

Future structure of the Legal Practice Course Consultation

Objectives of the consultation

1.1 Over recent years, work has been carried out to develop proposals for the Legal Practice Course (LPC). The aim of this consultation is to obtain views on proposals in several areas:

- Managing the disengagement of electives from the compulsory LPC
- Granting exemptions from part or parts of the LPC
- The more permissive approach to be taken to the framework within which LPCs will be considered for approval and the complementary monitoring process
- Information to potential students about choices in selecting LPC courses

The Solicitors Regulation Authority (SRA) is keen to develop a system for qualification as a solicitor that is flexible but rigorous and which is in line with our regulatory role. The LPC plays a key role in the qualification process, and we are keen to hear views on the proposals contained in this consultation from as many stakeholders and interested parties as possible.

The consultation period closes on 21 May 2007. For guidance on how to respond, see paragraphs 6.1 and 6.2 below.

1.2 The outcome of the consultation will be considered alongside the deliberations of a working party that has been established with the following remit:

- Consideration of the areas currently covered on the LPC, including the balance between knowledge and skills, to ensure appropriate emphasis and coverage
- Consideration of the appropriateness of developing for implementation by LPC providers a learning and teaching strategy for writing and drafting, practical legal research, advocacy, and interviewing and advising
- To make proposals to revise the LPC written standards to take account of changes to law and practice, incorporation of the 'day one' outcomes, and the recommendations of the working party
- To advise on the implementation date of the revised written standards and any changes to the learning, teaching and assessment strategies
- To report proposals to the LPC conference in June 2007

We anticipate that the Education and Training Committee and the SRA Board will take final decisions on the working party's proposals in Autumn 2007. The working party's membership includes practitioners, LPC providers, a young solicitor, a member of the representative Law Society and a lay member.

Our plan is for the newly defined LPC to be implemented by all providers in September 2009, although there would be no objection to providers seeking authorisation to run the new LPC from September 2008. New authorisation and monitoring processes will be devised.

- 1.3 Annex 1 deals with the background to this consultation and the context of the pre-qualification review.¹

Proposals for the LPC

Disengaging the electives

- 2.1 Under the current LPC regime, the elective subjects allow students to study areas of law that are of interest to them and to future employers, and they also give students the opportunity to consolidate and enhance skills learned during the compulsory part of the LPC. The electives must be passed before the LPC as a whole can be satisfactorily completed and a training contract registered.
- 2.2 “Legal Practice Course: Framework for authorisation, delivery and assessment” proposed that the trainees should have the option of studying elective subjects independently from the compulsory subjects.² This could promote flexibility for students, as it would enable students to study the compulsory subjects with one provider and the electives with another, perhaps during a period of work based learning.
- 2.3 To facilitate the disengagement of the electives, a new definition of the LPC would be created so that all students could start a training contract after successfully completing the compulsory part of the LPC. Subject to any changes emerging from the LPC working party, the compulsory part of the LPC would continue to comprise the following subjects:
- Business Law and Practice
 - Litigation
 - Property Law and Practice
 - Advocacy
 - Interviewing and Advising
 - Practical Legal Research
 - Writing and Drafting
 - Professional Conduct and Financial Services
 - Business Accounts
 - Solicitors Accounts
 - Probate and the Administration of Estates
- 2.4 The three elective subjects would then be completed under regulation 14(3)(iii) of the Training Regulations 1990, which states that, during a training contract, a trainee must satisfactorily complete “the Professional Skills Course and such other course or courses as the Society may from time to time prescribe”.³ The electives would be regarded as “such other courses” under that regulation. Therefore, the electives would not be part of the newly defined LPC.

¹ www.sra.org.uk/consultations/161.article#download

² www.lawsociety.org.uk/documents/downloads/becominglpcframework.pdf

³ www.lawsociety.org.uk/documents/downloads/becomingtrainingregs1990v12004.pdf

- 2.5 Passing the elective subjects would still be a compulsory part of completion of the vocational stage of training. These 'vocational electives' could be studied
- immediately after the newly defined LPC (as currently)
 - before, during or after the related work based learning experience, either one by one or in a block of three
 - at the end of the period of work based learning

This approach envisages that the vocational electives would not normally be undertaken before the LPC.

However, some undergraduate providers might see opportunities to develop electives that meet the required standards for vocational electives but which are studied by students at the academic stage. Some students might view studying a vocational elective as part of their degree studies as an attractive option.

