

October 2006

**Consultation - a new framework for work based learning
Statement from the Chair of the Education and Training Committee**

The consultation paper – A new framework for work based learning - has produced over 70 responses, many of them written in considerable detail. They have come from a range of individuals and organisations including the Law Society, big and small firms and training providers; and there have been a number of useful meetings with interested parties.

Views on the proposals contained in the paper have been varied but well argued and immensely valuable to the Solicitors Regulation Authority (SRA) – as the Regulation Board will be known from 2007. They enable us to move forward into the next stage of developing a scheme to be piloted, which will be the subject of further consultation early next year. Many of the comments centred around such issues as the nature of the learning experience in an unaccredited organisation, worries about the possible creation of a two tier qualification, the length of time spent on work based learning and the possibility that some existing training firms would choose not to become accredited trainers.

We will be analysing the comments in detail but, as part of our desire to keep the profession and the public informed and generate continuing dialogue, I am taking this opportunity to give some initial reactions and explain what happens next.

Work based learning is an essential part of the pre-qualification experience for prospective solicitors. It should provide an assurance to the public, consumers and employers that students have the capacity and confidence to apply what they have learnt in academic and vocational courses in a working environment, that they can serve the interests of clients effectively and that they understand what it means to work to the highest professional standards.

The present training contract arrangements have been in place since 1994. They were an advance on the old system of articles and have served the profession and the public well, but there are weaknesses. In some cases the focus for qualification can be on time served under contract rather than on the critical outcome which is the achievement of the necessary standards to be a qualified solicitor; and there have been concerns that the limited number of training contract places means that some students who successfully negotiate the Legal Practice Course and could reasonably be expected to reach the standards of knowledge, intellect and skills necessary to secure admission are denied that opportunity. It can be no part of the SRA's role to maintain unnecessary barriers to entry to the profession. That is why our approach to work based learning is driven by the dual focus of outcomes in terms of objectively assessed standards achieved by the students and of more flexibility in the routes through which they can secure the learning experience necessary to achieve those outcomes.

Under our proposals there will be two routes to achieving the outcomes, both of them quality assured by the SRA. Where a candidate is with an accredited training organisation, that organisation will be responsible for agreeing with him or her the outcomes to be achieved and means of doing so, delivering the training experience, providing the supervision and review mechanisms and assessing whether the requisite standards have been met. For those who follow the alternative route, outside an accredited training organisation, SRA assessors will agree with him/her

the portfolio of training outcomes to be achieved and carry out the review and assessment functions.

While this approach is outcomes based, concentrating more on the standards reached by the trainee and less on the process by which he or she gets there, we recognise that there has to be sufficient confidence that the process is capable of producing the required outcomes. That is why, for both routes, almost invariably, the bulk of work based learning will take place in a legal environment where the trainee is working with qualified solicitors, for example, in private practice, in a local or central government legal department, for the Crown Prosecution Service, in-house where legal services are supplied to the organisation concerned or, in the future, in an alternative business structure environment (if the draft bill becomes law).

The trainee needs to acquire, and learn from, a breadth and depth of experience. For most we expect this to mean, as now, a two-year learning experience, and we will look further at how to ensure that our proposals do not result in pressure from trainees and firms to reduce that period inappropriately. But the current system already incorporates the "time to count" arrangements whereby previous relevant experience can enable the training contract period to be reduced by up to six months; if under the new system, exceptionally, a trainee is able to demonstrate that previous experience and learning capacity will enable him or her to achieve the necessary standard in less than two years then we would probably not wish to be prescriptive in ruling out that possibility. This, however, is one of the issues we shall wish to research further during the pilot phase envisaged for 2007-2009.

Accredited training organisations would be subject to validation and monitoring to ensure that they have the infrastructure to support trainees in demonstrating that they have reached the required standards. The standards themselves would be revised to become clearer and easier to assess against. Accreditation should become a badge of excellence for firms and organisations.

However, it will be important to ensure that portfolios of work built up by candidates outside an accredited training organisation have the same standing as those secured in accredited organisations. In a genuinely outcome based system this will be achievable, but we recognise that perceptions can play a part. The SRA will need actively to demonstrate that both routes are of equal standing. In this context the intention is that it will be the responsibility of SRA assessors to use the initial planning session with trainees going down the alternative route to ensure that the necessary arrangements are in place to enable them to achieve the required standards, which will be common to both routes; and that they will ensure that the portfolio assessment stage is demonstrably as rigorous in establishing that standards have been reached as would be the case with accredited organisations. This is likely in most cases to involve the active co-operation of employers to ensure that trainees get experience that prepares them for the profession of solicitor.

We understand concerns about a possible reduction in the number of training places in accredited firms against the current position. But we anticipate that the alternative route will produce opportunities for trainees to work in organisations that do not now provide training contracts and that if some training firms do not choose to seek accreditation many of those will continue to employ trainees using the alternative route. This is an issue that we will research further prior to and during the pilot.

Now we move forward to the detailed development of standards and assessment methodology, which will be piloted over two years and subject to further consultation and refinement. Pre-qualification training in all its guises is of critical importance to

the public and the consumers of legal services as well as to the profession itself. We will, therefore, give high priority to keeping all interested parties informed and up to date on emerging issues and to listening to and taking account of what you have to say. With that in mind, we intend to establish an e mail group through which subscribers will receive regular updates on work based learning and other pre-qualification training issues and be able to feed back comments and views to the SRA.

I look forward to a continuing and valuable exchange with all of our stakeholders as we develop these ideas into a fully deliverable scheme.

Jonathan Spencer
Chair of the Education and Training Committee