



## Analysis of responses to the 'future structure of the LPC' consultation

Education and Training - Policy  
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## Why we consulted

The Solicitors Regulation Authority (SRA) consulted on proposals for developing the Legal Practice Course (LPC). We sought views on:

- managing the disengagement of electives from the compulsory LPC
- granting exemptions from part or parts of the course
- the more permissive approach to approving and the monitoring courses
- information to potential students about selecting courses.

The consultation, published on the SRA website, ran for three months from Wednesday 21 February 2007. Key stakeholders, including the Law Society and LPC providers, were directly invited to make a response.

## The current position

The SRA is keen to develop a system for qualification as a solicitor that is flexible, rigorous and in line with our regulatory role (see our strategy and first-stage implementation plan at [www.sra.org.uk/about/strategy](http://www.sra.org.uk/about/strategy)).

The LPC review is one of three strands of SRA work in developing pre-qualification vocational training. The others are the work based learning project (i.e. changes to the current training contract) and the assessment in professional responsibilities.

In May 2006, the Law Society Regulation Board (as the SRA was then known) published a framework for LPC authorisation, delivery and assessment. The framework document articulated the principle that course regulation should promote greater flexibility for LPC providers in design and delivery and, correspondingly, greater choice for students.

Responses to the framework document were received from the Law Society, LPC providers, firms and other representative organisations. Discussions also took place with providers, SRA staff and members of the SRA's Education and Training Committee. This consultation aimed to formally capture stakeholders' views.

The SRA Board considered advice from its Education and Training Committee and decided that the newly defined LPC must be implemented by all providers in September 2010, and providers who wish to do so may apply to operate against the new content and outcomes from September 2009. New authorisation and monitoring processes will be devised.

## Note on methodology

Recent consultations conducted by the Education and Training Unit have utilised the Cogix online questionnaire software. This has performed well both in terms of encouraging responses and helping to ensure more people answer each question within a consultation.

This consultation instead invited more traditional, narrative responses and as a result many of the later questions were not answered. A number of respondents made narrative-style comments which are not easily capturable in a quantitative analysis, and some questions were not answered.

## Summary

Fifty-nine stakeholders responded to the consultation. Most were from LPC providers and firms or organisations taking trainees.

Following the consultation exercise, LPC providers had the opportunity to discuss the proposals in detail at their conference in May. Some additional input resulted which has been combined into this analysis of the main consultation responses.

These additional responses were worked into this analysis as if they were made in the formal consultation period. However, their responses tended to focus on elective disengagement only; most did not comment on exemptions, the SRA's regulatory role, or information provision. In total, 20 LPC providers gave feedback on the proposals.

The Law Society was one of three representative groups that responded. The Legal Complaints Service also made a response.

Overall, a small majority of respondents did not believe that students should have the opportunity to study electives separately. Firms were equally split, but a majority of LPC providers were against elective disengagement. Respondents believed that disengagement would cause problems for institutions when making awards, and that firms would have to adjust their management systems if trainees arrived having passed the core LPC but without completing any electives. Also, most people foresaw a two-tier system arising and were against study of electives being permitted prior to the core subjects.

Although only a small proportion of respondents stated outright that they did not favour the principle of exemptions, the majority saw at least some level of potential difficulty with this aspect of the proposals. Few saw any benefit, either in terms of compulsory subjects or skills exemptions. Where suggestions were put forward for appropriate qualifications, ILEX was the most frequent.

A small majority saw risk in regulatory relaxation, mostly in terms of some lowering of the quality of courses already on offer, and encouraging new providers who may take advantage of the more permissive approach to offer low-cost, low-quality courses. Most respondents also saw disadvantages for students due to confusion over the choices on offer, and an uneven training contract recruitment situation.

On the whole, stakeholders put forward many areas where they felt the SRA should set out mandatory requirements. They mainly suggested staff/student ratio, entrance and assessment criteria, class contact, group session and learning hours, disclosure of information and course length.

When asked specifically, respondents again expressed concern about new options causing confusion amongst students. They mainly saw information provision, by the SRA and providers, as the only mitigation. They indicated that a range of course information should be provided by both the SRA and providers, along with additional advice on how to secure a contract, what different firms' requirements would be, and guidance on routes and exemptions.

The following proportions are expressed as a percentage of all respondents.

### [Elective disengagement – principle and popularity](#)

A small majority disagreed with the principle that students should have the opportunity to study electives separately (51% of all respondents). Firms were equally split; over two thirds of academic institutions were against elective disengagement. The majority did not give an opinion on whether or not separate elective study would be popular; of those that did, most thought that it would be a popular option (19% of all respondents).

### [Elective disengagement – any problems awarding students?](#)

A very small majority felt that making awards to students could prove problematic (19%) – most of them were LPC providers. Less than 10% of all respondents felt that it would not be a problem.

### [Elective disengagement – would firms need to adjust trainee management? Will a two-tier system arise?](#)

The majority felt that firms would need to make adjustments to their management of trainees if they arrived after the compulsory part of the newly defined course (31%). Only two respondents felt that there would be no need to adjust trainee management. Reasons given included having to lower expectations of new trainees, more management and training obligations, and having to begin training contracts earlier.

### [Elective disengagement – timing of electives study](#)

The majority of respondents were against electives being studied before a redefined core LPC (36%). Only one person thought it should be allowed during the academic stage, with six of the belief that they could take place at any time.

