

Questions and answers

Updated 14 December 2022

Open all [#]

Do the continuing competence requirements apply to me if I work overseas?

Yes, if you hold a practising certificate.

How do you check for continuing competence?

As part of practising certificate renewals, we ask you to make the following annual declaration: 'I have reflected on my practice and addressed any identified learning and development needs'. All solicitors who have a practising certificate must make this declaration, whether they work in the UK or overseas.

We monitor annual declarations and use this information, alongside other data, to explore concerns around a solicitor's competence or standard of service. Where we see any issue, we may decide to engage with a solicitor or law firm.

We can also review training records, so it is important that you keep these up to date. See our template training record

<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/templates/> .

How long do I need to keep learning and development records for?

Our guidance makes clear that solicitors need to keep a record of how they have maintained their competence. It doesn't specify any particular minimum or maximum period for retaining training records. The fact that we might ask to see these records provides a basis for firms to process the data under the Data Protection Act 2018.

But firms will need to reach their own position about data retention in the light of the Act, our guidance around continuing competence and their own systems. But it is quite possible we may have concerns and therefore wish to make enquiries about how solicitors have maintained their competence in relation to matters which are older than 6 years.

If I am away from practice, for example on maternity leave, what should I do?

There is no need to do training while you are on leave (eg maternity leave, shared parental leave, adoption leave, extended sick leave or a sabbatical). However, you should reflect on your practice when you return to work,

identify any training needs and address them. For example, you may need to update your knowledge or brush up your skills.