tailored to specific markets and needs
- Replacement of the current tick box approach to post qualification development with a new system which focuses on continuing competence, is concerned with learning outcomes rather than the number of hours of training and is targeted to areas of highest risk
- Removal of layers of regulation which neither assure quality nor promote standards so that we can focus instead on the desired outcomes of our regulatory effort and the areas of highest risk to the public and consumer interest

Our reforms are intended to remove unnecessary barriers to qualification, open up opportunities for a wider range of individuals to pursue a career as a solicitor and encourage others to innovate and reform some of the more traditional structures of the current legal education system with resulting benefits for both those seeking to qualify and those seeking to employ them. We believe that a regulatory system which focuses on the outcomes to be achieved rather than the structures and processes within the system will have a positive impact on the quality of the legal services provided by those we regulate.

Delivery of our full programme of reform will take time and we are starting it now. We have identified some key priorities which we will progress quickly to deliver by the end of 2014 and which will provide a solid foundation for continued reform.

They are:

- A statement of the knowledge, skills and attributes for newly qualified solicitors enabling us to start discussions about radically different ways of delivering the solicitors' qualification
- A significant reduction in the regulatory burdens within the existing training regulations with more to come at a later date
- Consultation and final decisions on a new CPD scheme for solicitors

This policy statement sets out:

- Why we are reviewing our approach to education and training
- Our role in education and training
- Our strategic approach to reform
- Our key priorities
- Next steps and how to get involved

Why are we reviewing our approach to education and training?

The current approach to education and training was developed before the Legal Services Act and before our establishment. As the LETR report acknowledges, many of the potential drivers of change in this environment are still emerging but our decision to embark on a review of education and training was driven by both environmental and societal changes and an awareness of the limitations of our existing regulatory approach to education and training which is out of step with, and not integrated into, our outcomes-focused, risk-based approach to regulation. Current limitations include:

- a set of detailed, prescriptive training regulations which require the allocation of significant resource to activities that do not give us an accurate assessment of the risks we need to address - for example, we devote resources to quality assuring undergraduate law degrees which are already subject to regulation and review within the higher education system
- the existence of a mandatory CPD scheme which is based on a 'one size fits all' approach, and does not provide any assurances about an individual's continuing competence
- the existence of a set of Day One Outcomes for the solicitors' qualification which were not developed through empirical analysis of what today's (and tomorrow's) lawyers actually need to do
- the lack of flexibility resulting from a system based on the passing of a series of stages to qualification (the academic stage, the Legal Practice Course and the training contract) and the potential barriers (including financial) that can result from focusing on the order in which someone completes our requirements rather than the outcome they achieve at the end of the process
- the reliance on a system whereby individuals seeking to qualify as a solicitor are only assessed against a specified standard part way through the process (i.e. during the Legal Practice Course) and Professional Skills Course) rather than at the gateway to licensure
- a lack of transparency and consistency about the standard being applied at the point of qualification across the range of training environments through a training contract system based on the prescription of inputs to the system rather than an assessment of the outcomes achieved

- a focus on individuals seeking to qualify as a solicitor, which does not take into account the wider environment and structures within which solicitors and others delivering legal services now operate, the role of the entities delivering legal services and the fact that many services are not delivered by solicitors.

Recognising the need for a fundamental review of our approach to education and training and the need for any such review to be informed by robust and objective evidence, we, together with the Bar Standards Board (BSB) and ILEX Professional Standards (IPS), commissioned the UK Centre for Legal Education in 2010 to deliver a comprehensive report on legal education and training. We, and the other regulators, recognised there was a need for a thorough review of education and training framework across the sector and that it was essential to understand what sort of education and training framework was required in the new legal services landscape to support the delivery of quality legal services. As we develop our programme of reform, we will work closely with the other regulators to identify areas for harmonisation and ongoing collaboration.

The publication of the LETR research report in July 2013 signalled the start of our programme of reform. The LETR report confirmed the need for a more robust and evidence-based approach to the setting of competence standards, a greater emphasis on quality assurance and assessment and more flexibility in the regulatory system to remove any unnecessary barriers to qualification. All of these will be key considerations for our review.

