



The Law Society

Evaluation of use of Aptitude Tests for entry to the Legal Practice Course

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supporting
solicitors

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Evaluation of use of Aptitude Tests for entry to the Legal Practice Course

Executive Summary

This study focused on the potential benefits and drawbacks of introducing an aptitude test for entry onto the Legal Practice Course. In particular what skills underlie successful completion of the course and to a lesser extent the traineeships which follow completion of the LPC. Concern has been expressed that too many students are undertaking the LPC course with little chance of securing a training contract and in some cases passing the course.

A literature review was combined with interviews of LPC tutors, students, graduates and others in the profession with an interest in the training of solicitors. A questionnaire was used to canvas broader opinion.

The skills identified as being most important to successfully complete the LPC are listed below.

- Verbal reasoning was identified as being of particular importance in understanding and working with texts and other information.
- Practical problem solving was seen as important and different from the analytic academic approach which students may have used in their undergraduate studies. Some students struggled to adopt this approach to material during the course despite high general ability.
- Written communication skills. The general low level of written communication was a frequent theme during the research. This skill underlies many of the practical competencies required for the course and in further training.
- Personal style and motivation. Conscientiousness, organisation and application in approaching the course together with a strong motivation to achieve were seen as major factors in successful completion of the course.
- Knowledge of the law. While not as critical as some of the previous factors, where students had poor knowledge this could contribute to poor course outcomes.

Similar skills were found to be relevant to successfully undertaking a training contract although the relative weighting of the different areas changed with organisation and motivation outweighing the cognitive skills areas on the more practical parts of training.

The context of the course and current statistical trends were reviewed and revealed a situation with some flux. The current economic climate is impacting on the career decisions of young people as well as on the recruitment plans of legal firms.

Changes to legal regulation are likely to lead to more instability over the next few years and the SRA, BSB and ILEX Professional Services are about to undertake a joint review of legal training.

On the basis of these results a number of possible measures are suggested.

- A verbal reasoning test that would measure general cognitive ability in the verbal domain. Past research shows these measures are very effective at predicting performance in academic course above and beyond previous academic results.
- A situational judgement measure designed to assess practical rather than analytic judgement. Such measures, although less used are gaining in popularity and show promising research results.
- A measure of writing skills. The drawback of this type of measure is the difficulty in grading. However as an additional task the students work could be passed directly to the selecting institution to review in borderline cases.
- Motivation and conscientiousness would be relevant measures for a voluntary but not a mandatory testing regime.

To have an appreciable impact on the pass rate for the LPC any test would need to be compulsory however there is a good argument for introducing a voluntary test in the first instance to provide advice and guidance for prospective students.

There are alternatives to testing which could also address the concerns with the course. These include raising the academic qualification required for the course, raising the passing standard for the LPC and providing more and better information to prospective students regarding the course itself.

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1. Background

The Law Society is concerned that some students of low ability are entering on Legal Practice Course (LPC). These students are expending large amounts of money and effort on the course with little chance of success in terms of passing the course or securing a training contract. There is also a concern that the presence of such student may have a negative impact on the learning environment for all students. The Law Society is aware that the Bar Standards Board is looking to introduce admissions tests to address some similar issues identified by the working party chaired by Derek Wood QC.

In addition there are concerns regarding the seeming disparity between the numbers of graduates of the LPC and the number of available training contracts.

The Law Society commissioned this project to address the question of whether the introduction of an admissions test for the LPC would be beneficial in addressing these and other issues and if so what the nature of the test might be.

The following issues considered:

- Whether introducing an admissions test could address these issues
- If so, what the nature of such a test should be
- How such a test should be managed.
- What alternatives might address these issues.

There are three elements to the work:

- To understand the key demands of the LPC course in terms of the skills, abilities and aptitudes needed to perform well on the course.
- To identify main issues which underlie the failure of candidates enrolled on the course.
- To understand the context both of applicants to the course, the Law Society and other parties involved in the qualification of new solicitors.

2. Approach

2.1 Literature Review

A short review of relevant reports and literature was carried out. This included SRA course specifications and requirements as well as research projects looking at various aspects of solicitor training. A number of internet blogs and discussions have been reviewed. Academic literature was also consulted where relevant.

2.2 Interviews

A series of interviews were undertaken. These were carried out by telephone using a semi-structured protocol. Some interviews included a more structured repertory grid exercise in addition. Interviews typically lasted around 40 minutes to 1 hour 20 minutes.

Visionary Interviews

Interviews were conducted with a number of senior members of the profession including those within the Law society to provide a larger perspective regarding the course and the introduction of tests. These interviews concerned the context in which the course operates and any constraints within which the test would need to operate. Seven interviews have been completed.

Interviews with representatives of firms offering training contracts

The aim was to understand the perspective of those offering training contracts and in particular the extent to which graduates of the LPC are well prepared for starting a training contract. The skills required of trainees were also investigated via repertory grid analysis. Six interviews were undertaken with managers and trainees supervisors in different firms. These ranged from major national firms to small local practices.

Interviews with academics delivering LPC courses

These interviews were designed to understand the cognitive and other requirements of the course and the reasons why students fail. The original proposal was to hold focus group for tutors however because of difficulties with scheduling, one on one interviews have been used for contact with this group. Nine interviews were completed, with both large and smaller providers. Courses within existing universities and in specialist colleges were reviewed.

Interviews with students and trainees

Contact with students and LPC graduates is important to understand how students perceive the course and what difficulties they encounter on the course. Originally intended as focus groups, 1-1 interviews have been used for ease of scheduling. Four interviews have been undertaken with students and recent graduates now on training contracts.

2.3 Questionnaire

Following the interviews, a questionnaire was designed which polled the views and comments collected at the interview stage. This was circulated via a link the Law Society's weekly 'Professional Update' and 'Junior Lawyers update'. These publications are widely distributed among students and qualified solicitors. 1460 people clicked through to the questionnaire and of these just under 1000 responded to at least some of the questions. The full results of the questionnaire are provided in appendix 1.

3. Structure of LPC Course and Learning Requirements

Training course specifications from the SRA and reading and course requirements from a number of different courses and providers were reviewed for indications of the cognitive component of the course requirements. There was clear evidence of a high cognitive load in all the materials reviewed.

In order to register for the LPC candidates must have completed a qualifying (approved) law degree or a programme of study validated as the Common Professional Examination (CPE). This is usually via a Graduate Diploma in Law. There is a qualification route that does not require an undergraduate degree, but this entails substantial vocational experience and training of broadly degree standard in a legal context.

The different qualification routes ensure that students have some knowledge of the law before undertaking the LPC. Further areas of law are taught during the course.

The SRA recently conducted a review of the LPC requirements and as a result a revised outcome standard was defined and put in place. This sets out what a successful student should understand and be able to do. Providers have substantial freedom to develop their courses to deliver these outcomes in the manner they prefer.

The standards require that students are able to demonstrate both an understanding of the law and an appreciation of the basics of practice as a solicitor across the range of activities and areas in which a solicitor may practice. This means that students need to be able to assimilate a great deal of information and to develop the professional skills required to begin to provide services to clients.

The LPC must cover 6 different areas of practice. These are:

- Professional Conduct and Regulation
- Wills and Administration of Estates
- Taxation
- Business Law and Practice
- Property Law and Practice
- Litigation

Students must gain a basic level of competence in 5 professional skills areas. These are:

- Practical Legal Research
- Writing
- Drafting
- Interviewing and Advising
- Advocacy

In addition stage 2 of the course comprises 3 vocational electives in which students develop a greater familiarity with more specific areas of practice and learn to integrate

their legal knowledge and professional skills to understand how to appropriately address a client issue.

Courses are delivered using a variety of different media and types of sessions. While most still use traditional large group lectures, smaller group sessions such as workshops and seminars are used to teach and practice the skills and ensure that students have understood the material. New media such as mp3 files and internet accessed video clips are widely provided to support learning. Interactive e-learning materials are increasingly used. Students are also expected to carry out independent study. Substantial preparation is expected for smaller group sessions which usually includes both reading to develop an understanding of an area and consideration of related problems and exercises.

A key learning requirement is to develop a more practical than academic approach to questions. This switch from the more theoretical approach many have learned as an undergraduate is an essential part of the learning. Understanding is more important than deep analysis. Assimilation and integration of information including legal frameworks and the facts of a case is required. Students also need to identify relevant information and find practical solutions to problems. Thus an element of practical judgement is required as well as more analytic reasoning skills. This might show itself in the ability to evaluate the strengths and weaknesses of an approach, understand the relevance and importance of particular facts and identify where information is missing.

Courses often use problem based learning (PBL) where students learn through dealing with an example problem. Signposts to supporting materials are provided but students are expected to work in groups to understand and apply the material to address the set problem. This approach requires the integration of professional skills such as eliciting information, formulating advice or drafting letters with the development of knowledge of legal principles and understanding of professional practices. Students need to be able to identify practical solutions to problems which meet clients' needs, evaluate the solutions against the legal framework, the facts of the case and the needs of the client and understand how to implement the solution. This again requires good judgement as well as reasoning skills.

While specific instruction is provided to develop the specified professional skills, students needed a basic level of skills to benefit from this. Thus writing and drafting skills are built on the basis of existing written communication skills. Interviewing, advocacy and group work require oral communication skills.

The majority of the cognitive demands of the course are in the verbal domain. This covers understanding texts and developing and communicating solutions. An element of numerical reasoning is also required particularly in understanding business accounts and taxation, however numerical skills are much less used than verbal reasoning skills.

From interviews with both students and those delivering the LPC there was a consistent view that the difficulty inherent in the course was as much due to the quantity of material that needed to be covered as to its inherent difficulty. Many interviewees referred to the difficulty in coping with the workload, preparing for

seminars and being sufficiently organised to keep up with course demands. In particular students need to be able to appreciate the essence of a document without becoming over focused on every detail in order to be able to cover all the required material.

