



## **Legal Practice Course (LPC)**

Consultation on policy on Accreditation of Prior Learning (APL)

## Contents

|  |          |
|--|----------|
| <b>Introduction</b> .....  | <b>2</b> |
| Question 1 .....   | 3        |
| Question 2 .....   | 4        |
| <b>Parameters of policy on Accreditation of Prior Learning</b> ..... | <b>4</b> |
| A. Mapped against LPC outcomes .....                                 | 4        |
| Question 3 .....   | 4        |
| B. Accreditation of Prior Certificated Learning only .....           | 5        |
| C. Approved regulators .....   | 5        |
| <b>Summary of proposals</b> .....                                    | <b>5</b> |
| Question 4 .....   | 6        |
| <b>Next steps</b> .....  | <b>6</b> |
| How to respond .....   | 6        |
| Download and complete an electronic form .....                       | 6        |
| Send us an email.....  | 6        |
| Deadline for receipt of responses.....                               | 7        |
| <b>Consultation questions</b> .....                                  | <b>8</b> |

## Introduction

1. Qualification as a solicitor is regulated by the Solicitors Regulation Authority (SRA). Satisfactory completion of a Legal Practice Course (LPC) is an essential requirement to qualify as a solicitor in England and Wales under the provisions of the Training Regulations. The LPC builds on students' academic knowledge of the law and prepares them for their training and early years in practice.
2. In 2007 the SRA reviewed the LPC and a number of changes to its structure and operation have been made since then.
3. The SRA is now proposing to allow exemptions from the LPC in specific circumstances. This follows on from the work commenced in 2007 on the new LPC.
4. The LPC is currently a mandatory course and no exemptions are permitted. The provision of exemptions would provide flexibility to students, especially those following a non-traditional route to qualification.
5. In September 2007, following a consultation on the new LPC which specifically explored the possibility of exemptions, the SRA Board agreed that work should continue on compiling a list of recognised qualifications that would relieve some

students from an LPC attendance requirement but would still require all students to pass the relevant LPC assessments.

6. The issue of exemptions is of particular relevance now because BVC/BPTC<sup>1</sup> graduates who have not completed pupillage will no longer be eligible to transfer to the solicitors' profession under the new Qualified Lawyer Transfer Scheme (QLTS) Regulations. Whilst developing the Equality Impact Assessment<sup>2</sup> for the QLTS, evidence was received which showed that Black and Minority Ethnic (BME) groups find it harder to gain pupillage and that they would therefore be more affected by this change. Although the difficulties that BME students may have in securing pupillage is primarily a matter for the Bar, the SRA does not wish to compound any such potential disadvantage. We therefore undertook to carry out this piece of work on exemptions.
7. APL generally refers to the recognition of an individual's significant achievement in a particular area. The two main types of APL are:
  - Accreditation of prior certificated learning (APCL)<sup>3</sup> and
  - Accreditation of prior experiential learning (APEL)<sup>4</sup>
8. APL is seen as a means to promote lifelong learning, social inclusion and social mobility. It has clear links to work on access to the professions.

---

## Question 1

**The SRA envisages that permitting APL on the LPC may have a positive impact on the diversity of entrants into the profession. Please set out any views you have on any positive or negative equality impacts of this proposal.**

---

9. As gatekeeper to the profession, one of the SRA's primary roles is to ensure the maintenance of standards of entry into the profession. The Board's proposal that exemptions should be permitted from the attendance requirement, but not from the assessments is an outcomes-focused response to the issue. It enables the SRA to maintain the standard of entry, whilst being flexible about how the student prepares themselves for the assessment. This fits with the SRA's proposed new approach to regulation as a whole (outcomes-focused regulation) which is risk based and will concentrate on the quality of outcomes for clients, with a simplified rulebook and greater flexibility for firms. See [www.sra.org.uk/freedominpractice](http://www.sra.org.uk/freedominpractice) for more details, including consultations.

---

<sup>1</sup> The Bar Professional Training Course (BPTC) is replacing the BVC in September 2010.

<sup>2</sup> <http://www.sra.org.uk/sra/equality-diversity/impact-assessments/QLTR-consultation.page>

<sup>3</sup> Defined by the QAA as being "a process, through which previously assessed and certificated learning is considered and, as appropriate, recognised for academic purposes.

<sup>4</sup> Defined by the QAA as being "a process through which learning achieved outside education or training systems is assessed and, as appropriate, recognised for academic purposes"

---

## Question 2

**The SRA Board has previously indicated that a policy of exemptions from course attendance, rather than from assessment, would be acceptable. Do you agree with this approach?**

---

## Parameters of policy on Accreditation of Prior Learning

10. Although the principle of APL is hard to refute there are clear regulatory reasons for maintaining very clear limits to any exemptions policy, particularly for “high-stakes” courses such as the LPC. Unlike most undergraduate and graduate courses, the LPC is a fundamental part of the professional qualification process. The importance of ensuring that the right knowledge is being acquired and applied is therefore, arguably, of much greater importance than if a student was trying to transfer between undergraduate courses. There is evidence that this is recognised by other regulatory bodies and neither the Association of Chartered Certified Accountants (ACCA) nor the Institute of Chartered Accounts in England and Wales (ICAEW) allow exemptions from their higher level exams.
11. As a responsible and proportionate regulator it would therefore be appropriate for the SRA to implement an APL policy in relation to the LPC in specific circumstances. The following are a number of ways in which the SRA could ensure that accreditation is only permissible in specific circumstances.