Our role in education and training

We exist to protect the public by ensuring that regulated entities and the individuals within them meet high standards in the delivery of legal services and to take action when we identify risks to those standards. In so doing, we ensure that clients and the public can have the highest confidence in the quality and integrity of legal services delivered by those we regulate.

We use a number of regulatory tools for ensuring the delivery of quality legal services including:

- The Code of Conduct which sets out the key principles and outcomes which regulated entities must adhere to
- Authorising entities and individuals holding particular roles and requiring them to act in accordance with our regulatory requirements
- Supervision of regulated entities and individuals with a focus on those entities or individuals where significant risks have been identified
- Award of the qualification of solicitor which provides the licence to undertake reserved activities

Education and training is a vital regulatory tool. It wraps around our other regulatory functions and helps us to maintain and raise standards of legal service and mitigate risks to the public and consumer interest. It is the one regulatory tool that we can use proactively to set lawyers on the right path from the very start of their careers as well as being a mechanism to use when we see evidence of incompetence. If the education and training system is effective, it ensures that we have high quality solicitors able to deliver services to clients in accordance with the Code of Conduct. If used properly, it can minimise the risks of infringement and the need for supervision or enforcement action.

There are strong business as well as ethical drivers for firms to invest in training, developing and supervising their staff and putting in place systems and processes to ensure that individuals behave competently and ethically, and of course the majority do. Most legal service providers will have their own education and training strategies based on the needs of their

clients and their own strategic objectives and it is not for us to duplicate these. Our role is to prescribe education and training requirements where it is necessary to ensure that we, and those we regulate, meet the regulatory objectives and where specific risks have been identified that can be mitigated or addressed through education, training and development.

Our strategic approach to reform

Our regulatory objectives will guide all aspects of reform. The overriding aim of our review will be to enhance the quality of legal services by putting in place a regulatory framework for education and training that has at its heart the needs of the consumer and the public interest.

The key objectives of our review will be to deliver a regulatory framework that is:

- **Rigorous** - to ensure that those subject to it uphold the highest ethical standards and have the necessary competence to deliver safe, ethical, good quality legal services
- **Relevant** – to produce lawyers with the right skills to deliver those services
- **Flexible** – to recognise the range of backgrounds and experiences of the individuals subject to it and to enable legal education and training to respond to the fast pace of change in legal services markets, and
- Inspires the **confidence** of consumers (nationally and internationally), the public, the courts and employers.

Figure 1: Objectives of the review

We have agreed a set of strategic objectives that will underpin our approach to education and training and guide our future work.

They are:

1. The overriding need to meet the regulatory objectives of the Legal Services Act

Our approach to education and training will be clearly driven by the regulatory objectives, including protecting the public interest, achieving positive outcomes for consumers, supporting the constitutional principles of law and encouraging an independent, strong, diverse and effective legal profession.

2. Ensuring alignment and integration with our outcomes-focused approach to regulation

Our approach to education and training will be aligned to, and support, outcomes-focused risk-based regulation, using our experience as a regulator and our Risk Framework (which outlines how we operate and oversee risk-based regulation) to inform priorities.

3. Being prescriptive only where necessary, minimising bureaucracy and targeting regulation and resources to areas of identified risk

We will identify the key risks which should be addressed by education and training and target our regulatory requirements on these areas, providing flexibility for individuals to meet the requirements in a way which best

meets the needs of employers, legal education providers and students.

4. Finding an appropriate balance of regulatory requirements between individual legal services providers, individuals holding specific regulatory roles and the regulated entities within which they work

We will take into account the wider regulatory framework within which legal services are now provided, the obligations and professional responsibilities which already exist, and the regulatory responsibilities of other individuals within the regulatory framework, to avoid duplication and to ensure that our regulatory requirements and resources are targeted in the right places.

5. Facilitating flexibility and avoiding unnecessary barriers to access within a framework of clearly articulated and robust standards

We will ensure that our framework for education and training reflects the range of backgrounds and experience of the individuals subject to it, as well as the variety of ways in which individuals might be able to demonstrate that they meet our specified standards.

6. Ensuring consistency in the standards that we set and the ways in which we require individuals and entities to demonstrate compliance with those standards

Our regulatory framework will be based on a clear articulation of the standards to be achieved, how they can be demonstrated and how we will assure that the standards being achieved are robust and consistent.