Conclusions

Students are required to assimilate much new information over the course. This requires substantial work with high level texts. Comprehension is most important but analysis and critical evaluation are also required. A range of practical skills must be developed and the ability to apply judgement to develop and evaluate practical solutions to problems.

4. Review of typical texts used by students in course of study

Extracts from a number of standard texts and legal source material were reviewed to evaluate the reading level required. The texts examined were:

Extracts from relevant law and contracts

- Companies (Model Articles) Regulations, 2008
- Housing Act, 1996
- Sunbeds (Regulation) Act 2010
- Extract from example company memorandum and articles of association

Extracts from text books

- Gower and Davies: The Principles of Modern Company Law. Paul L. Davies. Sweet & Maxwell; 8th edition, 2008.
- Evidence (Law Express). Chris Taylor. Longman; 1st edition, 2010.
- Commercial Law 2010: LPC Guide (Blackstone Legal Practice Course Guide). Robert Bradgate and Fidelma White. OUP Oxford; 2010.
- Family Law Handbook 2010 (Legal Practice Course Guide). Jane Sendall. OUP Oxford; 2010 Edition

The texts all had a moderate to high reading level. They frequently contained long and involved sentences, complex grammar and many both technical and less common language and vocabulary.

Reading level was assessed for extracts from each text using four indices. The Flesh Kincaid Grade Level, the Gunning Fog Index and the SMOG index all estimate the number of years of education likely to be required to understand a text in different ways. The fourth index used was the Flesh Reading Ease. This has a scale ranging up to 120 with higher numbers suggesting texts which are easier to read and comprehend. Texts with scores below 30 are understood only by those with a reading level typical of graduates. The indices provide a rough rule of thumb to readability and each uses a different algorithm to assess reading level. They typically weight factors such as sentence length, number of syllables in words, the proportion of words with more than 3 syllables to provide an index. The use of a number of indices allows better estimates of reading level since the results are not dependent on any single factor.

Results

The average number of years of education for these texts was 16 years, with a range from 10 to 24 based on the average of the results for the three indices which assess years of education directly. 16 years is equivalent to an undergraduate degree and requires a high level of comprehension to understand.

The Flesh Reading Ease score averaged 54 ranging from 30 to 64. This result suggests a slightly lower reading level with only the most difficult texts at graduate level.

Conclusion

The cognitive demands of the typical texts used on the course is moderate to high and a good level of reasoning skills would be required to work with this type of material.

5. Factors underlying performance on the LPC

The factors underlying performance on the LPC were investigated in a number of ways. Interviews with course tutors and directors focused on this area. The review of course requirements is discussed in section 3 above. Students also contributed to this section through interviews. The questionnaire was used to canvas broader consensus on the factors identified. A variety of factors were identified in a repertory grid exercise with course directors, lecturers and tutors designed to elicit the areas that differentiate high performing, moderate and poor performing students. The overall results of these investigations are provided below.

5.1 Cognitive Skills

Understanding

Students who had good comprehension skills were often seen to do better on the course. These students were academically bright and easily able to understand the material they were required to cover. They not only understood the material but could work with it. Students of moderate ability could restate the information they had been given but the brighter students were able to synthesise and apply information more flexibly in new contexts. Questions from weaker students often showed they had not fully understood the material presented and needed support in reaching mastery of it.

Tutors did not always see a strong relationship between degree class and performance. They did agree that those with better degrees found the academic side of the course easier but some struggled with the more practical elements. On the other hand some students with poorer qualifications did struggle. Some tutors thought there were more failures among those with lower level 2:2 degrees. This is an empirical question which could be addressed in a research project. It would be necessary to collate information regarding degree class and LPC outcome for a sample of students.

Intelligence was rated as having moderate to high importance rather than critical importance on the questionnaire overall. Students and recent graduates in particular gave it low ratings for importance however it was seen as an important contributor when students failed by tutors and students.

Verbal Reasoning

Stronger students were described at interview as more likely to take a critical approach to information. They would think things through in depth and were able to see things within a broader context rather than individual details. They would be more likely to probe for further information when presented with a problem and showed an ability to see things from different perspectives. They were less likely to take information on trust and might challenge particular 'facts'

This was seen as of similar importance as general intelligence by all the questionnaire respondent groups apart from students. Students rated verbal reasoning similarly to other respondents but saw it as having greater importance than

general intelligence which they rated particularly low. However no group saw verbal reasoning as an important contributor to failure. It is however strongly related to general intelligence which is seen as underlying failure quite frequently.

Practical Problem Solving

Course tutors saw the ability to take a practical approach in dealing with material as an indicator of success. This was sometimes described as a 'common sense' approach. Students with better pragmatic judgement were able to evaluate information in the context of a practical problem or client need. These students differentiated the relevant from the irrelevant. When searching for a solution to a problem they took into account the practicalities. Some otherwise intellectually bright students struggled in this area because they took too academic an approach and were diverted from finding practical solutions to problems. For instance, they might ignore the commercial realities of a situation and suggest an approach that would be too expensive or resource intensive given the desired outcome. Other weak students took a more mechanistic approach and wanted standard guidelines on how to approach a problem rather than taking a problem solving approach and using their own judgement to reach an appropriate synthesis between the legal structures and a real world problem.

The questionnaire results supported this view. Practical problem solving received one of the highest importance ratings from all groups and those involved in teaching on the LPC saw it as a significant contributor when students fail. Good judgement was also rated as important, although not such a likely cause of failure.

Numerical Reasoning

Although most mentioned the need to understand numerical information for some aspects of the course as something that many students found challenging, overall this was not seen as a differentiator of stronger and weaker students. Most students found these parts of the course challenging, but in the end nearly all were able to achieve the required level of understanding. It was in general understanding and verbal reasoning that differences in ability were critical in determining course outcomes.

The questionnaire results supported this view with low importance ratings for numerical reasoning. Students saw it as a little more important than other groups, but no group saw it as a frequent contributor to failure on the course.

5.2 Communication Skills

Oral communication skills were seen as important for students to get the most out of group work. In addition areas such as interviewing and advocacy required specific oral communication skills. Those who were more confident in speaking in public tended to contribute more actively in group sessions and tutors felt this enhanced their learning. Most tutors felt that oral communication skills, even if poor at the beginning of the course generally developed well and did not form a major barrier to passing the LPC.

Written communication skills were seen as a problem by some tutors although not all. Some felt that many students tended to arrive with an insufficient grounding in written communication. The deficit could be in technical areas of spelling and grammar which meant students were unable to meet the high standard required. Other students were less able to express themselves clearly making their written work less accurate. The ability to explain legal matters in straightforward terms was often lacking. Some courses had increased their teaching in the area of written communication to try to address these issues.

Those that were less concerned with writing skills did not necessarily have a higher estimation of student's ability but felt this was not such a major part of the requirement that it was a barrier to succeeding on the course.

Most tutors felt that those with English as a second language were likely to struggle in this area and for these students lack of language fluency could affect their overall performance level. On the other hand few felt that this had a major impact on the course as a whole or that teaching was affected by the presence of people with poorer English skills.

In the questionnaire Written Communication was given the highest overall ratings of importance by most groups including teachers. It was also seen as a significant cause of failure by teachers. Oral Communication received somewhat lower ratings of importance from all groups and was less likely to be seen as a significant cause of failure.

5.3 Knowledge of the Law

During interviews, tutors were generally of the view that where students come with more relevant knowledge this is a benefit and will tend to lead to better outcomes.

Students with a good knowledge of relevant law were seen as more likely to succeed. The knowledge might come from good undergraduate preparation or from previous practical experience. A poor knowledge was not necessarily associated with failure since students could, and were required to, develop their knowledge during the course. However lesser knowledge made assignments more onerous for students and when combined with poor motivation and application and/or low ability could create difficulties. Interviewees did not relate differences in legal knowledge to different study tracks such as an undergraduate law degree compared to a CPE qualification.

Knowledge of the law received moderately high importance ratings and tutors did see it as frequent contributor to failure on the course.

5.4 Conscientiousness, Organisation, Application and Motivation

There was a strong consensus among course tutors that hard work was as important as, if not more important than, intellectual skills in success on the course. The strongest students worked hard, were committed to their studies and invested time in working and preparing for class. They took their studies seriously and worked consistently for the duration of the course. These conscientious students were

recognisable in classes in that they had clearly mastered background reading and were able to participate in discussion and develop their skills in class without being held back by a lack of relevant knowledge.

Course tutors were aware that some students were not very organised in their approach to the course work. The tutors felt that the course was a bridge between academia and employment and required a more methodical approach from students. Students who lacked organisation were less able to benefit from what the LPC offered. They might arrive late for sessions or fail to bring the appropriate materials with them. Time management was often raised as an issue. They tended to have a haphazard revision strategy. They might ask for help from tutors at short notice, but then have little clear idea of where they wanted support or only have a single query. More organised students would book support sessions in advance and come prepared with a list of questions they wanted help with.

Tutors saw a lack of application as a key factor where students failed. They felt that this often stemmed from life circumstances that did not allow students to commit the time they needed to their studies. Those with caring responsibilities or who needed to work to support themselves through their studies were seen to do less work, even though they might be strongly motivated to perform well on the course. A lack of commitment to their legal career choice was also seen as a common cause of poor performance and failure. Students who had taken the LPC route without seriously considering their career direction or because of external pressure often did not have the motivation or persistence to keep up with the work load.

A lack of motivation might show itself in poor preparation for sessions and poor attendance records. Poorly motivated students were sometimes described as not taking the course seriously or having low desire for achievement.