### [Should the SRA grant exemptions?](#)

A small majority of respondents were, somewhat cautiously, in favour of exemptions (32%). 40% of firms were against allowing exemptions. However, providers were more in favour, with 36% either saying 'yes', or agreeing cautiously.

### [Exemptions – potential problems in course delivery](#)

Most respondents saw problems if students could gain exemptions from compulsory subjects (27%), with only five respondents perceiving potential benefits. They thought that problems would arise with course management, and a lack of coherence.

Firms saw few benefits and several problems with exemptions from skills. Academic institutions did not see how skills exemptions could be appropriate, and that modularisation of the course would be the only way to allow it.

### **Appropriate qualifications for exemptions**

FILEX, Licensed Conveyancers, accountants, the BVC, and the Police Station Accreditation Scheme were the most common suggestions for qualifications that could appropriately make students eligible for exemption. Eight respondents (14%) thought that exemptions would not be appropriate.

### **Opportunities/risks for providers**

A small majority of respondents (25%) saw risks in regulatory relaxation. Firms saw risks of a decrease in standards of delivery and quality, cutting of resources, and wanted the SRA to set core minimum standards.

Providers were concerned about potential reduction in quality and standards of teaching and resources, and the standards of new providers who might deliver the minimum course with minimum resources to boost profitability.

### **Benefits/disadvantages for students**

A small majority (15%) saw potential disadvantages for students if regulatory requirements were relaxed, and a similar proportion (14%) saw both benefits and disadvantages.

Firms foresaw some students feeling overwhelmed by too much choice and not enough guidance, that courses may be reduced to the bare minimum, that recruiters could prefer students who had completed the whole LPC with some struggling to find employment, and that those who were taken on could start ill-prepared and at a disadvantage.

Providers were also worried about student confusion as to which providers to choose, the springing up of cheaper “sub standard” providers and the possible emergence of a two tier system.

### **What areas should the SRA regulate?**

Stakeholders thought that the SRA should set down mandatory requirements for entrance and assessment criteria, staff student ratio, notional learning hours (with a set amount for skills), minimum class contact hours, monitoring regime and grading criteria, basic skills and pervasive subjects, physical resources, a set period for completion, providers disclosing exact course content, compulsory attendance for small and large groups session work, consistency in training regulations and course length.

### **Where might the proposals cause confusion?**

Stakeholders saw more routes to qualification, range of choices, the perception of easier qualification, assessing standard and quality of provision, a two-tiered system, practicalities of disengaging the electives, and exemptions as causes of confusion for students

Clear SRA guidance and information on course content, routes, structure, costs, firms' requirements, lists of available exemptions, restrictions on available courses and/or reliable careers advice were seen as ways of minimising confusion.

### What information should be given, and how?

Stakeholders suggested a wide range of information that they believed the SRA should provide, mainly relating to:

- the course itself (i.e. hours training/learning certain areas, teacher qualifications, teacher/student ratio, how subjects are taught, types of course, class contact hours, the learning commitment on the student, physical resources & accommodation)
- the likely requirements of employers (e.g. city firms not considering pre-LPC electives)
- the reputation and credentials of providers (grading reports, pass rates, proportions of students offered training contracts, drop out rates)
- routes to qualification,
- available exemptions and how to apply.

The SRA website, a dedicated telephone advice line, hard copy information, law fairs and roadshows, info packs for university careers services, other media (e.g. Lawyer2B), and a press campaign were suggested as communication channels.

### What should providers be required to make available?

Relatively few respondents made suggestions, but those that did had many to put forward – they included:

- course information (structure, length, pros and cons for different approaches, pass rates, numbers attending, teaching methods, tutor/lecturer qualifications, fees and financial information, destination of students, nature of lessons, staff student ratio, resources and facilities, class contact/distance learning time, time spent on core subjects, notional learning hours, modes of learning/delivery/attendance available, explanation of learning methodology, student support strategy, curriculum/programme outlines, assessment strategy, expectation of independent or directed learning)
- information on how best to secure a training contract, by when and by what means, and studies for those yet to find one
- how to gain exemptions
- SRA monitoring reports.

### Overall views and other comments

In additional comments, seven stakeholders (12% of all respondents) indicated their support to the general thrust of the changes put forward. 14 respondents (24%) clearly indicated at various points in the consultation that they were not in agreement with the proposals.

## Profile of respondents

Responses were received from a total of 59 stakeholders, 51 during the consultation period, and another eight some weeks afterwards. The latter set of comments were not formal responses but were included in this analysis as they were made by LPC providers.

The majority of responses – over 40% – were made on behalf of a firm, commerce and industry organisation, local government or the Government Legal Service. Only five responses were made on an individual basis.

Over a third of responses came from academic institutions; two of these were from institutions which do not offer the LPC. As 33 providers are currently authorised, the response rate amounts to less than two thirds of LPC institutions.

No students responded, nor did the two main bodies that represent new solicitors and trainees – the Trainee and Young Solicitor Groups (TSG and YSG).