Our key priorities

An outcomes-focused approach to education and training

The LETR report said that concerns about consistency and quality of education and training could be addressed through the development of a more robust system of outcomes and standards and increased standardisation of assessment. We welcome these recommendations and confirm that outcomes, and assessment of them, will be central to our new approach to education and training.

Developing a competence framework

The starting point for any outcomes-based approach to education and training must be to establish a comprehensive competence framework which articulates the 'outcomes' that are expected from the regulatory framework. Development of this competence framework will be our immediate priority and we will start by specifying the knowledge, skills and attributes required by solicitors in order to be authorised by us at the point of qualification.

A set of 'Day One Outcomes' was produced following the last major review of education and training (The Training Framework Review) but their construction, through aggregation of the outputs of the current stages of training rather than empirical research, ultimately limited their fitness for purpose. Moreover, we did not follow through with the changes to our approach to regulating education and training to realise the benefits of an outcomes-based model. As a result, we still have in place a detailed and prescriptive regulatory framework for education

and training that inhibits flexibility, creates unnecessary barriers for some individuals seeking to qualify through it, requires resources to undertake activities that do not provide any real assurance about the level of competence of individuals within the system, and is not explicitly linked to the Day One Outcomes.

Our new competence framework will not be a 'redrafting' of the current Day One Outcomes. Instead, we will look at what is actually required of a newly qualified solicitor in practice. We will develop a competence framework that:

- supports the obligations already placed on individuals and entities through the Code of Conduct
- provides confidence to the public and individual and business consumers of legal services that those we regulate are meeting the standards that they would expect from those authorised by us
- is flexible enough to recognise the wide range of environments within which regulated individuals now operate and the wide range of roles that they undertake
- is valued and respected by employers and complements their own objectives.

We are clear that the primary driver for specifying the competence required at the point of qualification must be to provide assurance to the public, including individual and business consumers of legal services that those being awarded the title of solicitor can deliver quality legal services. We have already embarked on a piece of field work to inform the development of the statement of competences for the point of qualification as a solicitor and expect the outputs from this by January 2014. This piece of work will gather insight from individual consumers, commercial buyers of legal services, practitioners and employers to provide an empirical evidence base for the development of a competence framework for newly qualified solicitors to replace the current Day One Outcomes. We will also use the data available in our Risk Outlook (where we assess the most significant risks we expect to have to manage) and the experience of other sectors, where competence frameworks are widely used in professional regulation and education, to inform our work. We have a solid evidence base in the findings of the LETR report and we will be taking into account, in particular, the recommendations relating to the need for an enhanced focus on professional ethics, legal research, communication and business skills.

Identifying common standards

As part of our discussions to determine the outcomes required at the point of qualification as a solicitor, we will consider whether or not a generic solicitors' qualification is still appropriate given the range of environments within which solicitors now work and the increasing trend for specialisation early in an individual's career. We anticipate that most if not all stakeholders would agree that there are a number of common attributes of solicitors regardless of their area of specialisation - ethics, independence, legal reasoning, respect for and understanding of the rule of law. We also recognise the benefits to business and individual consumers of legal services and the public interest in ensuring that solicitors uphold common standards and values.

But widening specialisation requires further consideration of common attributes and how far the Day-One Outcomes and continuing training obligations should be focused on the specific roles undertaken (or likely to be undertaken) by a solicitor.

We will engage with other regulators to explore areas of commonality and any possibilities for harmonisation and collaboration.

Introducing a new scheme of continuing competence

Continuing competence has never been more important in a world where public confidence and trust in the traditional professions has been eroded as a result of high profile cases such as Shipman and Mid-Staffordshire in the health sector and the financial crisis. As the LETR report points out, there is widespread acceptance of the principle of continuing competence as being at the core of professionalism and yet the legal sector has fallen behind best practice in CPD - the nearest we have to a tool to assure continuing competence. Traditionally professions have relied on a combination of initial training and post hoc legal or disciplinary action as guarantors of competence. There is an increasing recognition that this no longer suffices. It is not in the interests of the public or the profession as a whole that supervisory or disciplinary action should remain the main source of post-qualification regulation.