The questionnaire results supported the importance of conscientiousness. It was second only to Written Communication. All groups rated it highly and it was seen as a frequent cause of failure by tutors. Motivation to achieve was rated as less important overall but as a significant contributor to failure. A methodical approach received more moderate ratings on the whole but it was also seen as a significant contributor to failure. While a lack of organisation might not in itself cause a student to fail, when combined with other difficulties it could be an exacerbating factor.

5.5 *Personal maturity*

Previous legal experience was seen as a major benefit on the course as it was generally combined with a mature and serious approach. Students coming straight from university needed to learn to adapt from an academic to a practical style of learning. They also needed to engage with the work demands consistently through the course. Those who had practical experience of a legal environment found this easier and were more likely to engage with the course in an appropriate manner. They were used to a formal working environment. They often had a good understanding of professional skills such as case management and this made them very effective in dealing with practical problems. The benefit of previous experience was evident even when these students had poorer academic credentials.

Students with extensive previous experience were likely to be older than the average student. They therefore had considerable life experience which tutors also felt was helpful. They had more experience of typical client problems and tended to have a more mature approach both to their studies and to how they approached assignments.

A lack of experience was not however seen as a cause of failure with the majority of students in most courses having little or no experience. The questionnaire results supported this conclusion with Personal Maturity being rated behind many other factors and it was not seen as an important contributor to failure when it occurred.

5.6 *People skills*

Some tutors thought that getting on well with others was a useful skill. Several commented that they felt students who found it easier to engage with others would make better solicitors in practice or be more able to bring work in. However this factor was not strongly related to performance on the course.

This pattern of skills was supported by the student interviews. They felt that hard work and organisation were the most important factors. The questionnaire also showed interpersonal skills being rated lower than other factors on the whole.

5.7 *Other factors*

A variety of other characteristics were mentioned in the interviews but none with sufficient frequency to be sure these were consistent requirements for students.

6. Factors underlying performance during a training contract

The interviews with those who managed, supervised or mentored trainees during their training contract revealed some similar factors to those with course staff but there were some notable differences. Interviews with trainees were consistent with the views of the employers.

6.1 Cognitive Skills

The interviewees rarely mentioned analytic reasoning skills as a differentiator between trainees. Those that did thought that all their trainees were bright and had the level of understanding required for the work. Many employers used their own cognitive reasoning tests in selecting trainees. In the questionnaire neither trainees nor supervisors saw intelligence as more than of moderate importance. Ratings of verbal reasoning were similar and numerical reasoning was not seen as important at all.

Practical problem solving received the highest questionnaire ratings of all the cognitive areas as for the course ratings.

6.2 Communication Skills

While this was not a factor that was raised as a differentiator between stronger and weaker trainees, several employers commented on the difficulties finding trainees who had good drafting skills. They felt that the general level of written English was poor and that students could complete the LPC without gaining sufficient skills in this area. Some used a written exercise in selecting trainees and several looked at the quality of writing in candidates' CVs and cover letters.

In the questionnaire, Written Communication was given the highest overall ratings of importance by supervisors and those on training contracts. It was also seen as a significant cause of failure by supervisors. Oral Communication received somewhat lower ratings of importance from all groups and was less likely to be seen as a significant cause of failure.

6.3 Knowledge of the Law

Knowledge of the law was little mentioned during interviews but was rated as of some importance by supervisors and recently qualified solicitors in answer to the questionnaire. They did not see it as a major contributor to failure.

6.4 Conscientiousness, Organisation, Application and Motivation

This factor was important during the training contract as well. Employers differentiated between those who were enthusiastic, hard working and conscientious. They particularly liked trainees who showed a real interest in legal work and wanted

to learn more. Someone who could be relied on to get on with a task was also valued. While it was rare for trainees to fail a contract, this factor would differentiate those likely to be offered a permanent contract after their training from others.

Efficiency of work was mentioned by all the interviewees. They wanted trainees who were methodical and organised. Punctuality and general good time keeping were valued. Attention to detail often differentiated the better trainees from those who were seen as only mediocre in performance. An organised trainee would be well prepared for any activity and would maintain tidy well documented files that allowed others to pick up on a case where needed. Organisation was also seen to support the type of multi-tasking required of trainees. Because they may have to move between one case and another, they needed organised file notes to be able to quickly pick up where they were with a file if they received a query regarding the particular file.

The questionnaire supported these results with conscientiousness highly rated for importance and seen as a contributor to failure. Those on training contracts thought motivation was important as well although supervisors rated this lower. A methodical approach was less valued by many of the respondents.

6.5 *Personal maturity*

Employers valued trainees who had insight into people, a range of life experiences and an understanding of people's failings. Questionnaire ratings were only moderate for this factor.

6.6 *People skills*

The way trainees related to others was much more important during the training contract than in the LPC as might be expected. Employers valued trainees who had pleasing manner with others – both clients and colleagues. They wanted trainees who were professional, confident and reasonably outgoing.

Showing empathy for others to some degree was important. Some interviewees specifically mentioned looking for someone who was helpful and willing to go the extra mile for a client. They were likely to give better, more rounded advice.

The confidence to ask questions when they did not understand something – whether of a supervisor or a client – was also seen as important.

Confidence with others was seen as most important of all the interpersonal areas on the questionnaire but leadership and team work were not seen as very important by supervisors although trainees thought being a team worker was important.

6.7 *Other skills*

In response to an open question, integrity was raised by a number of people on the questionnaire. Empathy was also seen as important in practice. A variety of other characteristics were mentioned in the interviews but none with sufficient frequency to

be sure these were consistent requirements for a trainee rather than specific factors in particular firms and types of work.

7. Views regarding the introduction of a test

There were divergent views regarding the introduction of a test. Some thought it an excellent idea that was overdue while others were strongly against the idea.

What should be assessed

Views ranged from a multifaceted assessment of many different skills to a simple critical reasoning test. Many respondents had experience of the use of selection tests in other contexts. Some felt they would be relevant for selection to the LPC and others that they would not. The most common suggestions were Critical thinking and Verbal reasoning tests.

Apart from those who wanted a broad ranging test there was no support for a measure of legal knowledge. There were fears that any test would just be replicating the degree and other examinations that most LPC applicants would just have taken.

Writing and other communication skills were mentioned by several people and some wondered whether measures of personality and motivation would be relevant. On the other hand several people expressed reservations regarding finding a single profile that would be suitable for all areas of practice. They were concerned that what is required of a city lawyer is different from someone working in a rural high street practice. There was a fear that the use of tests would result in restricting entrants to a single type of person, reducing the general diversity. In fact this type of cloning is unlikely unless measures are used in a very restrictive manner.

A common view was that any content that was effective in predicting performance on the LPC would be acceptable.

Perceived benefits and drawbacks of an aptitude test

Some respondents felt that it would be a good thing for the profession to restrict entry to those most likely to succeed. Others saw more general benefits for the course beyond its use as a stepping stone to registration as a solicitor. By excluding the weaker students, the pace of the course could be increased and this was likely to raise standards. However at interview few felt there was a substantial problem of underperforming students holding back the group.

Others worried that the usefulness of a test would depend on the ratio of applicants to course places. If there were a shortfall in course places this would effectively restrict entry with a test. Any overall reduction in the number of students might also result in the closure of smaller courses which would become uneconomic.

Several of those that opposed the introduction of a test were concerned that it would restrict access to the profession and deny people that wanted to, the opportunity to learn. This was felt to be fundamentally unfair. There were also fairness concerns with respect to diversity. It was felt that a test might exclude people from minority and underrepresented groups and the same privileged group who had access to better

educational opportunities would benefit. A preparation course 'industry' was likely to arise around the test and those with money would benefit, while those without would be disadvantaged. The need to keep any measure as immune from preparation as possible was seen as important.

A good number felt that any addition to the selection process was unnecessary. They thought the current selection is perfectly adequate so additional measures are not needed. They saw no issue in sifting on the basis of educational achievements and information provided on an application form. This already allowed an assessment of written communication. They thought that university and 'A' level grades provided sufficient information on candidate's abilities to make selection decisions. They also pointed to a relatively low failure rate on the LPC as support for the current minimal selection process.

Most interviewees thought that the cost of the test should fall on the candidates but were aware that students would be unhappy about any additional costs. However a cost of up to £100 was not felt to be excessive and would be acceptable to most candidates.

While many had reservations about the introduction of a compulsory test there was more, although not universal, support for a voluntary measure. Something that would provide insight and accurate careers advice was generally welcomed, as a useful support for students. Candidates need help in deciding whether law is the career for them. Some find during the course that it was not what they expected and they drop out. The test and advice process might provide some insight into the nature of the course and the future career. There was support for any measures which made candidates more realistic about their career chances.

Another advantage of the voluntary approach is that it would not require the agreement of the SRA in the first instance. It would also allow a gradual introduction of the measure which could be made compulsory if it was found to be effective and take up was increasing. However there was a substantial minority who argued that take up of a voluntary test was likely to be low and therefore the measure would be almost meaningless.

Despite the concerns around the introduction of a test it is still possible to identify potential benefits along with possible drawbacks. Potential benefits which were generally seen as important included:

- A positive impact on diversity by providing applicants with previously poor academic records to show their ability.
- Providing applicants with more specific evidence regarding their likelihood of success on the course
- Helping students avoid wasting money on a course they cannot pass.

Managing the test

There were differing views regarding whether the Law Society or the SRA should manage the test. There was little support for a test managed by the providers individually or in a consortium which is the model used for the LNAT test. Most said their organisation would look at the scores but reserved judgement regarding whether they would be actually used.

8. Context Factors

The following issues provide relevant context to decisions regarding the introduction of an aptitude test for the LPC. They are derived predominantly from the visionary interviews but also from comments from other interviewees and from the questionnaire results.

8.1 *The Legal Professions*

The Legal Services Act is changing the way that legal service firms are structured and how legal services are offered to the public. The SRA is changing the way that solicitors are regulated, moving to an outcomes focussed approach. The impact these changes will have is not yet clear but it is likely that there will be implications for the role of the solicitor and therefore for the way solicitors are trained.

