

Moving forward with a new framework for work based learning

Education and Training Unit

Last updated: 25/10/2007

The Solicitors Regulation Authority (SRA) recently issued a second consultation on a new framework for work based learning. The consultation built on proposals to replace the training contract with an assessed period of work based learning based on a set of clearly defined competence standards. The feedback we received from the second consultation was extremely valuable and has helped us to chart a clear way forward.

Our original proposals suggested two clearly defined routes to qualification: one for trainees in an accredited training firm and one for trainees who were not in an accredited training firm but who were gaining appropriate legal experience which could count towards qualification. We planned to develop a method for assessing the competence of trainees on both routes through an online portfolio. We also proposed that trainees, who were not employed in an accredited training firm, should have the opportunity to be assessed by the SRA prior to qualification.

We received 60 responses to the consultation, mainly from larger firms and organisations, and were encouraged that the majority of respondents continued to support the key objectives of the proposals: the introduction of an assessed period of work based learning based on a clearly defined set of competence standards and the opportunity for LPC graduates with relevant, practical, legal experience to seek qualification without the need for a training contract. We had hoped to receive more responses from smaller firms and individuals involved in the training process, and we will continue to seek feedback from these groups through the pilot development phase.

Our proposed standards for the period of work based learning incorporated contributions from a range of stakeholders. We are pleased that consultation responses indicated broad assent that these standards reflect the level of competence which should be achieved by trainee solicitors during the period of work based learning. A key concern, however, was how it might be possible to assess trainees against the standards. It was suggested that we should undertake further work to develop clear guidance on how the standards might be applied and demonstrated in practice.

Other concerns raised through the consultation included the following:

- Many respondents were unconvinced that a standard portfolio tool would be desirable or that a portfolio was the only, or indeed an effective, method of assessing trainees against the standards.

- Respondents reiterated the concerns already expressed in the first consultation that two separate routes to qualification could result in a “two tier” qualification.
- Firms, in particular, were concerned that too much prescription by the SRA about the learning and assessment to be undertaken by trainees during the period of work based learning would result in an inflexible and overly bureaucratic system which did not recognise the fact that the majority of training establishments have in place well established training programmes and are training their trainees to a high standard.

The SRA Board has considered all of the feedback received through the consultation exercises and shares, in particular, the concerns about creating a two tier profession and the need to avoid overly bureaucratic and inflexible requirements for firms responsible for training solicitors. The SRA Board remains committed to the requirement that all trainees should complete a period of assessed, practical, legal experience prior to qualification. This will ensure that anyone qualifying as a solicitor will

- have opportunities to practice legal and professional skills in a working environment
- have opportunities to develop and demonstrate the necessary practical and legal skills required to qualify as a solicitor
- be exposed to practical solutions and problems in a supported environment
- have reached a required standard of competence
- have developed an understanding of ethical principles and issues in practice in a supported environment
- have developed their knowledge and skills in a range of areas including contentious and non contentious work
- have opportunities to reflect on and improve their performance in the work place prior to qualification

We will achieve this through transparent, proportionate and consistent regulatory requirements and the avoidance of unnecessary prescription. The SRA's role in the new framework for work based learning is to set and enforce standards, rather than to prescribe or provide assessment tools and methodologies.

The Board has agreed to continue to move towards the launch of a pilot scheme but will not develop a standard portfolio or assessment tool, and will not seek to provide assessments itself. The new scheme will focus on one set of common standards to be achieved by all trainees prior to qualification rather than on the way or the route by which these standards are achieved. This “outcomes” based approach is at the heart of the SRA's education and training strategy and will provide flexibility to accredited employers of trainees to continue to develop and design their own training programmes for trainees. In addition to their training programmes, firms will need to demonstrate that they have assessed their trainees against the work based learning standards, but the method and means of assessment will be up to the individual firm—provided it meets the standards set by the SRA.

Where firms do not wish to develop an in house accredited learning and assessment process in-house but are happy to support their employees through to qualification as a solicitor, we plan to offer one or more accredited professional learning and assessment organisations to provide the framework for the learning and assessment—again to standards set by the SRA.

This does not mean that individuals will be able to work towards qualification without the knowledge or support of their employer or that the employer will not have a role to play in the process. Employers will still need to support trainees through qualification and verify their performance along the way. It will, however, mean that individuals who are not in a training contract (but who are working in an appropriate legal environment, supervised by a qualified solicitor, and with the support of their employer) can seek to qualify as a solicitor, with the framework for their learning, additional support and the overall assessment provided by an external organisation. This approach should encourage firms who wish to support their employees through to qualification but who do not have the time or resources or inclination to develop structured training programmes or undertake assessments, to work with external assessment organisations who will be able to provide this on their behalf. The use of professional learning and assessment organisations, who will be required to assess trainees against the same standards as the firms assessing trainees in-house, should allay fears about a reduction of standards and a two tier profession.

This outcomes-based approach means that the content of learning and assessment programmes may vary considerably, as it does now, depending on the environment in which the trainee is employed—but the SRA will play a key role in ensuring that the outcomes achieved reach the required standard and are being consistently applied. This will be achieved through a robust approval and inspection regime for anyone seeking to train and assess trainee solicitors.

Our pilot scheme for the outcomes-based approach will be based on the following key principles:

- There will be **one route to qualification and one common standard** for the period of work based learning—anyone wishing to qualify as a solicitor will be assessed against this standard;
- The new framework will offer **flexibility to solicitors' firms/organisations** to develop and implement their own learning and assessment strategies if they wish to;
- The new framework will offer the **opportunity to trainee solicitors to contract, if they wish, with an external provider** (with the support of their employer) to provide the learning and assessment framework;
- The SRA will be **non-prescriptive about the content and format of learning and assessment tools**;
- The SRA will **set the principles and standards for learning and assessment strategies** but will not provide assessments itself;
- The SRA will **validate and inspect** solicitors' firms/organisations and external assessment organisations to develop and deliver learning and assessment strategies;
- Through the validation and monitoring system, the SRA will **ensure standards, fairness and consistency of the learning and assessment process**.

We have already started to talk to stakeholders about moving forward on the basis of these principles—initial reactions have been favourable. We are confident that we now have a sound basis for developing a pilot scheme which addresses the concerns raised during the consultation process and enables us to achieve our desired objectives.

Over the next few months, we are planning to develop guidance to support the work based learning standards, as suggested by many in the consultation process. We will also develop standards for firms and organisations who wish to assess trainees, and will explore ways in which we can fulfil our regulatory role by approving and inspecting firms and learning and assessment organisations to ensure standards and consistency. We will, of course, continue to seek feedback from stakeholders as we develop these standards and will aim to provide a further update on progress with the development of the pilot scheme early in the new year.