We began a review of our approach to CPD in parallel with the LETR research programme, and the LETR research confirmed our expectation that practitioners see limited value in the current hours-based approach to CPD. We welcome the recommendations in the LETR report that suggest a need to revise our approach to CPD to place a greater emphasis on planning and reflection and on the outcomes achieved through learning. During the period of the LETR research, we undertook a number of research activities to help us understand the problems with our current CPD scheme, the profession's perceptions of the scheme, and to inform our thinking about how we might use CPD more effectively as a tool for assuring competence in the delivery of legal services. We are also aware of the great strides made to embed learning and development within the culture of many legal services providers and the increasingly sophisticated approaches being used to achieve this. As a result, we are in a strong position to bring forward recommendations for a new scheme of continuing competence as a matter of priority.

There is both a public and professional interest for lawyers in taking steps to develop their knowledge and skills throughout their professional careers; our role in this must be to set out a regulatory requirement which provides assurance to consumers and the public that those we regulate remain competent to deliver the standards that they expect without inhibiting the individual's need to tailor their learning and development to their own role and responsibilities.

Our review will be wider in scope than simple reform of our existing CPD scheme. Whilst reform to the existing CPD scheme will be a key aspect of the review and will form the basis of our initial programme of work, we will take a broader look at how CPD can be used more widely in our regulatory framework with a longer term objective of establishing a scheme of continuing competence that fully supports our other regulatory functions by, for example, ensuring that those with specific regulatory responsibilities continue to be competent to carry out those roles and by targeting education and training requirements where we see evidence of risks to clients and the public interest.

Our immediate objective will be to develop broad-based proposals for changes to the existing CPD scheme for solicitors. A key priority will be to move to an outcomes-based approach to CPD. We are aware of the challenges in moving to such an approach and will use the evidence from the LETR report, our own research carried out by Nottingham Law School and the experience of other sectors, where outcomes-based schemes have been successfully implemented, to explore a range of options for moving to an outcomes-based scheme before consulting with stakeholders on our proposals. We intend to issue a formal consultation on this early in 2014.

Using continuing professional development as a regulatory tool

Once we have developed our new approach to continuing competence through reform of the CPD scheme for solicitors we will consider how we might extend the new scheme of continuing competence to address areas of risk. This might include, but not be limited to:

- i. using CPD as a tool for addressing identified risks, for example prescribed training in areas of emerging risk, including those identified in the LETR report or through our Risk Outlook
- ii. using CPD as a tool for addressing mandatory remedial training for individuals subject to regulatory action where lack of competence has been identified as a key factor
- iii. prescribing continuing competence requirements for individuals holding certain regulatory roles as a means of demonstrating competence in the role

The question of revalidation

The LETR report concluded that the case had not been made for the introduction of widespread revalidation in the legal profession and that there was no support amongst the profession for a move in that direction. On the other hand, the Legal Services Consumer Panel has said that the ultimate purpose of any regulatory system for education and training in the professions must be to safeguard quality for consumers and the public and that any decisions about regulation must put these interests first. The critical issue for the public is that solicitors continue to display a high level of competence in respect of the areas in which they practise and the functions they perform. This requires an effective system of CPD which is what we are proposing to put in place, as described in this document. We will examine the range of evidence, including but not limited to, the findings of the LETR report, to determine whether there is a public interest case for moving beyond an enhanced CPD scheme to a more formal system for reviewing continuing competence.

Extending the competence framework

Once we have specified the knowledge, skills and attributes required by solicitors at the point of qualification, we will be well placed to consider the discussions in the LETR report about activity based authorisation and, using our experience of the development and implementation of the Quality Assurance Scheme for Advocates (QASA), we will consider the evidence base for extending this approach into other areas of identified risk. These discussions will focus primarily on whether there are areas of particular risk where further, targeted regulation is required.

Creating flexibility and promoting diverse access to the profession

One of the key objectives of our review is to increase flexibility within the system of education and training for the benefit of all those involved, including the providers of education and training, those seeking to qualify as solicitors and to benefit from education and training and those employing individuals within the system. The key to enhanced flexibility lies in our focus on outcomes. It will allow us to target our resources on what is really important - the delivery of high quality legal services (and the risks we identify to that objective) - and move away from detailed prescription of the process by which the outcomes are achieved.