- 2.6 Generic outcomes for the vocational electives would be developed, and providers of the vocational electives would need to ensure that the relevant legal skills were incorporated into the electives.
- 2.7 The SRA will implement a process to ensure that records are maintained of the successful completion by individuals of the vocational electives.

Benefits of disengaging the electives from the LPC

- 2.8 Currently, students study the LPC as a 'package' of the compulsory subjects, skills, pervasives and three elective subjects – over a period of one year or two years, depending on whether the LPC is undertaken on a full-time or part-time basis. Studying the electives with a gap after the compulsories might be attractive to those students who wish to spread their study, and indeed the cost of that study, over a period longer than the normal one-year full-time or two-year part-time course.
- 2.9 Separately, some students and training establishments might see the benefits of trainee solicitors studying the elective(s) before embarking on the relevant seat or work experience during the period of work based learning.
- 2.10 Some firms may wish to be authorised to deliver electives to their trainee solicitors so that the elective(s) can be specifically tailored to the firm's work and clients. LPC providers will have the opportunity to develop their LPCs and elective subjects specifically to suit their student market and potential employers of their students. The market will develop to meet any unmet need in the provision of the vocational electives.
- 2.11 It will remain entirely possible for students to complete the electives immediately after the 'compulsory' LPC, and, indeed, this may continue to be the preferred route for many.

Risks of disengaging the electives from the LPC

- 2.12 The current LPC is generally seen as a transactional and coherent course. During the first part of the course, students study the compulsory subjects, during which the skills of practical legal research, writing and drafting, interviewing and advising, and advocacy are taught and often assessed. The

elective stage of the course gives students the opportunity to consolidate and improve their knowledge and skills, so that, by the time they conclude the course, they are seen as 'rounded' and ready to commence the period of work based learning. Firms may need to adjust their expectations of the early performance of newly arrived trainees.

2.13 The route to qualification after completion of the academic stage of training is clearly understood as

- the LPC,
- serving under a training contract
- satisfactory completion of the Professional Skills Course

A possible risk of disengaging the electives is that students, employers and other interested parties could become confused about the component parts of the vocational stage of training and about when those parts must be completed, especially in the initial stages of implementation. The SRA would need to ensure that accurate and appropriate information was available – to students, the profession and other interested parties – to enable relevant decisions to be made.

2.14 On balance, the SRA sees the benefits of these changes as outweighing the potential risks. We would seek to mitigate the potential risks.

Questions

Do you agree with the principle of offering to students the choice of disengaging the electives? Is studying the electives separately from the compulsory subjects likely to be a popular option? Please give reasons for your answer.

Would disengaging the electives create any problems in relation to institutions making awards to students on completion of the newly defined LPC?

To what extent, if any, would training firms need to adjust their management of trainees arriving immediately after the compulsory part of the LPC? Is this at all likely to lead to perceptions of a two-tier system (those who are able to study the course at once, and those who are not able to do so)?

Should there be a requirement for the electives to be undertaken only after completion of the LPC? Or could an elective be studied, for example, as part of a degree or masters programme before completion of the LPC?

Exemption from part or parts of the LPC

3.1 The framework document states that individual students should be able to apply to the SRA for exemption from part or parts of the LPC. Currently, no exemptions are permitted from the LPC.⁴

3.2 The SRA would determine applications on an individual basis. Exemptions would only be granted to students who had passed examinations/assessments covering learning outcomes equivalent to the part(s) of the LPC from which exemption was sought. Criteria to be used when determining exemption

⁴ www.lawsociety.org.uk/documents/downloads/becominglpcframework.pdf

applications would be published. The SRA will ensure that records are maintained in relation to those students who have been granted exemptions.

- 3.3 Providers would not be obliged to accept students who had been granted exemptions, although the SRA would encourage them to structure courses to enable students with exemptions to be accommodated.
- 3.4 The range of potential exempting qualifications is not clear, and work is ongoing to determine the qualifications that might qualify for exemption. However, it is likely that exemptions might be available for Business Law and Practice, Litigation and Advocacy, and Property Law and Practice. It may not be appropriate for exemptions to be given in relation to the skills.

Benefits of granting exemptions from part or parts of the LPC

- 3.5 Provision of exemptions will give flexibility to students, especially those who are following a non-traditional route to qualification. Such students would not be required to spend time and money studying a subject for the LPC if they had already secured the necessary training outcomes in another route.
- 3.6 There would be a further financial benefit to students if providers charged fees according to the subjects studied.
- 3.7 Students who obtain qualification(s) that gain LPC exemption would be able to enjoy a decreased assessment burden when completing the LPC.