The Law Society was one of the three representative groups that responded.

fig 1 *respondent's capacity*

		no. in group	% of all responses
organisation	firm	25	42%
	academic institution	22	37%
	representative group	3	5%
	local law society	2	3%
	Legal Complaints Service	1	2%
	UKCLE	1	2%
individual	paralegal/legal officer	2	3%
	trainee solicitor	2	3%
	solicitor	1	2%
<b>total</b>		<b>59</b>	



## Elective disengagement – principle and popularity

### Question 1

**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.**

### Principle

A small majority disagreed with this principle. Firms were equally split - 50% of firms said yes, the other 50% said no. LPC institutions mostly thought that there should not be disengagement – 68% were of this view.

fig 2 q1. do you agree with the principle of offering the choice of disengaging electives?

	no.	% of all respondents
yes	24	40.7%
no	30	50.8%
maybe	2	3.4%
no answer	3	5.1%
total	59	

There was recognition of the need for robust SRA authorisation and monitoring processes and a repeated view was that the electives should not be completed before the compulsory LPC.

There were strong statements from the firms that they may prefer to recruit trainees who have completed compulsory and elective stages, due to:

- time spent out of the office on studying elective subjects
- the possible effect on client care
- the learning and training that students already undertake at this stage of their vocational training
- the need for firms to reduce their expectations of trainees who have not studied electives
- complexity of dealing with a range of people with different levels of qualification
- potential difficulties with organising trainees' seat rotations.

The firms also noted the benefits of concentrating on the components of the training contract, and potential difficulties in 'partially qualified' LPC students in the jobs market. However, the firms who were supportive welcomed the greater flexibility on offer, the opportunity for trainees to learn elective subjects during the contract, and the chance to tailor subjects to meet particular practice areas. It was stated that the larger firms would be more likely to welcome disengagement.

LPC providers voiced concerns about:

- student consolidation, achievement, progression and learning experience
- the effect on more disadvantaged and weaker students
- fears of a two tier system of education and training
- increased delivery costs
- planning elective subjects without knowing student numbers until late in the academic year
- having to charge more for discrete elective courses
- decrease in access to the profession
- students making the wrong choices.

Some academic institutions welcomed the chance to offer disengaged electives, because of the financial and time benefits for students, especially part timers. However, most of those who agreed with the principle were still cautious and noted practical disadvantages.

### Popularity

Most respondents chose not to answer this part of the question. Of those who did, a small majority thought that separate elective study would be a popular option. The solicitor who responded thought that it would be popular with students, but not with firms.

fig 3 q1. is separate elective study likely to be popular?

	no.	% of all respondents
yes	11	18.6%
no	6	10.2%
hard to say	6	10.2%
for students, not for firms	1	1.7%
no answer	35	59.3%
<b>total</b>	<b>59</b>	

Reasons for popularity included:

- increasing relevance of training for particular firms
- costs reduction in studying core first, then awaiting the training contract to see what areas they'll be working in
- speeding-up the qualification process
- creation of a break in practice
- allowing innovative study programmes, such as hybrid study/practice courses.

## Elective disengagement – any problems awarding students?

### Question 2

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

Over half of respondents did not give an answer. Of those that did, a very small majority felt that making awards to students could possibly prove problematic. Less than 10% of all respondents felt that it would not be a problem.

fig 4 q2. problems making awards?

	no.	% of all respondents
yes	10	16.9%
no	5	8.5%
possibly	11	18.6%
no answer	33	55.9%
total	59	

Thirty-two per cent of the LPC providers felt that there would be problems in making awards – seven providers felt this way.

One felt that disengagement “*would move the LPC further away from the length and depth of a standard postgraduate masters course.*” Another felt that the new course would “*attract the qualification of ‘certificate’ rather than ‘diploma’*”, and that later upgrading on completion of electives would not be possible as it would “*involve a double-counting of the credits that make up the certificate*”.

The Bristol Institute of Legal Practice felt that providers would have to seek an internal review of the credits awarded to a newly defined course. They also noted a further problem if student took core and electives at different institutions and wanted credits transferred, a view echoed by De Montfort law school. Both BPP and the College of Law thought that it would not prove a problem to them.

Several providers had concerns about allowing students to study electives at a mix of providers, for reasons including:

- potential problems if students are at a provider for the elective stage only
- outstanding compulsories in skills assessments
- who will make awards
- making separate awards for core and elective areas
- providers running to different calendars
- PCFSMA is currently assessed across both compulsories and electives
- the situation for students who fail the electives

- not accepting electives taught by other institutions, firms or organisations as having credit towards their LPC.

Comments covering other issues were also provided in the answers to this question:

- a strong feeling that part time courses already provide sufficient flexibility for access by all students
- the need to agree on the correct calculation of the period of registration.

## Elective disengagement – would firms need to adjust trainee management, and two-tier system risk

### Question 3

**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)?**

### Management of trainees

As with the previous questions, most respondents did not give an answer here. Of those that did, the majority felt that firms would need to make adjustments to their management of trainees if they arrived after the compulsory part of the newly defined course.

Only two respondents, one a firm, the other a representative body, felt that there would be no need to adjust trainee management.

fig 5 q3. would firms need to adjust management of trainees?

	no.	% of all respondents
yes	18	30.5%
no	2	3.4%
unsure	2	3.4%
no answer	37	62.7%
total	59	

The reasons given for this included:

- lowering expectations of newly arrived trainees
- a general increase in management and training obligations
- training contracts would need to begin earlier or trainees have a gap between completing the compulsories and starting their training contract in September
- firms may wish students to study an elective at the beginning of each seat; if there are four seats this will mean four rather than three electives and for consistency's sake students who have already studied electives may have to repeat them and take an extra one
- management of seats rotation to accommodate electives study
- trainees may expect firms to contribute to the cost of the electives
- difficulties in dealing with trainees who have already passed their electives before joining and those who need to study them during the training contract/work based learning
- greater release periods and time spent out of office to undertake study.