We envisage a range of benefits in increasing flexibility within the education and training system including:

- the removal of unnecessary and over-restrictive requirements which may act as barriers to some individuals seeking to qualify as a solicitor or to benefit from the education and training system
- targeting our regulatory resources on areas of greatest risk rather than on the regulation of processes which do not contribute to our overall regulatory objectives

- greater opportunities for providers of education and training, including employers, to design and deliver education and training that meets the needs of the market within which they operate
- the ability to adapt to changing professional and market needs
- greater variety and choice for individuals within the system including the opening up of a wider range of pathways to qualification and more integration of classroom and work-based learning.

An enhanced focus on assessment

We must be clear that greater flexibility does not mean lower standards. One of the key objectives of our review is to ensure that the system of education and training is rigorous, that it produces lawyers with the highest ethical standards and with the necessary competence to deliver safe, ethical, good quality legal services. The key to our strategy of delivering both flexibility and rigour lies within our move to an outcomes-focused approach to education and training and is twofold:

1. getting the desired outcomes right and
2. ensuring robust mechanisms are in place for individuals to demonstrate that they are achieving those outcomes.

We have already explained how we intend to make sure we specify the right outcomes through our work to develop a competence framework. Putting in place a robust competence framework will enable us to pull back from specifying the detail of *how* solicitors should qualify and to concentrate instead on ensuring there is robust assessment of the required knowledge skills and attributes before qualification. Central to our strategy is an enhanced focus on assessment, therefore.

We are mindful of the suggestion in the LETR report that any move to a system of more centralised assessment at the point of qualification as a solicitor is likely to be controversial. However, given the conclusion in the report that assessment demonstrates that outcomes have been met and indicates quality and consistency, coupled with the findings in the report related to concerns about consistency of standards in assessment in the current system, we will give full consideration to questions relating to assessment and quality assurance of the outcomes to be achieved. We will be particularly mindful of the suggestions in the LETR report that robust systems for standardising the assessment of outcomes should be developed and that the Qualified Lawyers Transfer Scheme (for solicitors) and the Bar Practitioners' Training Course demonstrate that outcomes can be satisfied by a rigorous assessment-based process.

Opening up pathways to qualification

We will consider carefully how far there continues to be a need for us to concern ourselves with the prescription of the content and structure of the various stages to qualification and whether we need to be concerned with the prescription of pathways to qualification at all. If we are clear about the outcome to be demonstrated at the point of qualification and target our regulatory resources on putting in place appropriate mechanisms for assessing whether that outcome has been met, there may not be a need for us to specify, or even recognise, pathways to qualification. Adopting such a position would achieve the objective of providing flexibility for those seeking to qualify as well as those delivering education and training and would allow us to focus our regulatory resource where it is most appropriate - ensuring that individuals demonstrate that they meet the required standard at the point of qualification.

As an example, one of the much publicised recommendations from the LETR report in the

legal media has been the suggestion that work should proceed to develop higher level apprenticeship qualifications at levels 5-7 as part of an additional non-graduate pathway into the regulated professions. We have already stated that we support the need for more opportunities for non-graduates and others with less traditional educational backgrounds to be able to enter the solicitors' profession and we support the development of apprenticeships at all levels where there is a demand for them within the sector. A regulatory framework based on outcomes will facilitate flexibility, and will make it possible for apprenticeships, and other potential new and non-graduate pathways to qualification, to be developed and benchmarked against our competence standard. We believe it is for the employers and education providers, not us, to take forward the development of these pathways; our role is to ensure that appropriate mechanisms are in place for individuals seeking to qualify via these routes to demonstrate that they meet our standard.

Addressing issues of access and diversity

The LETR report highlighted a recurring concern amongst stakeholders about barriers to access to the solicitors' profession. These concerns related to a range of factors including the cost of initial training, the availability of training contracts, unfair treatment in recruitment, limited recognition of prior experience and lack of information about risks and career options. We have a regulatory obligation to encourage an independent, strong, diverse and effective legal profession and are committed to access and diversity. While the education and training system can facilitate wider access and therefore greater diversity, and we believe that what we are proposing will contribute to these goals, the issues relating to access are complex and not all are within our power to influence.