### A. Mapped against LPC outcomes

12. Any application for an exemption must be based on a mapping exercise which maps the LPC outcomes against the publicly available outcomes of the course for which credit is being claimed.
  13. The comparator course must be of an appropriate level and must cover the entirety of an LPC module e.g. Property Law and Practice.
  14. For exemptions from Part 2, exemptions should only be given in areas where the LPC provider in question offers electives.
  15. It is proposed that this mapping exercise would be carried out by the SRA. However the LPC provider will have an important role as they will understand how APL could be incorporated into their course and are the relevant awarding body. Careful consideration will need to be given to how the SRA and LPC providers can work together to allow APL.
- 

## Question 3

**The SRA proposes to administer exemptions from the LPC itself (a fee would be payable) but it would be for the LPC provider to decide whether or not to accept the SRA’s decision given that they are the awarding body.**

---

---

**Do you see any practical issues with this approach?  
Do you have any views about how this process should work?**

---

## **B. Accreditation of Prior Certificated Learning only**

16. It is suggested that the SRA will not recognise accreditation on the basis of experiential learning (APEL) as it is much more difficult to assess and to be assured that the candidate has met the requisite standard. This would be in line with the SRA's policy on APEL on the academic stage. It would also be in line with the SRA's policy in relation to QLTS, which has abolished the QLTR experience requirement and replaced it with a practical assessment.

## **C. Approved regulators**

17. It is proposed that the SRA would only want LPC providers to accredit prior learning on courses regulated by the regulatory bodies of other Approved Regulators under the Legal Services Act<sup>5</sup>. This would be in keeping with the SRA's policy on the academic stage. The "other" professional qualification would also need to be at the same level as that of the LPC.

18. The rationale for this would be that the remit and regulatory framework of the other Approved Regulators is sufficiently similar to justify the recognition of their professional qualifications for the purposes of the LPC in limited circumstances.

## **Summary of proposals**

19. It is proposed that APL should be considered in the following circumstances:

- For certificated learning only
- Only where certificated learning maps against an entire LPC module, which must be available at the LPC provider in question
- In relation to professional courses at an appropriate level regulated by other Approved Regulators

---

<sup>5</sup> Namely the Bar Standards Board, Master of the Faculties, ILEX Professional Standards Board, Council for Licensed Conveyancers, Intellectual Property Regulation Board, the Association of Law Costs Draftsmen and the Association of Chartered Certified Accountants.

---

## Question 4

The SRA proposes that exemptions should be permitted

- For certificated learning only
- In relation to whole modules only i.e. only where the certificated learning maps against an entire LPC module
- In relation to professional courses at an appropriate level regulated by other Approved Regulators

Do you have any comments on this approach?

---

## Next steps

|                          |  |
|--------------------------|--|
| 9 July – 21 October 2010 | Consultation   |
| October 2010             | Results considered by SRA's Education and Training Committee |
| October/November 2010    | SRA APL policy for LPC submitted to the LSB for approval     |

## How to respond

### Download and complete an electronic form

1. Download a Consultation questionnaire form and an About you form.
2. Save the files locally—before and after completing them.
3. Return your completed forms as email attachments to [trainingconsultations@sra.org.uk](mailto:trainingconsultations@sra.org.uk).

### Send us an email

If you prefer not to use our form, simply detail your comments or concerns in an email or letter. Send your email to [trainingconsultations@sra.org.uk](mailto:trainingconsultations@sra.org.uk). Please ensure that

- you identify the consultation you are responding to,
- identify yourself and state on whose behalf you are responding (unless you are responding anonymously), and
- if you wish us to treat any part or aspect of your response as confidential, state this clearly.

## **Deadline for receipt of responses**

The deadline for receipt of responses is **21 October 2010**.

## Consultation questions

### Question 1

The SRA envisages that permitting APL on the LPC may have a positive impact on the diversity of entrants into the profession. Please set out any views you have on any positive or negative equality impacts of this proposal.

### Question 2

The SRA Board has previously indicated that a policy of exemptions from course attendance, rather from assessment, would be acceptable. Do you agree with this approach?

### Question 3

The SRA proposes to administer exemptions from the LPC itself (a fee would be payable) but that it would be for the LPC provider to decide whether or not to accept the SRA's decision given that they are the awarding body. Do you see any practical issues with this approach? Do you have any views about how this process should work?

### Question 4

The SRA proposes that exemptions should be permitted:

- For certificated learning only
- In relation to whole modules only i.e. only where the certificated learning maps against an entire LPC module
- In relation to professional courses at an appropriate level regulated by other Approved Regulators

Do you have any comments on this approach?