8.2 *The structure of training*

While many informants had suggestions for improving the LPC it was generally seen positively as a useful introduction to professional practice and a bridge between academia and employment. The need to improve the general learning experience provided by the training contract was mentioned by several people.

Interviewees were asked whether they anticipated any changes to the LPC and the current training structure. Were the training path to undergo substantial change, any aptitude test that was introduced would need to be re-evaluated.

Following the recent revision of the LPC by the SRA most people felt that the LPC would not undergo further change in the next few years. However the changes initiated by the Legal Services Act may create the impetus for broader changes to the way solicitors are trained and the place of the LPC within that process in the mid term or beyond. The major legal regulators (SRA, BSB and ILEX Professional Services) announced a review of legal education and training during this research. The review will look at the implications for legal education and training in the light of the Legal Services Act. It is due to report at the end of 2012. Changes resulting from the review could be expected to impact solicitor training in the medium term and beyond.

Trials of some alternative training structures are underway or being evaluated. The SRA are running a number of Work Based Learning pilots as an alternative to the current training contract. As part of this Northumbria University is piloting a five year degree course which enables successful student to enrol as solicitors. They have already been offering a combined degree and LPC programme for several years.

A substantial number of interviewees discussed the potential for the current single LPC to be fragmented into specific courses for more restricted areas of practice. It was felt that the current generalist structure of the training might be losing its relevance when firms were increasingly specialising in particular areas. City firms catering to businesses did not undertake Family Law or Advocacy and equally local

high street firms did not cater to large businesses. Electives within the current LPC framework allow some specialisation and some large firms have commissioned tailored LPC courses for the students they have offered training contracts.

A key concern with the current training path is the separation between the LPC and training contracts. The LPC is a course of study offered by many universities and specialist colleges and places are open to anyone with a 2:2 degree, a qualifying law degree or suitable alternative and the fees to pay for the course. Training contracts are essentially employment contracts and their availability depends on the needs and resources of firms of solicitors. There is therefore a competitive market for training contracts. The number of training places can be affected by market forces and factors such as the recent economic downturn.

There is some difference of opinion regarding the relative scarcity of training contracts. Some available statistics are discussed in a later section. It is clear that at least some LPC graduates experience great difficulty in attaining a contract and many give up the aspiration to qualify as a solicitor as a result.

The idea of having a training process which integrated the current LPC and training contract elements was mooted by some. The learning institutions that delivered the LPC might take a leading role in finding and managing the practice experience of students.

8.3 *The Experience of Students and Trainees*

The idea that the current training path leads to poor experiences and potential exploitation for those training to be solicitors was raised by many. Students also felt exploited by the training system and some were quite cynical about the motives of those involved. There were a number of aspects of the current process which were felt to be potentially unfair to students.

- The cost of the LPC course was felt to be excessive, particularly when successful completion did not guarantee a training contract or qualification as a solicitor.
- The LPC providers were perceived by some to be insufficiently candid regarding the nature of the LPC as only one step on the path to qualification and the difficulty in obtaining a training contract
- Some employers were felt to be exploiting those on training contracts. Because of the competition for places they were able to offer relatively low rates of pay, require long working hours, or provide poor training experiences. The Council of the Law Society mandates minimum salary levels for those on training contracts which are on a par with median graduate starting salaries.

A common theme was the need for the provision of better information about the real costs and difficulties in training as a solicitor. There was a difference of opinion as to whether this was the responsibility of the course providers, the Law Society or the SRA, but most thought that potential students would benefit from knowing more. It was hoped that this would help them evaluate whether it was sensible for them to invest their time and money in embarking on training. Common misperceptions included the difficulty of gaining a training contract and the amount of work required just to complete the LPC.

9. Statistical Trends

The following statistics are derived from a number of sources. These include the Law Society Annual Report, extracts from the SRA's Regis data base and figures compiled by Dixon (2010) to try to estimate the relationship between LPC graduates and Training Contract places. There are some inconsistencies between the figures from different sources. This may stem from the different ways places and passes can be counted. For instance a student who is registered for an LPC in 2008-9 but does not pass until after resitting a paper the following year might be counted as a pass in either of those years. Part time students are registered over more than one academic year and may be counted in either or both with a full or partial student weight. The number who are examined is substantially fewer than the number enrolled. The difference may reflect part time students who will continue their studies the next year, or it may be partly accounted for by students dropping out from the course. The Law Student Cohort Study (Shiner & Newburn 1995) looked at the drop out rate for the LPC but the figures are now so old it is unlikely they are still valid.

The number of LPC graduates and Training Contract places available has been increasing over most of the period for which figures are available (since 1993). However figures have been decreasing over the last few years. This is most often accounted for by the current economic climate which has led to firms reducing the number of Training Contracts offered. Potential students have also re-evaluated their career options. The current changes in the jobs market and in the funding regime for all tertiary education will certainly impact on students' choices.

Figures for the last four years are shown in table 1. Trends show:

- The number of LPC places is increasing
- There is a substantial surfeit of LPC places over the number of students actually enrolled each year.
- The number of students enrolled is on a decreasing trend. There was an 18% decrease in 2009/10 compared to 2008/9.
- The number of available traineeships is decreasing. There was a 22% decrease in 2009/10 compared to 2008/9.
- Around 60% of students pass the LPC initially. The proportion rises to just less than 85% when those who pass on resits are included and up to 90% if only those who actually sit the exams are considered.

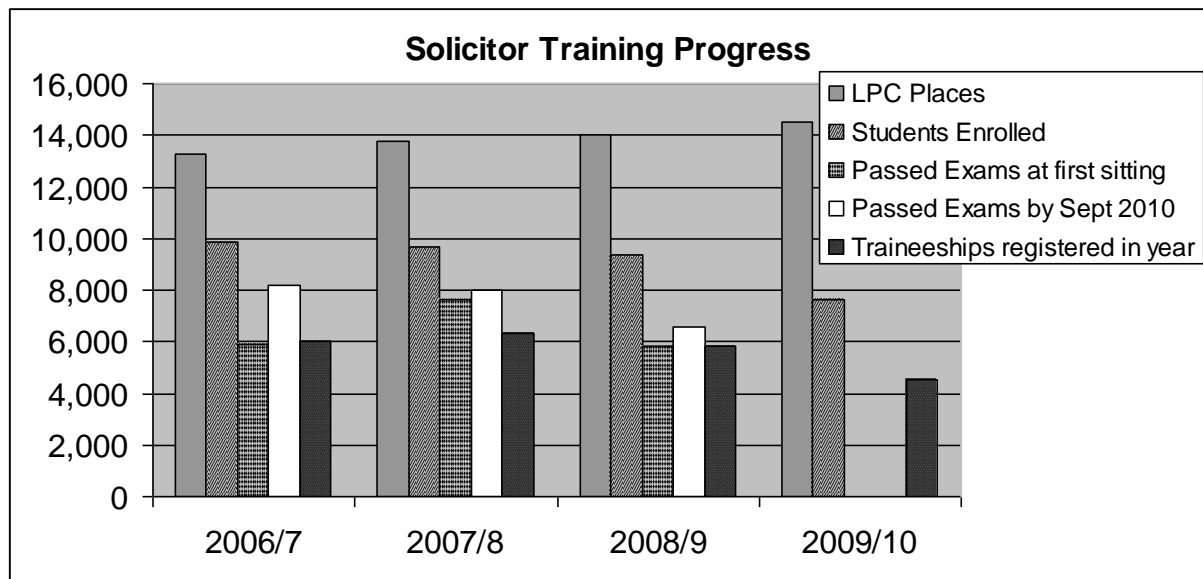
Table 1: LPC Enrolment, Pass Rates and Traineeships*

	2006/7	2007/8	2008/9	2009/10
Full Time LPC Places	10,325	10,675	10,873	11,370
Part Time LPC Places	2,948	3,064	3,152	3,112
All LPC Places	13,273	13,739	14,025	14,482
Students Enrolled	9,850	9,662	9,337	7,631
Students sitting exams	9,060	9,313	8,561	n/a
Passed Exams at first sitting	5,921	7,606	5,824	n/a
Initial Pass Rate (Enrolled)	60%	79%	62%	
Initial Pass Rate (Sat Exams)	65%	82%	68%	
Passed Exams by Sept 2010	8,196	8,019	6,570	n/a
Pass Rate (Enrolled)	83%	83%	70%	
Pass Rate (Sat Exams)	90%	86%	77%	
Traineeships registered in year	6,012	6,303	5,809	4,510

*The figures in this table come from a variety of sources – see text above.

In comparing the number of LPC graduates with the registered training contracts the figures are also difficult to interpret. There has been an excess of LPC graduates over the number of existing training places year on year. This difference is exacerbated by the growing pool of graduates from previous years who have not yet secured a training place and are still searching for one. However there are no figures regarding how long LPC graduates remain in the market for a training contract. It is likely that after a number of years they stop searching for one.

Figure 1: LPC Enrolment, Pass Rates and Traineeships



Dixon's (2010) figures suggest that this has not always been the case and between 1998 and 2004 there may have been more training places than graduates. He bases this conclusion on those who pass the LPC the first time they try. This is also the case for figures for more recent years. There is quite a good match between the number of training places and the number of first sitting passes. It is when the students who pass over the following years are taken into account that a larger discrepancy starts to develop. This is also evident from figure 1 which is a graphical presentation of the figures in the table.

The pass rate for the LPC is high with typical pass rates above 85% once resits are taken into account and excluding those who do not sit the exams for whatever reason. It is not clear from the figures whether the pass rate is reducing somewhat, or whether this is an artefact of the latest figures not yet including all those from a cohort who may yet go on to pass the course. The recent changes to the course may have had some impact on pass rates.