## Two tier system

Just over half of all respondents gave an answer to this part of the question. Of those that did, the majority believed that trainees entering firms after completing differing levels of LPC would create perceptions of a two tier system.

fig 6 q3. will there be perception of a two tier system?

	no.	% of all respondents
yes	28	47.5%
no	4	6.8%
no answer	27	45.8%
<b>total</b>	<b>59</b>	

People who gave comments to back up their opinion were mainly of the view that students who choose not to undertake the LPC as one course could be regarded as less able. Some firm respondents stated that they would not consider employing trainees who had not already completed electives due to the time needed out of work to study them.

Provider respondents said that some firms would prefer full-LPC graduates, as students doing a shorter “core” course would have less opportunity to consolidate their learning and would as a result be less effective at work. Other respondents thought that full-LPC graduates would be more attractive to the large corporate firms

De Montfort University saw preferential employment practices having a different impact: *“larger firms will expect students to complete the LPC and then will offer in-house electives, whereas smaller firms will expect students to complete both parts of their training...”* They were of the opinion that students from less wealthy backgrounds who are not sponsored will still face financial difficulties, whilst those sponsored by larger firms will find their living expenses actually reduced as they will only have to find accommodation for the compulsory LPC.

## Elective disengagement – timing of electives study

### Question 4

**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?**

The majority did not answer this question directly. The majority of stakeholders who did respond were in favour of electives being studied after core subjects or as part of the current 'unified' LPC.

fig 7 q4. should electives be undertaken only after the LPC?

	no.	% of all respondents
after core LPC	15	25.4%
as part of LPC	6	10.2%
at any time	6	10.2%
postgraduate	1	1.7%
no answer	31	52.5%
total	59	

Solicitor firms gave the following comments in support of their view:

- *“the electives should be taken on the LPC itself”*
- *“We would not be in favour of the degree carrying part of the electives. However, we could see that some of this could be studied as part of a Masters course”*
- *“We would strongly prefer that the electives remained part of a single LPC”*
- *“This suggestion seems to reflect a misunderstanding as to the purpose of the LPC as a ‘bridge’ to practical experience. Consequently we do not understand the value in electives being studied before the completion of the LPC.”*

The LPC providers against this aspect of the proposals made the following comments:

- *“Elective subjects should clearly be set at a level that assumes and requires the student to have first studied the core elements of the LPC”*
- *“... particularly bizarre... Providers are encouraged to continue to weave relevant skills (studied within and alongside the compulsory subjects) into the elective subjects”*
- *“It would, however, be possible to have elective elements in other postgraduate courses such as masters programmes or, indeed, other vocational qualifications.”*
- *“Students would also not have the opportunity to sample the elective areas as some of these are touched on in the core part of the course.”*

The two respondents who favoured, albeit cautiously, allowing elective study before the core subjects were both LPC providers:

- *“We believe there should be some restrictions...However... if the outcomes are met by a particular part of an LLB/Masters then it should be possible to study some electives prior to the LPC”*
- *“ the cost of training for students who took this option would be lowered... difficulties in studying the electives before the LPC... might be overcome by additional introductory sessions.”*



## Exemptions – should the SRA grant exemptions?

### Question 5

**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.**

More respondents gave answers here than the last three questions. Most respondents did not appear to be in favour of allowing exemptions. However, more either said ‘yes’ or agreed in a more cautious or conditional way (19, or 32%) than said ‘no’ outright (16, or 27%). These are small differences and it could be argued that opinion here was divided.

A majority of firms (40%) were against allowing exemptions. One-half of academic institutions did not answer this questions – of those that did, only two did not agree with the principle.

fig 8 q5. should the SRA be able to grant exemptions?

	no.	% of all respondents
no	16	27.1%
yes	11	18.6%
yes, based on qualifications not experience	4	6.8%
yes, but with concerns	4	6.8%
difficult to see how exemptions would work up to the SRA	3	5.1%
	1	1.7%
no answer	20	33.9%
<b>total</b>	<b>59</b>	

Looking at the firms’ comments, their disagreements with the proposal were mainly due to the cost of administration by the SRA and concerns about unknown deficiencies. One firm was concerned that future employers would need to study the criteria of individuals’ exemptions in detail, and would probably only accept people who had completed the full course as a result. Others viewed the underpinning and contextual knowledge of law and practice provided by the LPC as vital and an unavoidable leveller.

A majority of providers agreed that exemptions could be granted, although qualified this by saying that agreement was subject either to exemption being on the basis of qualification and not experience, and subject to comfort that there will be equivalence of rigour in deciding which exemptions could be granted. The view was that exemption decisions should solely be taken by the SRA.

Providers were generally against exemptions from skills (explored further in the next section). Some believed that there should be restrictions on the currency of any exempting qualification.

Other respondents to the consultation were evenly split. Comments were made that students should find a subject easy to pass if an exemption from it was a possibility.

