

Review of the training records of solicitors practising in the youth court

14 December 2021

Youth court practice is often more challenging than other areas because it involves vulnerable young people and children. We require solicitors practising in the youth court to meet the standards of advocacy we and the public expect.

Solicitors must do this by maintaining their competence to carry out their role by keeping their knowledge and skills up to date. This involves regularly reflecting on their practice, identifying, and addressing their training needs.

We said that in summer 2021 [<https://www.sra.org.uk/sra/consultations/consultation-listing/advocacy/?s=c#download>] , we would review the training records of solicitors practising in the youth courts to help us better understand:

- If and how solicitors practising in this area are keeping their knowledge and skills up to date.
- Whether the training carried out addresses concerns raised by stakeholders that some solicitors do not keep their legal knowledge up to date or undertake vulnerable witness training.

We have now completed our review. Below we outline our findings, the key messages for solicitors and firms practising in this area, and what we will do next.

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Key findings

We contacted 122 firms to request the training records for solicitors who conducted advocacy in the youth court during the period 1 January - 31 December 2019.

We chose this period in the light of the impact of Covid-19 on the provision of advocacy in the youth court. During 2020, for example, some solicitors may have been furloughed and may not have been practising.

We analysed 364 records and found:

Most solicitors are taking steps to maintain their competence

We looked at whether solicitors' training records demonstrated that they had taken steps to maintain their competence by reflecting on their practice, identifying, and addressing training needs.

More than three quarters of the records we reviewed provided evidence that steps had been taken:

- 37 percent of records demonstrated that the solicitor had fully reflected, identified, and addressed their training needs.
- 39 percent records demonstrated that the solicitor had taken some but not all the steps we require to maintain competence. For example, most solicitors in this group had clearly taken steps to identify and address their training need but did not evidence that they had reflected on their practice.

However, 24 percent of records we reviewed did not evidence that any steps had been taken at all to keep knowledge and skills up to date through reflecting, identifying, or addressing training needs.

Most solicitors keep their youth court knowledge up to date

We found that 75 per cent of solicitors had completed training during the review period. Two thirds of these solicitors focussed their training on maintaining their legal knowledge of youth court practice and procedure.

Most solicitors did this by undertaking self-learning, for example, reviewing case law or changes in procedure or through external training, for example, listening to podcasts on aspects of youth court cases.

Less focus on dealing with vulnerable young people and children training

Whilst the total number of solicitors completing training was high, we found that only four per cent had carried out training in this area.

Challenges with reflection

We found that 39 per cent of solicitors had reflected on their practice.

Those solicitors that had reflected did so through informal and formal approaches. Informal approaches included discussions with colleagues on a particular matter resulting in a learning and development need, identifying changes in law, or reviewing a client file. More formal approaches included looking at their job specification or assessing their practice against our Statement of Solicitor Competence.

Variable record keeping

Almost all solicitors kept a training record. Examples of records included our continuing competence template, records developed by firms or records developed by training providers. Our review highlighted a mixed picture in how learning and development activity was recorded.

We reviewed some excellent training records. These comprehensively captured how the individual had reflected, identified, and addressed their learning and development needs. These records were often linked to a training record template that outlined the competencies in our Statement of Solicitor Competence or internal competencies bespoke to a firm or role. They also provided prompts for the individual to help the individual consider whether learning and development was required.

However, most records were simply a record of training undertaken, for example, the name of the course and when it was completed. There was limited evidence to demonstrate if and how the individual had reflected on their practice nor why the learning and development was required.

Key messages for solicitors and firms

All solicitors and firms practising in the youth court should make sure that:

- **You meet your regulatory obligation to maintain competence**

[<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>]

Our continuing competence [<https://www.sra.org.uk/solicitors/resources/cpd/tool-kit/continuing-competence-toolkit/>] and youth court

[<https://www.sra.org.uk/solicitors/resources/cpd/youth-court-advocacy/>] resources provide support on how solicitors and firms can keep skills and knowledge up to date. We will also publish wider advocacy resources in early 2022 to provide further support.

- **Skills for engaging with vulnerable young people and children are up to date**

Effectively engaging with vulnerable young people and children is key to effective representation in the youth court. If a training need is identified, you need to address this as a matter of priority. We will publish resources in early 2022 to help solicitors engage effectively with vulnerable young people and children. Resources from training providers are also available to help meet your training need.

- **You are aware of your individual strengths and weaknesses**



Reflection is key to maintaining competence. It involves creating opportunities to step back from your practice to consider how you are performing and whether improvements are required. We recognise that some solicitors find it difficult to make time to reflect. Reflection does not need to be separate from a solicitor's core work. The approaches used by solicitors who had reflected in our review were part of their day-to-day work.

Our continuing competence resources

[<https://www.sra.org.uk/solicitors/resources/cpd/tool-kit/identify-learning-development/>]

provide help on how to reflect

- **You keep training records to demonstrate what you have done to stay competent**

Maintaining a training record demonstrates to us that steps have been taken to keep your knowledge and skills up to date. Firms should consider whether training records could encourage more reflection. Solicitors are encouraged to capture in their training record how they have reflected, identified, and addressed their training needs rather than just the training they completed

What we will do next

Following our review, we have:

- Referred four firms who neither provided training records or confirmed to us that they did not practise in the youth court into our enforcement processes because of non-cooperation.
- Contacted those individuals who submitted a training record that did not fully meet our continuing competence requirements. We have:
 - Reminded them of their regulatory obligation to keep their professional skills and knowledge up to date.
 - Reminded them to fully document their reflection, the learning and development needs they have identified and how they addressed them.
 - Provided links to our resources to help them keep their professional skills and knowledge up to date.
 - Required them to submit to us in August 2022 their training record for the period January – July 2022. This will enable us to check whether each solicitor is taking steps to comply with their regulatory obligation to keep their knowledge and skills up to date.

In addition, we will:

- Update our continuing competence training record template. The exercise demonstrated that many solicitors use our learning and development template to help document their learning. We will make it clear in the template that we expect solicitors to reflect on their practice and include prompts to help them do this.
- Develop resources for solicitors on how to better reflect on their practice. This will include information on why reflection is important and strategies on how to do it, for example, seeking 360-degree feedback from colleagues and clients.
- Promote our continuing competence resources and work with solicitor representative groups. We will also promote our advocacy resources once published.
- Work with advocacy training providers to share our findings and to consider how they reflect our continuing competence requirements in any material they produce.
- Review training records of solicitors practising criminal advocacy in the Magistrates and Higher Court in summer 2022. This will help us understand if and how solicitors in this practice area are keeping their skills and knowledge up to date.