That said, in developing flexibility, opening up opportunities for a range of pathways to qualification to be developed and with an enhanced focus on assessment rather than process, we want to maximise the opportunities for promoting diverse access to the profession and for encouraging progression. Access, diversity and flexibility are all embodied within our strategic principles and will be common themes throughout our review.

The LETR report makes the point that there is a limit to what regulation can do to influence cost in a market-led system of education and training and recommends that the solution is to increase access to information about the risks of embarking on high cost training. We support the calls for more information to help students make better informed decisions about a career as a solicitor although this is not something that we on our own, can, or should be, responsible for. We intend to work with others on this objective and to explore ways in which better information might be made available. This will include talking to The Law Society to discuss the respective roles of the representative body and the regulator in the provision of information to assist those seeking to qualify into the profession.

Removing unnecessary regulatory restrictions

As part of our commitment to flexibility and the wider work under our R-View Programme, which is designed to embed risk-based regulation in all our activities and remove unnecessary regulatory burdens, we intend to undertake an immediate review of the regulatory requirements that underpin our current education and training framework. Thus even before we commence our programme of wider reform we will be seeking to remove any regulatory requirements or processes which are unnecessarily prescriptive and do not help us to achieve our regulatory objectives.

Our experience of operating the current regulations suggests that some of the requirements within them are over detailed and restrictive. They require significant resource to administer despite the fact that they do not, in practice, address any real regulatory risk and do not allow adequate discretion and flexibility to recognise the range of different ways in which our desired regulatory outcomes might be achieved. For example, we currently require all

students to enrol with us before they commence the Legal Practice Course. The main regulatory benefit of this requirement was to permit an early check on students' suitability to enter the profession. However, as fewer than 1% of the students we enrol have a suitability issue at this stage, we will propose a more targeted and efficient way of achieving this aim.

Similarly, we have previously sought to ensure competence at the point of admission by putting in place detailed and prescriptive requirements relating to the employment framework and the environment within which they work rather than the learning they achieve. These detailed requirements do not establish the ability of a provider to provide training to the quality and standard that we require. We consider it more appropriate to look holistically at the provider's resources and infrastructure to determine whether or not a provider should be approved for training purposes. We will propose a more outcomes-focused and targeted approach to regulating the two-year training period, therefore.

We will issue a consultation setting out our proposals for amendments to the existing training regulations by the beginning of 2014. The proposed changes will result in a far more streamlined set of regulatory requirements which focus on the essentials of our current education and training framework and state them in plain and clear terms. They will also provide greater flexibility for providers and potential entrants to the profession. We intend to implement agreed changes by the end of 2014.

An entity-based approach to education and training

We regulate entities delivering legal services. Our regulatory system extends to everyone employed in our regulated entities, not just to those with the qualification of solicitor. We will develop an approach to education and training that recognises that individuals operate within a regulated entity and that legal education and training is a continual process, not simply a mechanism for crossing a particular hurdle at the start of one's career.

All regulated entities are required by our Code of Conduct to train individuals working in their organisation to maintain a level of competence appropriate to their work and level of responsibility. However, we do not set formal training obligations except for solicitors and other regulated individuals. It is for the firm and the individual employee to determine any training required based on the individual's identified development needs and the firm's business and client needs. What we have done is to establish the role of the Compliance Officer for Legal Practice (COLP) and the Compliance Officer for Financial and Administration (COFA) to support our approach to entity-based regulation and by regulating those roles, to provide a clear link into the entities we regulate.

Once we have determined the framework for our new approaches to the award of the solicitors' qualification and to continuing professional development, we will explore the role that entities should play in ensuring effective CPD for solicitors. We will also explore whether any of our education and training requirements should be extended to specific individuals within entities. For example, is there an evidence base for requiring regulatory role holders such as COLPs and COFAs or those carrying out specific functions such as supervision of trainees to be subject to specific and targeted CPD requirements?

Our approach to the regulation of paralegals

Changes in the legal services market have resulted in significant changes to the structure of the legal services workforce and to the traditional role of solicitor. The LETR report highlights the emergence of a variety of new 'non-legal', hybrid and technician roles that are being developed within both conventional law firms and alternative business structures as well as the growing number of paralegal roles and the blurring of boundaries between the roles of the qualified solicitor and others directly involved in the delivery of legal services. The report points out that a central purpose of any regulatory system for professions must be to ensure

the competence of the workforce and this is a key objective for us.