However between 10-20% are failing the course and this is a substantial number of people. It is this group that could potentially be reduced by using an aptitude test.

10. Current Selection onto the LPC

Current selection onto the LPC is most often via a paper sift. Candidates apply to the Central Applications Board. Most selection is via a paper sift which ensures that candidates meet the SRA requirements. Typically students are expected to have a 2:2 or above degree classification. With a surplus of LPC places over applicants more stringent selection criteria are not required. Some providers aim to be more selective while others will take candidates with lower degrees where there are special circumstances – most frequently an extended experience working in a legal environment. In these cases candidates are likely to be invited for interview.

The use of previous educational achievement in selection is generally perceived as sufficient although some informants have expressed concern regarding the breadth of ability among those with a 2:2 degree. Where providers allow students with a third class degree entry when they have suitable practical experience or other mitigating factors this is generally seen as an appropriate policy, even though these students may struggle more with the course.

11. Findings from test use in other contexts

The use of aptitude tests as selection measures to undergraduate and postgraduate training is increasingly common. At the undergraduate level the LNAT – the National Admissions Test for Law – is used by 8 universities to select applicants for undergraduate law programmes. There are other undergraduate selection tests. The BioMedical Admissions Test (BMAT) and the UK Clinical Aptitude Test (UKCAT) are both used for admissions to university for medicine, dentistry and veterinary sciences. They are designed to assess academic skills and aptitude rather than knowledge and are used by more selective institutions. Oxford and Cambridge universities use these test as well as other subject specific tests for evaluating applicants to undergraduate degrees in some subjects. They also use more general assessments of critical thinking and problem solving skills for some courses.

Selection tests are also used at the graduate level for selection into professions. The Bar Standards Board are currently piloting a verbal reasoning measure based on the Watson Glaser Critical Reasoning test for use as a screening measure for entrants to the Bar Vocational Training Course. As part of the standardisation of entry into post-registration training in medicine a number of screening tests have been introduced. Patterson et al (2009) report on the effectiveness of two tests in selecting for postgraduate training in general practice. Dobson et al (1999) found that the verbal reasoning scores from the Graduate Management Admission Test (GMAT) was a good predictor of UK MBA examination performance.

Many US universities use reasoning tests to select into undergraduate and postgraduate studies and the research shows them to be very effective. The SAT and ACT tests are widely used for undergraduate selection and the GRE (graduate record examination) is a general reasoning test for selection into post graduate courses. There are also a variety of higher level tests used for selection into specific professional graduate courses. The GMAT mentioned above is aimed at business courses such as MBAs; the MCAT is for admission to medical school. The LSAT (Law Schools Admissions test) is used for selection into law schools. These tests all contain a strong element of verbal reasoning. In addition, according to relevance there may be numerical reasoning elements, abstract or logical reasoning and sometimes more content relevant knowledge based elements.

Non-cognitive measures

There is less evidence of the use of non-cognitive selection measures for selection onto educational or vocational courses. Lievens et al (2009) describe the study of the use of a personality measure for medical school admission in Belgium. There are some concerns regarding measures of personal style in academic selection. These include the appropriateness of considering personal style in making such decisions and the difficulty of creating measures which are not easily open to faking. However such measures can be useful in providing feedback to prospective students regarding how their personal or learning style will suit the course requirements.

Effectiveness of Tests in Selection

The literature on personnel selection clearly shows that cognitive ability is the single best predictor of performance. Schmidt and Hunter (1998) compared many studies and found tests of cognitive ability consistently show predictive power. The education literature shows a similar trend with cognitive ability an even stronger predictor of educational outcomes. Kuncel et al (2001) compared many studies of the use of cognitive tests in predicting student performance and found similar evidence of correlation between test performance and course outcomes. These studies typically show that a combination of previous educational achievement and cognitive test scores provide the strongest predictions of future educational performance.

Bridgeman et al (2004) illustrate the typical impact of these relationships using the SAT (a cognitive ability test) and undergraduate academic performance. Dividing SAT scores into 5 bands they found that the percentage of students attaining a particular average exam grade rose consistently, even when previous academic performance is held constant. For example in one analysis they found that the percentage of students achieving a grade point average of 3.5 (moderately high) was 0% for the group with the lowest SAT scores rising to 14%, 30%, 51% and 77% for the rising SAT score bands.

Stilewell et al (2009) report on the effectiveness of the LSAT in predicting university outcomes. They combine data from many different colleges and find consistent evidence of good prediction of course outcomes. The best prediction is obtained by combining information on previous academic achievement with the test scores. These results suggest that it is highly likely that a relevant cognitive ability test will be predictive of LPC performance as a stand alone measure. It would also be predictive above and beyond selection based purely on previous academic performance.

The best non-cognitive predictor of performance is the conscientiousness dimension of personality (Schmidt and Hunter, 1998; Wiener et al., 2003). In lower level jobs measures of integrity are used but at the graduate level the conscientiousness factor of personality questionnaires is used. In the educational context these types of measures have been less well studied. Chamorro-Premuzic and Furnham (2008) showed a combination of cognitive ability and conscientiousness and openness predicted performance on essay based exams. Lievens et al (2009) found conscientiousness was predictive of academic performance among medical students in Belgium, especially in the pre-clinical parts of the course. These measures typically show smaller difference between ethnic and other groups.

Impact on Diversity

Cognitive measures in particular show evidence of differences in performance for some groups. In particular those from lower socio-economic groups and minority ethnic backgrounds tend to have lower scores on these measures. The differences are greatest with the more cognitively loaded tests. There has been substantial research in this area and findings typically show that where a group has lower scores on the cognitive tests these are matched by poorer performance on the outcome measures. (Baron et al, 2006). This means that differences are more likely to be reflections of limited educational opportunities for poorer performing groups rather than inherent bias in measures. Analysis of results from the LNAT show that white

groups score better than other groups with Bangladeshi groups performing least well of all groups. These results mirror other academic findings. On the positive side there are only small differences between applicants from Independent, Grammar and Comprehensive schools. (Lnat, 2010).

These differences mean that any introduction of selection tests needs to be monitored carefully for impact on the increasing diversity agenda. However one advantage of cognitive tests is that they provide an independent opportunity for a person to show their ability where external life circumstances have lead to underperformance in academic assessments.

Preparation and Security

Those managing high stakes testing programmes are acutely aware of the issues around preparation and security. When a test is introduced as a hurdle to gain access to a desirable end such as a training place, professional registration or employment, there are always a small proportion of test takers who will try to cheat the system. There are also organisations that begin to offer preparation and coaching support to prospective candidates, typically for substantial commercial gain. There is a substantial literature on both these issues.

Test preparation

Test preparation can vary from briefly reviewing test information, through practicing some example questions to participating in formal coaching sessions. The susceptibility of tests to preparation can differ depending on what is being measured and how it is measured. There can be quite a large effect of test preparation for numerical tests where the candidates have not engaged in any numerical reasoning for some time. However well written tests requiring in depth verbal comprehension are less susceptible. Large well controlled studies suggest that the average impact of preparation is measurable but small (Briggs, 2001; Powers & Rock, 1999). Allalouf and Ben-Shakhar (1998) have similar findings but show this coaching does not reduce the effectiveness of scholastic aptitude tests. Overall tests tend to be less susceptible to coaching than other selection procedures such as interviews and personal statements.

One way of minimising the impact of practice and coaching is to provide all candidates with practice materials. This tends to remove any large effects due to unfamiliarity with testing procedures, or lack of use of the ability measured for an extended period.

Security

There are various ways in which the security of a test can be breached. The simplest method for candidates is to arrange for a more able person to take the test in their place. For this reason care must be taken that identification procedures for test takers are robust in high stakes test use. Proctoring of testing is important to ensure that candidates are not copying or sharing answers. Multiple equivalent forms of tests must be used where testing is over an extended period to prevent candidates from sharing questions. Question banks should be refreshed on a regular basis. Even with these procedures in place, attempts to steal questions may occur and vigilance is always required to ensure security of question banks. Statistical analysis

procedures can be used to identify questions which show signs of security breach. It is useful to monitor internet sites that applicants frequent for intimation of availability of test materials.

Faking

Ability and aptitude tests are often termed tests of maximum performance. Candidates have to have the skill being measured to answer questions correctly or to have prior information about the questions. Questionnaires typically used to measure non-cognitive dimensions of behaviour such as conscientiousness are measures of typical performance. Candidates are asked to describe their own behaviour. There is no need to know an answer, a person can give any answer whether it is true or not. Candidates may try to answer in the way they consider will be most likely meet with favour. This is known as social desirability responding. There are controls available for social desirability responding and candidates' intuitions about which is the most favourable response are not always correct. However, in a high stakes environment, it is difficult to maintain the degree of control that would be desirable for these sorts of measures. In a low stakes environment where candidates complete measures to gain feedback and better understanding of themselves this type of faking is less problematic and less likely to occur.

12. Discussion

12.1 Summary of Issues

There is a substantial failure rate on the LPC course. Between 10% and 20% of students do not graduate from the course and only around 65% pass the course the first time they sit the exams.

Anecdotally the factors most frequently related to failure on the course are:

- Poorer educational qualifications on entry to the course
- Poor written communication skills
- Poor cognitive reasoning/intelligence
- Difficulty with practical problem solving
- Low motivation and lack of effort

While there is some consensus that a few students without the ability to complete the course were enrolled only a small proportion thought that low ability students were impairing the learning environment for others. At least some respondents think that the level of the course should be increased.

The review of statistics provided some indication that there are insufficient training places for all the students completing the LPC. This is consistent with the reported difficulty of some graduates finding a place. As a result some students are unlikely ever to gain a training contract. There is a general concern that these students are wasting their money enrolling on the course when they are unlikely to gain a traineeship. While there are independent benefits to be gained from the course apart from as a stepping stone to qualification as a solicitor, and the skills learned can be used in para-legal positions, there are simpler and cheaper ways of developing one's skills base if registration is not desired or attainable.