The Legal Complaints Service raised concerns about possible dilution of the teaching of client care and complaints handling.

## Exemptions – potential problems in course delivery

### Question 6

**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?**

### Compulsory subjects

Most people did not answer this question. Those that did mainly saw problems, with only five respondents in total perceiving potential benefits.

fig 9 q6. benefits/problems if exemptions available from compulsory subjects?

	no.	% of all respondents
both benefits and problems	4	6.8%
benefits	1	1.7%
problems	16	27.1%
no answer	38	64.4%
<b>total</b>	<b>59</b>	

The firms saw smaller class sizes as a potential benefits. One firm perceived the benefits as being purely for students and problems purely for the firms. They stated that the role of the LPC should be to “turn out what the law firms actually need”.

The potential problems seen by the firms were:

- firms taking fewer trainees
- students losing the opportunity to network
- a loss of structure and standards
- could become disjointed and difficult to manage
- a lack of coherence
- less certainty for training firms, in terms of resource planning and accommodating different regimes in their training structure.

Providers stated that skills and PCFSMA are currently taught and assessed at both compulsory and elective stages. Respondents asked whether exemptions would be from teaching, from assessment or from both. There were also concerns about cohort cohesion, student networking and their learning and teaching experience.

Briefly, academic institutions saw benefits:

- to students
- modular course design meaning more flexibility for students

... but saw problems with:

- teaching standards
- making awards, particularly awarding marks for exempted subjects to count towards the final grade
- pushing the course away from its current integrated style to a modular design
- potentially teaching skills out of context
- dismantling the LPC
- managing students
- disrupting learning
- administrative difficulties.

## Skills

Most respondents tended to answer this question as a whole, making it difficult to tease out opinions on skills-based exemptions. For this reason, no summarising table has been produced.

Firms saw few benefits beyond smaller class sizes. They saw problems with:

- the course becoming disjointed and difficult to manage
- lack of coherence
- less certainty for training firms
- impact on all-round appreciation
- firms not being able to accommodate different regimes.

A number of academic institutions argued that it is hard to imagine when this could ever be appropriate. The teaching of skills is embedded into the substantive teaching; the only solution would be to modularise the course.

One provider asked "*what would be the position where marks were awarded for skills as part of a compulsory assessment?*"

Comments from providers included:

- "*[the proposal] completely misunderstands purpose of LPC as skills-based course to prepare for practice*"
- the SRA could allow exemption from assessment only, not teaching
- difficult to grant exemptions based on skills
- administrative burden for providers
- could lead to a lack of cohesiveness within a cohort
- skills are woven through compulsory subjects
- PCFSMA is currently examined in context
- could be difficulties in awarding commendation and distinctions; if exemption gives a maximum 50% students may prefer to take an assessment to do themselves justice
- there could be difficulties with regard to credit rating and awards at some universities.

The Law Society was in favour of the principle of students being granted exemptions from the skills element of the course, e.g. someone who has spent 10 years working in a CAB, providing advice, or as advocate in tribunals.

In summary there was an underlying theme of an appreciation of the need for clear SRA criteria and process, that the advantage of the current LPC is a guarantee to the firms of a common core of legal and practical knowledge amongst their trainees, and a fear of a potential two tier system and a watered down qualification.

## Exemptions – appropriate qualifications for exemptions?

### Question 7

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

Thirteen respondents made suggestions on appropriate exempting qualifications. Their answers were generally brief. The most common are listed in *figure 10*; these 13 people made multiple suggestions, 34 in total.

fig 10 q7. qualifications eligible for exemptions (five most common)

	no.	% of all suggestions
ILEX/FILEX	9	26.5%
Licensed Conveyancers	5	14.7%
qualified accountants	3	8.8%
Bar Vocational Course	2	5.9%
Police Station Accreditation Scheme	2	5.9%
all suggestions	34	

The following professions/qualifications received a single nomination:

- company secretaries
- notaries
- Royal Institute of Chartered Surveyors
- Institute of Legal Cashiers and Administrators
- Institute of Trade Mark Attorneys
- Chartered Institute of Patent Agents
- Chartered Institute of Personnel and Development
- graduates of the Law Society Finals Examination.

Eight respondents said that no qualification would be appropriate.

An LPC provider stated that it would be for the SRA to determine which qualification would be appropriate for exemptions. One provider raised concerns about commercial organisations pressurising the SRA to allow development of tailored LPC-exempting qualifications.

One law firm suggested qualifications from other common law jurisdictions; another that only practical experience, not qualifications, should count. This latter view ran counter to a view expressed by an LPC provider, who was opposed to allowing pure work experience to count towards the LPC. “... *the whole point of education and training is to give students the theoretical underpinning for the work they undertake in practice.*”

# SRA’s regulatory role – opportunities and/or risks for providers

## Question 8

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

Most respondents did not answer this question. Of those that did, small majorities of both provider and firm groups saw risks in regulatory relaxation.

fig 11 q8. opportunities/risks for providers if regulations are relaxed?

	no.	% of all respondents
opportunities	6	10.2%
risks	15	25.4%
both	9	15.3%
no answer	29	49.2%
<b>total</b>	<b>59</b>	

Firm respondents saw the opportunity for both innovation and to tailor courses to their needs. They also saw risks of a decrease in standards of delivery and quality through cutting of resources, and stated that it would be imperative that the SRA sets out the core minimum standards.