The LETR report recommends that regulated entities must ensure that policies and procedures are in place to deliver adequate levels of supervision and training of paralegal staff and regulators must ensure that robust audit mechanisms provide assurance that these standards are being met. The LETR report concludes that there is no clearly established need to move to individual regulation of paralegals. We confirm that individual regulation of paralegals is not an objective for us at this point, but we must ensure that we have the right structures in place to ensure that everyone within our regulatory sphere who is involved with the delivery of legal services is competent to carry out their role in order to protect the interests of the public.

In order for us to consider our regulatory role in respect of paralegals, others within the workforce delivering legal services and solicitors undertaking specific functions or activities, we need to develop a more detailed understanding of the systems and practices in the range of entities that we currently regulate and determine who, in today's regulated entities, is accountable for ensuring that appropriate systems and processes are in place to train and develop the workforce. Undertaking this data-gathering exercise will be an immediate priority for our review and will inform discussions in the later stages of our review on how we might need to extend the scope of our regulatory approach to education and training to others within our regulated entities, not just solicitors.

Next steps and how to get involved

Our review will deliver a number of outputs by the end of 2014:

- We will publish a consultation on removing unnecessary regulations in relation to the existing training framework towards the end of 2013 or the beginning of 2014
- We will publish a consultation on our new scheme of continuing competence early in 2014
- We will publish a consultation on the competence framework for solicitors in mid-2014.

We will publish further details of our proposals in respect of other aspects of our review as they are developed.

We are mindful of the need to protect the position of those already in the existing system and the need to give adequate notice to the providers of legal education of any plans to change the requirements for prescribed courses. Although our work to reform the solicitors' qualification has already started and we may pilot or implement reforms at an earlier date, we can confirm that the current qualification structure will continue to be available as a route to qualification as a solicitor until at least the end of the 2017/18 academic year. We will publish further details about the impact of our reforms on those in the system and on education and training providers as we develop our proposals. We will also engage separately with education and training providers to discuss the impact of our plans on their authorisation with us.

We are committed to involving all of our stakeholders (students, prospective students, education and training providers, legal services providers, practitioners, the judiciary, other regulators, business and individual consumers of legal services) in discussions as we develop our proposals. We have already started to meet some key stakeholder groups to discuss the review and will continue to do so as our thinking develops.

The LETR report acknowledges that there was limited consumer engagement in the research phase of the review. It points out that the consumer perspective on legal services education and training remains underdeveloped and should be addressed by ensuring consumer input in the next phase of the review. We have taken steps to ensure that the consumer perspective

is properly captured through the supporting field work which has already commenced and that there is appropriate consumer input into this process. We will engage with key consumer groups, including the Legal Services Consumer Panel, and will seek advice from them on how best to ensure continued and ongoing consumer engagement as we develop our proposals.

We will issue a series of formal consultation documents setting out our proposals for change but we are also keen to maintain ongoing dialogue with stakeholders throughout the course of the review. Stakeholders will be able to keep up to date with the review through the dedicated pages of our website which can be found at www.sra.org.uk/t4t [[/sra/policy/solicitors-qualifying-examination/](#)]. Here you will find updates about our review, published documents, questions and answers and the opportunity to contact us directly about any aspect of the review. We will also be blogging and tweeting on key issues and we welcome your constructive thoughts and opinions.

Stakeholder input will also be critical to our initial field work with extensive quantitative and qualitative activities being undertaken which will require stakeholder input.

We will consider the impact of our proposals as they are developed and will publish impact assessments as appropriate. We will test our proposals against the regulatory objectives and our strategic principles to ensure they are aligned to our wider strategy and our regulatory obligations. We welcome feedback on the impact of our proposals throughout the review. This feedback can be sent to us through our twitter hashtag [#srat4t](#) or email us [[contact-us](#)].

Download the policy statement

Download Training for Tomorrow - Ensuring the lawyers of today have the skills for tomorrow (PDF 20 pages, 910K) [[globalassets/documents/sra/training-tomorrow.pdf?version=49a4a5](#)].