12.2 Potential impact of a test on issues

Failure Rate

There is strong evidence from the different strands of work that the cognitive reasoning ability of students is related to their success on the course. Lower intelligence was rated as frequently underlying failure on the course. This is consistent with the literature findings that intelligence and reasoning are very predictive of performance in education on both academic and vocational tracks.

Intelligence relates to a person's general reasoning ability. The particular aspects of reasoning that are relevant to the LPC are Verbal Reasoning and Practical Problem Solving. Written communications skills and legal knowledge were also seen as sometimes contributing to failure on the course.

Tests of these skills and abilities would be able to provide some indication of whether applicants were likely to be successful on the course. Use of such tests could be tailored to reduce the failure rate on the course.

Style of working and motivation were both seen as contributing to the failure rate. More organised and conscientious students were seen as likely to do better and there was a strong consensus that poor motivation was a significant contributor to failure on the course.

It would be harder to justify the use of tests of general style although there is also evidence that these could be used to identify potential failures on the course.

Excluding students who are most likely to fail the LPC using a test with a low cut score could have a number of benefits. The students would not incur major costs for the course with little likelihood of success. They would not have spent a year with very little outcome or experienced a serious failure. Other students on the course might have a better learning experience if teaching staff were not required to support very weak students. It is even possible that by removing the lowest performing students the level of the whole course would be improved. Teachers would be able to focus their teaching at a higher level knowing that the least able students are still at a high enough level to cope.

Improving the learning environment

The presence of students who struggle with the course content can reduce the quality of the learning environment for others. They can slow the pace of teaching and reduce the level of discussion. There was little evidence that this is currently a concern for the LPC. However the use of one or more of the tests to exclude students who are most likely to fail the course would also improve the overall standard of students on the course. This might have a positive impact on the learning environment for others as discussed above.

Improving the level of the course

Improving the quality of students through the use of a test might have an indirect impact on the general level of the course. If the average student is more able, teachers will tend to adapt their teaching to the level of the group. However this is likely to be a minor impact. In general the SRA sets the level of the course and teaching will follow this level.

Balancing LPC Graduates with Training Contract numbers

Excluding students who are most likely to fail the LPC will increase the proportion of enrolled students who pass. However it will have little impact on the overall number of people passing. The students who are excluded in this way were unlikely to have passed the course in the first place and so there will be at best a marginal reduction on the numbers of people seeking training contracts. This approach will therefore not address the issue regarding the lower numbers of training contacts. A voluntary test would likely have even less impact.

A higher standard of test performance could be applied which excluded a larger proportion of applicants, not just those most likely to fail. This would have some impact on the numbers of people graduating from the course. Linking the test to the

likelihood of gaining a training contract, rather than just success on the course, would have a greater impact on numbers. However it is more difficult to justify the requirement for a standard beyond that required for the LPC course. It would be important to be able to justify the higher standard required on grounds other than just reducing numbers on the course.

To reduce the numbers graduating from the LPC it would be necessary to raise the bar above the level currently set. This could be done indirectly by using a selection test with a higher cut score than that required just to avoid most failures on the course. A more direct method would be to raise the standard required to pass the LPC. This would reduce the number of graduates and would also raise the average standard of graduates who did pass. In time this could filter through to an improvement in the standard of practice.

12.3 What to measure

Aptitude tests are measures which assess whether a person has the potential to develop certain skills or perform in a particular role. The characteristics measured are those which underlie the performance of interest but are not themselves that performance. For instance an aptitude test for a driver might include elements of hand eye coordination and judging distances. These do not in themselves show whether a person can drive but in order to drive safely, these skills are required. It could be said that these skills indicate aptitude for driving. A driving ability test by contrast would most likely require driving in a real or simulated environment. The ability to drive would be measured directly. There is therefore no clear demarcation between aptitude tests and ability tests. An ability test of one skill can be an aptitude test for a different area.

Tests to predict performance on the LPC will be aptitude tests in the sense that they are used to indicate the potential of candidates for the course. They will typically measure abilities that candidates will need to use on the course.

Verbal Reasoning

A test of verbal reasoning would address a number of the underlying causes of failure identified here. Previous research has shown that these types of measures are very effective for predicting academic success. Verbal reasoning ability was strongly indicated in the analysis of the course requirements. A number of existing measures of verbal reasoning are available from test publishers. An alternative is to create a bespoke measure which could be more exactly tailored to the LPC requirement.

Many commercial test publishers produce measures of verbal reasoning aimed at graduates that would seem *prima facie* to be relevant to the LPC course. Typically the tasks require the test taker to read a passage of information and answer questions related to it. The tests can differ in the length of passages to be dealt with, the extent to which they have characteristics of more formal logical arguments or are written in everyday language and in the types of questions asked.

One example of this type of measure is the Watson Glaser Critical Reasoning Test which forms the basis of the test being piloted by the Bar Standards Board. This

focuses on understanding the logic inherent in statements and passages. Some example questions can be accessed using the following link: http://www.talentlens.com/en/downloads/samplequestion/WatsonGlaser_Form_AB_Esample_Questions.pdf

An example of a bespoke test is the LNAT test which is used by a consortium of universities to select students for undergraduate law degrees. This test consists of longer written passages, and has more focus on understanding the import and intention of the writer and somewhat less on logical inference. A practice paper can be accessed using the following link. <http://www.lnat.ac.uk/assets/Practice%20Test%202010%20paper%201.pdf>

Both these tests are examples of verbal reasoning measures which have substantial relevance to the type of skills required of students on the LPC course. The first is a commercially available test produced and managed by a large test publisher and distributor. The second is an example of a bespoke test which is produced and managed for the LNAT consortium of universities. A bespoke test will tend to be more costly to manage and require more oversight from a quality perspective. On the other hand it allows a closer specification to the measurement need.

Practical Judgement

For the practical judgement element, a situational judgement measure could be used. This would need to be tailored for testing of law students but could address a range of elements which would be related to successful completion of the course.

Over the last few years there has been considerable interest in the use of situational judgement measures in selection (e.g. Chan et al, 2005; McDaniel et al, 2001). These measures can be viewed as a hybrid of cognitive ability and non-cognitive measures. They typically require problem solving skills in practical contexts. Some use them as indicators of what is termed emotional intelligence. While they can have a considerable cognitive load, they often focus more on assessing the ability of the respondent to identify an appropriate course of action in a particular situation. The task then requires practical judgement rather than analytic reasoning skills.

There are many different formats of situational judgement questions but the following is an example of a typical question style.

You notice that large amounts of property have been going missing from work over the past few weeks. You have seen one of your colleagues putting stationary and equipment into her bag on a number of occasions and suspect that she is responsible. Which of the following is the most effective response to this situation?

- A Gather more evidence and catch her 'red handed'
- B Confront your colleague and ask her about what you have noticed
- C Inform your manager that you suspect she is stealing.
- D Don't do anything, if guilty she will be caught
- E Privately ask some of your colleagues if they have noticed anything

These measures provide an indication of whether the person has the judgement to identify appropriate solutions to problems in real world situations. They can focus on a variety of issues including ethical values, interactions with others and appropriate social behaviour.

Patterson et al (2009) found such a measure to be extremely effective in selecting trainee General Practitioners. Others have found similar results and these tests are often associated with somewhat smaller group differences than measures of cognitive ability. This means they are likely to be associated with less adverse impact when used.

Written Communication

Written communication skills are harder to evaluate and require the services of trained assessors. This is a relatively expensive process. However a short piece of writing could be required of all candidates for providers to look at. Rather than scoring it centrally, a copy could be passed directly to any providers the candidate applied to. They would have the choice whether to evaluate it. This might provide useful additional information where other measures were inconclusive. The LNAT uses this approach. Writing samples are collected but not evaluated. They are passed on to selectors who can choose whether to evaluate them.

Other measures

While measures of motivation and conscientiousness exist, there would be more difficulty in using one of these in a high stakes environment. However such measures would be relevant if tests were introduced in an advisory category to help potential applicants make sensible decisions regarding whether they should invest in the course. These measures would allow the provision of richer feedback.

12.4 Managing a test

In introducing a test it is always important to consider the exact purpose of the test and the impact that it will have on the whole process. It is a different matter to try to lower the failure rate on the LPC than to raise the overall level of performance or reduce the number of graduating students. The nature of what should be measured and the form of the test are likely to be different for different purposes. A more challenging measure would be needed to raise the overall performance level. Some factors such as writing skills may be less important in avoiding failures but more important in raising the overall level of performance.

The process of introducing tests often has unintended consequences such as diverting the focus of study or devaluing other types of achievements. A potential unintended consequence of focusing purely on the LPC in setting selection requirements is that some candidates who would make excellent solicitors will be rejected from the LPC because they would be only mediocre students. A number of interviewees commented that the sort of person who might eventually become a very successful practitioner was often only moderately successful on the course. The

ability to gain business for a firm, for instance, was unrelated to any of the course requirements

The interviews with Tutors and Supervisors showed that while there is a good deal of commonality between the skills needed for the LPC and traineeships, the emphasis in each case is on different areas. The LPC requires more cognitive skills along with motivation and application. During the training contract, interpersonal skills and organisational skills gain in importance. A slightly different set of skills is likely to emerge if the focus was on what is required of a solicitor in practice.

Once the purpose of the test has been agreed the way it is to be used will need to be determined. Tests can be used as a required screen for entry onto the course. This would be a high stakes approach where applicants that did not pass the test would not be able to enrol on the course. Alternatively the test could be voluntary for students and used to provide personalised feedback to candidates regarding their likelihood of success on the course or in gaining a training contract.