Among providers, the opportunities mainly related to flexibility, in the range and proportion of subjects studied and in modes of delivery. These opportunities were seen as benefiting both students and institutions. Some also saw opportunities to forge closer links with the profession, especially local, regional firms.

Many provider respondents expressed concerns about the potential reduction in quality and standards of teaching and resources. They also raised fears about the standards of new providers coming in to the market who may use the opportunity to deliver the minimum course with minimum resources in order to be more profitable. There was concern that students may be able to pass easily as a result.

A move towards e-learning and distance learning courses was viewed as an opportunity, but also as a risk if “crammer” courses were allowed to exist. One provider thought that no hours benchmark could result in lack of peer feedback in small group sessions

At least three providers felt that universities and smaller, regional, not necessarily lower quality providers, could be squeezed out of the market. One believed that the geographical spread of providers would be affected as a result. Greater difficulty in comparability between courses and providers was seen as a risk.

Other stakeholders also expressed concern about a possible reduction in standards. Other recurring themes were the need to give students clear information about what each provider

will be offering. The Legal Complaints Service stated that they “*shared the concerns of some LPC providers*” that quality and standards on some courses might suffer.

# SRA’s regulatory role – benefits or disadvantages for students

## Question 9

### What are the potential benefits or disadvantages for students?

Most respondents did not respond to this question. Of those that did, a small majority saw potential disadvantages for students if regulatory requirements were relaxed.

fig 12 q9. benefits/disadvantages for students?

	no.	% of all respondents
benefits	5	8.5%
disadvantages	9	15.3%
both	8	13.6%
no answer	37	62.7%
<b>total</b>	<b>59</b>	

Firms saw potential benefits in the ability for courses to be tailored to students’ needs. Some foresaw an increase in the number of courses, a more diverse range to choose from and a reduction in cost. Two firms thought that some students could complete the core earlier at a lower cost.

The firms saw disadvantages in too much choice and not enough guidance, with some students feeling overwhelmed. Others thought that courses may be reduced to the bare minimum, that recruiters would probably prefer those completing the whole LPC and therefore some could struggle to get a job, and those that were taken on could start ill-prepared and at a disadvantage. One respondent believed that certain firms would favour certain providers and subjects.

Providers felt that a benefit could be that some element of distance learning could be offered, and that more relevant subjects for different groups of students, flexibility in materials studied and types of delivery (with a greater choice of differing courses) would result.

As regards potential disadvantages, the predominant themes were student confusion as to which providers to choose, the springing up of cheaper “sub standard” providers and the emergence of a two tier system.

One provider thought that the potential benefits were “illusory.” Other comments included disadvantages in:

- loss of small group session work
- market pressure towards cheap, distance learning, crammer courses
- in-house elective provision leading to pigeonholing, and long-term difficulties finding other employment
- the profession losing the ability to ‘think outside the box’



- emergence of cheaper, lower quality courses
- students being swayed by slick marketing or cost comparisons
- reduction in choice of providers.

## SRA's regulatory role – what areas should the SRA regulate?

### Question 10

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

There was little consensus within responses to this question, so no summarising table has been produced.

**Firms** thought that the SRA should set down mandatory requirements for:

- entrance criteria
- assessment criteria
- consistency of approach
- monitoring regime and grading criteria
- basic skills and pervasive subjects
- providers telling training firms their exact course content
- consistency in training regulations
- course length.

Two thought that the requirements should remain as they are, and one thought there should be no mandatory requirements at all.

**Providers** thought that the SRA should set down mandatory requirements for:

- staff student ratio (five providers wanted this set out by the SRA)
- definition of learning and contact hours
- notional learning hours, including a set amount dedicated to skills (three providers wanted this)
- specified minimum class contact hours
- Written Standards/Outcomes and assessment requirements
- physical resources i.e. accommodation, library, IT provision
- set period for completing the compulsory LPC and electives
- compulsory attendance for small and large groups session work
- all providers to disclose certain information in a specified form, i.e. minimum learning hours, staff/student ratio, proportion of previous year's students who had, and went on to gain, training contracts
- subjects to be studied
- prescriptive regulations for minimum required level to be achieved.

One of the providers who wanted staff/student ratios and resource provision set down did state that they did not want requirements to be global – rather, that *“the SRA should make a determination as to what is appropriate for a particular course.”*

One provider did not want a requirement on how many teaching hours must be face-to-face, and another, although they wanted minimum written standards for essential content coverage, did not want the SRA to set learning strategies. Only one provider respondent wanted the current regulatory requirements to continue.

Other stakeholders wanted the following included in SRA requirements:

- course structure and content
- contact learning hours

- maximum time limit for completion of core and electives
- *“same standards, core area and skills as now.”*

The Law Society believed that *“the SRA’s approach to the LPC should be much more light-touch.”* It also thought that the LPC is too assessment-focused, leading students to concentrate on preparing for assessments, rather than on practice by thinking more broadly and practically – a view also held by BPP.