Risks of granting exemptions from part or parts of the LPC

- 3.8 If students were granted exemptions from part or parts of the LPC, it might be that the course would effectively become modularised and its perceived coherence and pervasive nature lost.
- 3.9 Students would apply to the SRA for exemption(s), which would attract a fee for processing the applications, giving rise to some additional cost to the student.

Questions

Do you agree with the principle that the SRA should be able to grant exemptions (on the basis of criteria to be developed) from parts of the LPC? Please give reasons for your answer.

What benefits or problems do you envisage in relation to the design and delivery of the LPC, if students were to be able to obtain exemptions from (a) the compulsory subjects, and (b) the skills?

Can you identify any qualifications that might appropriately make students eligible for exemption from part or parts of the LPC?

The SRA's regulatory role and the LPC

- 4.1 Since its introduction, the LPC has been closely regulated, both in terms of ensuring the quality and standards of the courses being delivered in England and Wales and through the parameters determined in relation to such resource matters as staff-student ratios and accommodation.

- 4.2 It is now proposed that the SRA should relax requirements in relation to resources with a view to giving providers greater freedom and flexibility to deliver their courses. As the framework document states, the key regulatory role for the SRA is to achieve consistency of the learning outcomes and demonstration by candidates of the **standards** required for qualification, rather than to ensure that all LPC students have a precisely equivalent **experience**.⁵
- 4.2a However, the SRA would consider, during the authorisation process, whether the proposed courses will be resourced adequately, and it would monitor all courses during their delivery. All providers would need to be specifically authorised to deliver the newly defined LPC. A monitoring process will need to be developed, and may focus on such matters as assessment strategy and resources in order to ensure consistency of outcomes and achievement of minimum standards by students.
- 4.3 A benchmark would be set in relation to the minimum notional learning hours the typical student would be expected to undertake to achieve the learning outcomes for the course. But there would be no specification of the number of contact hours required. However, providers would be required to publish a wider range of details of, for example, the teaching and contact hours on their courses and expectations with regard to independent or student directed learning. No required length of the LPC would be prescribed.

Benefits of relaxing the SRA's regulatory role

- 4.4 Providers would have freedom to design and deliver their courses free of the current constraints operated by the SRA, and so would be better able to cater for a wider range of preferred learning styles.
- 4.5 Students would be able to choose to study an LPC from a more diverse range of courses than is currently available. They would need good and objective advice on the factors to consider when making choices.
- 4.6 Of course, deregulation and consequential stronger competition would increase the pressures on the less successful providers. Over time, such changes could be expected to lead to better provision for students overall.

Risks of relaxing the SRA's regulatory role

- 4.7 Some LPC providers have said there might be a risk that the quality and standards of the courses might suffer, as some institutions may reduce the level of resourcing for the LPC in light of reduced regulation by the SRA.

Questions

What opportunities or risks do you envisage for course providers in the relaxation of the regulatory requirements?

What are the potential benefits or disadvantages for students?

⁵ www.lawsociety.org.uk/documents/downloads/becominglpcframework.pdf

What areas or issues, if any, should be covered by mandatory requirements laid down by the SRA and why?

Provision of information to students and other stakeholders

- 5.1 Students (and other interested parties, such as employers) will need to be able to access accurate and relevant information so that they can make informed judgements about which course would best suit their needs. There will be an onus on the SRA to produce clear accessible information about what is required and the options available to students.
- 5.2 As stated earlier in this document, providers will need to publish details of the teaching and contact hours and expectations with regard to independent or student directed learning. Providers will also need to provide information relating to resources, including the size and expertise of teaching teams.

Questions

In the light of the proposals made earlier in this document, what aspects of the proposals might cause confusion? How should any scope for confusion on the part of students and potential students about what is being required of them be minimised?

What information do you think the SRA should provide to students and other interested bodies, and through what channels?

What information do you think providers should be required to make available?

Responses to the consultation

- 6.1 Responses to this consultation should be submitted by 21 May 2007. They should be sent to trainingconsultations@sra.org.uk. There is no prescribed format for responses.
- 6.2 Please ensure that you complete and submit an **About you** form along with your consultation response. The **About you** form is available to download.⁶
- 6.3 We anticipate that final decisions on the LPC will be taken by the Education and Training Committee and the SRA Board in Autumn 2007 – with a view to implementing the newly defined LPC in September 2009. If providers wish to implement the new LPC in September 2008, they should contact the SRA's Education and Training Unit.

⁶ www.sra.org.uk/consultations/161.article#download