The use of the test as an obligatory screen would require the support of all the course providers. Alternatively if the test was mandated by the SRA, all providers would have to use the test as required by the SRA. It is not clear that any other body would be able to mandate the use of the test. Without mandatory use, it is unlikely that the test would have a major impact on enrolment numbers. While there is a substantial amount of support for introducing a test, a compulsory test would not be universally supported.

Alternatively the test could be introduced as a voluntary measure. Applicants who wanted to know their likely chances of success would take the test. The evidence collected here suggests that a voluntary test would be acceptable to the vast majority of respondents. This approach would make the introduction of the test less onerous, but it would be unlikely to have a great impact on the standard or number of people enrolled on the course. Only if applicants chose to withdraw following their feedback would the test have impact. While some might, there are likely to be many who would enrol despite poor results.

An intermediate course of action would be to introduce the test on a voluntary basis with a view to collecting empirical evidence of its effectiveness. Once sufficient evidence supporting the use of the test was accumulated, it could become compulsory. However previous experience has shown that even to collect sufficient empirical evidence regarding a new test, a degree of compulsion is required.

To use a test as a high stakes screen requires stronger evidence of its appropriateness than when it is used in a low stakes manner. For a test to be appropriate it must have justifiable content which relates to the purpose for which the test is being used. The content should be reviewed to ensure it is appropriate for the test taker group. There should be empirical evidence of its relevance for the desired outcome. Empirical evidence can also be used to determine an appropriate pass standard or cut score for the test.

Best practice principles should be followed in the development of the test. It should have a level of accuracy (reliability) which is sufficient for its use. For example higher

reliability is expected for high stakes use. And finally fairness and impact on different subgroups should be reviewed. Further issues in managing a test are discussed in Appendix 2.

12.5 Alternative Measures

Testing is not the only way to address the concerns regarding the LPC and solicitor training. Some alternatives are discussed below.

Raising the qualification level required for the course

There are other ways of making access to the LPC more selective. The standard degree class required could be raised to 2:1 from 2:2. Course tutors felt that weaker students were often those with a 2:2 rather than a 2:1. Students with a 2:2 might be admitted following further scrutiny of their background as now occurs with those who have third class degrees. Students with a 2:2 might be expected to show more experience of working within a legal environment. Most legal firms look for candidates who have, or are predicted to gain a 2:1 degree or higher (Rolfe & Anderson, 2002). Research suggests that previous academic performance is highly predictive of future performance. An empirical study could be undertaken to evaluate the impact of changing this requirement on course outcomes.

In 2009/10 just under 63% of degrees awarded in the UK were 1sts or 2:1 degrees. A further 28% of students achieved a 2:2 degree. Raising the bar to a 2:1 might be expected to reduce applicants by up to one third. This could both reduce the failure rate on the course and also reduce the overall numbers passing to be more in line with available training contracts. A third benefit might be raising the overall standard of the LPC through the concentration of teaching resources on more able students. This approach is likely to have a negative impact on diversity. The more selective universities tend to give out a higher proportion of higher class degrees and these institutions tend to be the least diverse in terms of student backgrounds.

Raising the standard of the LPC

Raising the standard required of students to graduate from the LPC would result in fewer graduates. This would help align the numbers graduating from the LPC with the number of training places. It would also result in a higher standard of graduate which could be expected to be translated into a higher standard of practice over the years. However raising the standard would almost inevitably result in a higher failure rate for the LPC itself. Over time the increased difficulty of passing the LPC would feed back to applicants who might then self-select more effectively for the course and thereby reduce the failure rate again. In the first few years after such a change a higher failure rate should be expected.

Changing the training regime

Changes to the current rules governing training could reduce the number of people seeking training contracts. The statistics show that only around 65% of LPC candidates pass the course at their first attempt. A large group of students only pass

after resits. Some resit more than once and current rules allow students up to three years to pass their exams. By restricting the number of resits and/or the time allowed to pass all requirements the proportion of students graduating from the LPC would be reduced. There is no time limit on LPC graduates to complete a training contract. Once they have passed the LPC, potential trainees can apply for contracts for many years. This could potentially produce an ever increasing pool of people searching for training contracts. If the validity of the LPC was restricted in time, the pool of people seeking contracts would reduce. Both these measures would result a smaller pool of people seeking training contracts. However it would be inappropriate to introduce such changes just to manage graduate numbers. It would be important to consider whether these moves were justified in their own right. For example it would be necessary to show that candidates who completed the LPC with fewer resits over a shorter period were more likely to find a training contract and made better solicitors.

Providing information

A greater emphasis on providing prospective LPC students with accurate information on their chances of success might help students to make more appropriate choices regarding the course. A number of approaches could be used. Good quality and varied information sources using a variety of media – particularly new media- would be most likely to be effective. Information should be provided on official websites but also disseminated to other sites where students seek information. As well as written information, podcasts, videos, and presentations could be used to provide key messages. These could include a realistic range of experiences from previous students, both those who successfully achieved their aims and those who gave up along the way. The providers should be encouraged to provide links to this type of information as well.

An information based strategy could be used independently or in combination with a voluntary assessment. A voluntary assessment could include elements of personal style and motivation which are important to success but difficult to measure in a high stakes framework. Feedback from the assessment would explain the implications for likelihood of future success. It could also include suggestions for further development and links to additional information. For instance an applicant whose test results revealed a particular concern regarding their performance could be provided with a link to a podcast by a student on the course who had a similar problem. This would provide more insight into the inherent difficulties of the LPC and help students make more appropriate decisions.

Voluntary assessments would be cheaper and easier to create and manage since there would be no need for control over security, cheating and identification of candidates. This means, for instance, that a single form of the test would be sufficient.

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Appendix 1: Questionnaire description and results

Following the interviews, a questionnaire was designed which represented the views and comments collected at the interview stage. This was circulated via a link the Law Society's weekly 'Professional Update' and 'Junior Lawyers update'. These publications are widely distributed among students and qualified solicitors.

1460 people clicked through to the questionnaire and of these just under 1000 responded to at least some of the questions. Table A1 shows the breakdown of respondents in terms of backgrounds. The sample includes students, trainees and practicing solicitors as well as those involved with either the LPC or practical training. This is not a scientific sample and the results may not represent the views of any of these groups or of the profession as a whole. It is likely that those with strong views were most likely to take the time to complete the questionnaire. However in most groups there is a majority of people with more moderate opinions.

The purpose of the questionnaire was to check whether the results from the small interview samples represented the perspectives of a broader sample. As well as validating the results from the interviews a number of questions were included to gauge the views of respondents towards the idea of introducing an aptitude test for the LPC.

The responses of those from different groups were analysed separately. The bold shade lines in table A1 indicate the groups used for analysis.

The first set of questions related to the importance of various factors in performance. Respondents were asked to rate how important each factor was to successfully completing the LPC (students, graduates and LPC teachers) or to successfully completing training (all other respondents). Although the focus of the project is on the LPC, the other respondents provide a broader perspective. They are not in a position to assess what is required for the LPC and were therefore asked to relate to the part of the training they were more familiar with.

In addition those groups who were closer to the training process were asked to rate which if any of the factors were significant contributors to failures during the LPC or a training contract. It is possible for a factor to be important in general but to be a less usual cause of failure.

Table A1: Background of respondents

	Number accessing questionnaire	Percent of total	Number responding to 1 or more questions	Percent of total
Student prior to LPC	92	6.3	57	5.8
Current LPC student	196	13.4	109	11.0
LPC Graduate with no Training Contract	116	7.9	88	8.9
LPC Graduate awaiting start of Training Contract	29	2.0	17	1.7
Total LPC Students and Graduates	341	23.3	214	21.6
Trainee during Training Contract	121	8.3	80	8.1
Newly Qualified Solicitor with less than 4 years experience	248	17.0	169	17.1
Solicitor with 4-8 years experience	142	9.7	106	10.7
Solicitor with more than 8 years of experience	389	26.6	269	27.2
Other Solicitors	531	36.3	375	37.9
Solicitor who supervises, manages or mentors trainees	58	4.0	45	4.6
Administrator, manager or HR professional in a training practice	16	1.1	12	1.2
Total managing trainees	74	5.1	57	5.8
Involved in delivering LPC course	38	2.6	28	2.8
Other e.g. barrister, paralegal, failed LPC	15	1.0	9	.9
Total	1460	100	989	100

The ratings were provided on a five point scale from 'Of minor importance' through to 'Critically Important'. A 'don't know' option was also provided. Table A2 shows the results from these questions. All the factors are rated to be at least somewhat important on average. The mean rating for most of the factors is above 3 which means that they are seen as important by most respondents. This suggests general agreement with the interviewees from whom most of these factors are derived.

Across all respondents Written Communication, Conscientiousness, Practical Problem Solving and Good Judgement were seen as the most important factors. Teachers on LPC courses also rated Legal knowledge, Ethical Values and a Methodical Approach as more important. LPC students rated Practical Problem Solving and Business Management as most important followed by a Pragmatic Approach, Resilience and a Methodical approach. They put a little less emphasis on Written Communication and Conscientiousness.

Factors which were seen as more important by trainees, their supervisors and newly qualified solicitors included written communication, conscientiousness, good judgement and legal knowledge. The supervisors also thought that ethical values, and confidence with people were important.

When the focus is on factors most frequently implicated when a person fails then there are some similarities and some differences. Written communication and conscientiousness continue to be of importance along with practical problem solving. But motivation to achieve and intelligence are now rated as important by some groups. The teachers also consider legal knowledge and a methodical approach significant in causing failure.

In terms of cognitive factors it is good judgement and practical problem solving that receive the highest ratings rather than intelligence per se. Verbal reasoning tends to be rated in the top third of factors and above general intelligence whereas numerical reasoning has one of the lowest ratings. Low intelligence is seen as a potential reason for failure.