## Provision of information – where might the proposals cause confusion?

### Question 11

***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?***

**Firms** were of the opinion that confusion could, or would, be caused by:

- potential multiplication of routes to qualification and resultant range of choices for students (five providers were concerned about this issue – one thought that the market would become “*exciting*”, however)
- the perception that the SRA will make it easier to qualify
- possible creation of a tiered system
- exemption application process
- for firms, when to commence training contracts, adapting management processes, which students have gained exemptions
- for students, when to take the LPC, start electives, who is the ‘best’ provider, what’s available from each provider, format/manner of delivery, when and where to complete electives.

One firm’s view was that the SRA could alienate training firms with the perception that we are unconcerned with the proposals’ impact on them.

Firms thought that confusion could be minimised by:

- clear SRA guidance and information for students and training firms on course content, structure, costs, with links to firms’ requirements
- prescription over type and amount of information provided by providers
- reliable careers advice
- limiting the range of courses on offer
- proper communication of any changes
- SRA providing standardised headings for provider information, on contact hours, staff/student ratio, and types of work.

**Providers** held similar opinions over areas of confusion and their causes:

- all aspects of the proposals
- student confusion about the choices available to them
- students/firms assessing standard and quality of provision
- practicalities of disengaging the electives, including how, when and where they could be studied
- exemptions from part or parts of the LPC.

Providers thought that confusion could be minimised by:

- guidance on routes to qualification, via, for instance, an SRA statement
- SRA lists of available exemptions
- a high profile communication campaign with the profession
- clear standards for providers on information for students
- increased responsibility on careers advisors

- clear online information, forms and course details
- provider 'justification' information i.e. why they're offering course and the benefit to the market
- seminars at law recruitment fairs
- marketing materials sent to every student, law firm and law department in the country.

There were comments from within all stakeholder groups suggesting that the best way to avoid confusion is to retain the current system. One provider thought that more information would not necessarily help stakeholders make informed choices.

## Provision of information – what information should be given, and how?

### Question 12

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

**Firms** gave the following suggestions on information the SRA should provide for students:

- hours training/learning they need to complete in certain areas
- acceptable tests for assessing exemptions applications
- SRA standards for course provision
- online information on courses, including teacher qualifications, teacher/student ratio, how subjects are taught
- practical information on likely requirements of employers (e.g. city firms not considering pre-LPC electives)
- reputation and credentials of institutions
- providers' grading reports, pass rates, proportions of students offered training contracts, drop out rates
- types of course, and advantages/disadvantages to each
- available exemptions and how to apply
- routes to qualification, and advantages and disadvantages for each.

One firm suggested that the SRA could investigate whether to have a league system for providers or leave student choice to the market.

Firms were of the view that clear SRA hard-copy and online guidance, a SRA telephone advice line, and law fairs were appropriate channels.

**Providers** suggested information on:

- course information – i.e. class contact hours, anticipated independent learning commitment on student, role of e-learning, staffing level, physical resources & accommodation, how courses are taught, staff/student ratios, library and IT provision, areas of flexibility
- provider profiles
- changing the current grading system *“to allow true comparisons between providers.”*

Providers said the following channels should be used:

- info packs to all university careers services
- website for course info, as at present
- use of media (e.g. Lawyer2B) to provide annual guide on providers
- roadshows
- press campaign
- letter to every QLD, GDL provider and ILEX
- details published in the Gazette.

Three providers reiterated their fundamental opposition to the proposals.

The Law Society believed that information provision was “*not the role of a proportionate regulator.*” One stakeholder – a solicitor – suggested as much information as possible should be given by the SRA. Other suggestions included:

- basic requirements for completion
- the various stages and study options on offer
- skills and knowledge standards
- course structure, cost, and duration.

The suggestions for media were similar to other stakeholder responses - website, helpline, and advisory services.

## Provision of information – what should providers be required to make available?

### Question 13

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

Only three firms gave suggestions here – they included:

- information on how best to secure a training contract, by when and by what means
- studies for those who have yet to secure a place
- how to secure exemptions
- course structure, with pros and cons for their approaches
- pass rates
- numbers attending
- types of course
- teaching methods
- tutor/lecturer qualifications
- fees and financial information
- destination of students.

Providers gave relatively few suggestions as well:

- length and structure of course
- nature of lessons
- staff student ratios
- resource and facilities statement
- class contact/distance learning time
- time spent on core subjects
- notional learning hours, to each form of learning
- modes of learning/delivery/attendance available
- explanation of learning methodology
- student support strategy
- curriculum/programme outlines
- assessment strategy
- expectation of independent or directed learning.

One provider said that it was *“still unconvinced as to degree of deregulation necessary”*, another that it *“would not change the current system”*.

The Law Society stated that providers should be required to make information available on teaching facilities and resources, results/employment prospects, and course structure(s).

Other stakeholders suggested:

- course structure and content
- options available
- cost
- duration
- outcomes
- timings
- expertise of teaching staff



- teaching methods
- former student comments
- pass rates
- SRA monitoring reports.

## Overall views, and other comments

As stated in the introduction to this analysis, several respondents answered the consultation as a whole, or raised issues not directly covered by the scope of the questions. These responses have been summarised below.

The **Law Society**, while welcoming the proposals and seeing “great advantages” in standalone electives, saw a risk *“that by considering WBL, Day One Outcomes and changes to the LPC separately, issues will be missed and, in particular, the teaching and assessment of legal knowledge will be reduced. It is essential that the LPC covers vocational legal knowledge and its application in practice, and that the SRA ensures that qualifying law degrees are preparing students sufficiently for this stage.”*

The **Legal Complaints Service** was positive about the proposals and hoped that accessibility and diversity would increase. It thought that *“managing client relationships, including establishing and agreeing client requirements, assuring quality and handling complaints, ought to be a compulsory element of all stages of training, with direct assessment of the skills involved.”* It wanted customer focus to be a compulsory LPC element.

A **law firm** was *“concerned that the [LPC and work based learning] consultations are apparently being considered separately with no overarching objective to provide cohesion and an overall strategy for training to become a solicitor.”* They were also concerned that not all trainees would be starting contracts on an even footing – *“We would not wish to have to put in place additional training to ensure all trainees had comparable skills and knowledge.”* Also, they thought that *“the new system of grading will make it difficult for us and prospective trainees to assess the quality of courses.”*

A **law firm** had issues with the elective disengagement proposal – *“To expect trainees' time in the office to be further restricted by having to attend electives for weeks if not months would make the training process even more disjointed and unattractive to us... This would lead to our reviewing our training plans and considering not only reducing our annual intake but also dispensing with trainees altogether in favour of replacing them with paralegals and recruiting newly qualified solicitors if needed.”*

A **representative group** – *“We see the proposals ... as a welcome step towards further tailoring the LPC... common LPC Written Standards and Day One Outcomes means they do not (and cannot) perfectly match the requirements of all of the profession's market sectors... before any new training framework is put in place, a comprehensive set of proposals (complete with their advantages and disadvantages to the major stakeholders) must be put to the profession for comment before the new framework is implemented.”*

A **law firm** wanted to emphasise that it was *“very satisfied with the current structures relating to both the academic preparation of students prior to training with us, and with the current structure of the Training Contract System... We are totally unconvinced by the SRA's statement of benefits and deeply concerned by the SRA's dismissal of the palpable risks which the SRA itself has set out.”*

A **law firm** – *“The proposals to reform the LPC are broadly sensible, and we support them.”*

A **representative body** found it difficult to give an opinion on how things will work in practice without more detail. It was also concerned about advising students if complex routes to

qualification resulted, both to graduates and especially potential applicants to degree programmes.

A **law firm** was broadly supportive of the proposals, but had a number of concerns, mainly around guidance if the proposals were implemented and research into the benefits of completing elective before the training contract. They indicated that they would prefer to keep the existing arrangements for the foreseeable future or until their concerns were addressed.

A **law firm** also welcomed and supported the proposals, but were critical of both the academic training and the LPC in this country – people who had completed the course had informed the consultee that they viewed it as *“universally boring, non-challenging and irrelevant”*. On the academic stage – *“subject to some exceptions, the standard of teaching of law, and the knowledge of graduates, is much lower here than the others we see. The LPC is not “remedial” of this, and cannot really be so, but anything which improves it... has our support.”*

A **university law school**, on the proposal to study some electives at the academic stage – *“Would the Solicitors Regulation Authority (SRA) be content if the academic stage of training absorbed significantly more vocational content?... these matters should be subject to agreement, as envisaged by the Joint Statement. Universities will resist the broader and more critical skills for which they are responsible being marginalised in this way... what is the evidence that the existing methods of qualifying as a solicitor are inadequate?...[or] that deregulating existing structures is the best way forward? ”*

Another **university law school**, thought that allowing some electives to be taught at the degree level was *“highly desirable.”* They thought it would enable students to complete the core at the Easter following their LLB, spread cost, widen participation, and that it would not result in a two-tier, less rigorous or coherent course. They also welcomed the opportunity to permit a wider range of elective subjects.

A **law firm** saw the proposals as a *“welcome step”*. They suggested that if higher rights were to be automatic to all solicitors on admission (an option put forward in another recent consultation) then that would need to be factored into LPC design. They also insisted that all other proposals relating to the whole training continuum be subject to comment from the profession before implementation.

## List of respondents

### Solicitor firms

Addleshaw Goddard  
Burgess Salmon  
Coffin Mew LLP  
Dechert LLP  
DLA Piper UK LLP  
Express solicitors  
Freshfields Bruckhaus Deringer  
Herbert Smith  
Lupton Fawcett  
Macfarlanes  
Morrish & Co  
Peter C. Careless  
Skadden, Arps, Slate, Meagher and Flom (UK) LLP  
Travers Smith  
W H Matthews & Co

### Academic institutions

BPP College of Professional Studies Ltd  
Bristol Institute of Legal Practice  
Centre for Professional Legal Studies, Cardiff Law School  
College of Law  
De Montfort University  
Inns of Court School of Law  
London Metropolitan University  
Oxford Institute of Legal Practice  
Thames Valley University  
University of Plymouth  
University of Reading, School of Law  
University of Sheffield, School of Law  
University of Warwick Law School

### Other respondents

Abdulrahim Swaleh Mohamed  
AGCAS Legal Profession Task Force Group  
City of London Law Society's Training Committee  
Government Legal Service  
Hampshire Incorporated Law Society  
Kent County Council Trading Standards  
The Law Society  
The Legal Complaints Service  
UKCLE

Thirteen respondents wanted their responses to remain confidential.

Eight of the 13 LPC providers who gave their input following the consultation deadline did not indicate whether or not their responses should be published. Their names have not been listed as they would not have had the opportunity to complete the relevant form to opt in or out of publication.