Conscientiousness is seen as the most important factor from non-cognitive areas both in importance and as a cause of failure. (Lack of) Motivation to achieve is also seen as a potential cause of failure although it is seen to be of less general importance.

In their open responses respondents repeated many of the themes included in the existing options. The most common comments related to ethical practice such as honesty and integrity. Time management and empathy were also mentioned by a number of respondents. These factors relate to some of the factors identified as more important during the traineeship rather than on the LPC.

Table A2: Mean Importance Ratings by Respondent Group

Group	Students prior to LPC	LPC Student or Graduate	Training Contract	Newly Qualified Solicitor	Other Solicitor	Supervisor of Trainees	Teaches on LPC	Other	All
Written Communication	4.0	3.6	4.2	4.3	3.9	4.2	4.3	3.9	3.9
Conscientiousness	3.8	3.6	3.9	4.0	3.9	4.1	4.1	4.0	3.9
Practical Problem Solving	3.8	4.1	3.9	3.9	3.7	3.7	4.0	4.0	3.8
Good Judgment	3.9	3.5	3.8	4.0	3.9	4.1	3.6	3.9	3.8
Ethical Values	3.8	3.7	3.3	3.6	3.9	4.1	3.8	4.0	3.7
Pragmatic Approach	3.7	3.9	3.7	3.8	3.6	3.5	3.6	3.9	3.7
Verbal Reasoning	3.8	3.5	3.7	3.8	3.7	3.8	3.6	3.8	3.7
Legal Knowledge	3.9	3.0	3.7	4.0	3.8	4.0	3.8	4.0	3.7
Oral Communication	3.9	2.9	3.9	4.0	3.8	3.9	3.6	3.9	3.7
Resilience	3.7	3.9	3.7	3.7	3.5	3.5	3.5	3.7	3.6
Methodical Approach	3.7	3.8	3.6	3.8	3.4	3.2	3.8	3.8	3.6
Confident with People	3.9	3.2	3.8	3.6	3.7	4.0	3.3	3.7	3.6
Understanding of People	3.8	3.7	3.5	3.6	3.6	3.5	3.0	4.0	3.6
Personal Maturity	3.7	3.3	3.7	3.6	3.5	3.5	3.5	3.8	3.5
Intelligence	3.7	2.5	3.7	3.8	3.6	3.9	3.6	3.9	3.5
Motivation to Achieve	3.7	3.7	3.9	3.8	3.1	3.3	3.7	3.3	3.5
Independent Approach	3.5	3.7	3.2	3.2	3.5	3.2	3.3	3.6	3.4
Business Management	3.3	4.0	2.4	2.5	3.2	3.1	2.7	3.4	3.2
Team Worker	3.7	2.5	3.6	3.3	3.0	3.3	3.2	3.3	3.1
Numerical Reasoning	2.9	3.5	2.5	2.6	2.8	2.8	2.6	3.0	2.9
Leadership	3.3	3.3	2.5	2.5	2.8	2.7	2.4	2.8	2.8
Number of respondents	53-56	206-213	77-80	160-168	360-372	53-56	26-28	8-9	951-981
Total in Group	57	214	80	169	375	57	28	9	989

Italic / Yellow highlight – more than 50% feel this factor frequently significantly contributes to student failure.

The next question related to the introduction of a test. Respondents were asked to mark which of a series of concerns about the training process seemed significant to them. Where the item was a significant concern they were asked to say whether they thought the introduction of an aptitude test might address the concern.

Table A3: Concerns regarding training process

<i>All respondents n=989</i>	<i>% who identify this as a significant concern</i>	<i>% of those who have the concern who thought a test might help address the concern</i>
Students with little chance of gaining a training contract waste their time and money on the LPC.	67%	49%
There is insufficient information for potential LPC students about their real chances of becoming qualified as a solicitor.	64%	16%
The quality of some students on the course is too low.	58%	69%
The number of people qualifying from the LPC should be aligned with the number of training contracts available.	54%	43%
Students with little chance of passing waste their time and money on the LPC.	54%	64%
The current selection criteria for the LPC are not always effective at identifying who has the appropriate level of ability.	52%	69%
Too many people are qualifying from the LPC.	51%	59%
Students are undertaking the LPC who do not have the required skills or knowledge.	47%	60%
The prestige of being a solicitor is declining.	46%	27%
The standard required to pass the LPC should be higher.	40%	53%
Too many solicitors come from a privileged background. More diversity is needed.	37%	17%
It is difficult for students to find out whether they have the ability to pass the LPC.	36%	54%
Students from less favoured background do not have the same opportunities to show their potential.	32%	26%
Students with a poor grasp of English impair the learning experience for others on the LPC.	28%	63%
Students with low ability impair the learning experience for others on the LPC.	25%	61%

The most significant concerns are around whether there are too many people enrolling on the LPC relative to their capacity or probability of obtaining a training place. The perceived lack of information about the probability of completing training was also a substantial concern.

Over 80% of LPC Teachers that responded were concerned that the quality of some students on the course was too low. This was also a significant concern for supervisors of trainees. Trainee supervisors were more likely than others to think that the LPC pass standard should be higher. Teachers on the LPC did not see this as a concern.

The respondents shared several of the Law Society's concerns regarding students choosing to study for the LPC when they had little chance of obtaining a training contract. There was general concern regarding the presence of low ability students on the course but not that these students might negatively impact the learning experience of other students.

A test was seen as a possible route to addressing many of these concerns including some, but not all, of those seen as most important.

Drawbacks of introducing a test

Respondents were asked to rate whether a series of drawbacks to introducing a test were significant concerns for them. Only one drawback was seen as a concern by more than 50% of people. This related to finding a test suitable for all the different type of solicitor roles.

Table A4: Significant concerns with Drawbacks of introducing a test

<i>Drawback</i>	<i>Percent rating this a significant concern</i>	<i>Group difference notes</i>
One test would not be suitable for selecting people to all the different types of roles	63%	This was of greater concern to LPC teachers
Those with money would pay for courses to help them pass the test	49%	
The cost to applicants - likely to be between £60 - £100	41%	
There might be adverse impact against those from less privileged backgrounds	41%	This was of particular concern to future LPC students
It would be difficult to set an appropriate pass standard for the test	38%	This was of greater concern to LPC teachers
Creating an additional hurdle on the path to becoming a solicitor	31%	This was of particular concern to future LPC students
Some people will be excluded from training as a solicitor	24%	This was of greater concern to LPC teachers future LPC students
It would be anti-competitive, closing access to the profession	19%	Current and Future LPC students were concerned about this as were those on training contracts.
Fewer students on the LPC might make some smaller courses unviable	11%	

Several ways in which a test could be used were provided and respondents were asked to rate how appropriate this seemed on a three point scale from 'a good idea' through to 'a test should not be used in this manner'. The most popular option was a compulsory test with a set pass score. Candidates would need to pass the test before apply for an LPC place. The open comments to this question showed there were strongly held diametrically opposite views on the matter. There were those who favoured a compulsory test and others who preferred a voluntary approach which would provide decision support for candidates. A substantial minority thought a test was an altogether bad idea.

Table A5: How the test should be used

<i>How should the test be used?</i>	<i>Rating*</i>	<i>Group difference notes</i>
The test would be compulsory. All applicants would need to pass the test before applying for an LPC place. LPC providers could choose how and whether to use applicants' scores further.	2.0	Future LPC students were least likely to endorse this.
The test would be compulsory. All applicants would need to take the test before applying for an LPC place. LPC providers could choose how and whether to use the applicants' scores.	1.8	Future LPC students were least likely to endorse this.
The test would be voluntary. Applicants could choose to take the test to find out how likely they were to pass the LPC course.	1.7	Future LPC students were most likely to endorse this.
The test would be voluntary. Applicants could choose to take the test to find out how likely they were to qualify as a solicitor.	1.6	Future LPC students were most likely to endorse this.
The test would be voluntary. LPC providers could choose whether to require applicants to take the test.	1.3	

*Higher ratings - statement is seen as a more appropriate way to use tests.

Who should manage the test?

From the options given the Law Society was the most popular choice followed by the SRA. The other options were seen as less appropriate. A number of people commented that they would not want the LPC providers to manage the test.

Teachers and supervisors were asked whether they would encourage their organisations to use a test for selection if it were introduced. The response was a rating on 4 point scale from not at all likely to almost certainly. Supervisors were the most likely to endorse the use with 38% describing themselves as very likely or almost certain to encourage the use of the test.

Table A6: Preference for bodies to manage the test

Who should manage the test?	Percentage Endorsing Response	Group difference notes
The Law Society	59%	Few LPC teachers agreed with this
The SRA	47%	
Consortium of LPC providers	20%	
Individual LPC providers	24%	
An independent body	24%	

Respondents could endorse more than one option so percentages do not sum to 100%

Appendix 2: Some practical issues in test management

Ownership of the testing programme

It needs to be determined who would manage the testing programme going forward. There are a number of professional psychometric companies available who could manage such a test; however responsibility for commissioning the test and ensuring it was fit for purpose should remain with the profession in some form. The most appropriate body to manage a compulsory test is likely to be the regulator. A voluntary test, depending on its purpose, could also be overseen by the Law Society or a consortium of providers.

The role of the body overseeing the test would be to set policy guidelines – who needs to take the test, when and for what purpose. Any testing programme requires rules regarding matters such as when candidates can resit the test or for what period scores are valid. An oversight body would also commission the organisation who would manage the test on a day to day basis. This might be an external company or could be made up of appropriate professional staff from within the organisation. The oversight body would need some professional psychometric support in their work.

Financing the test

There is a considerable cost associated with introducing a testing program. Over the long term any test introduced would need to be self financing. To achieve these candidates would need to pay to take the test. The results of the current study suggest a price between £60 and £100 would be acceptable. With 7000 or more applicants per year, a fee in this range should be able to cover the costs of maintaining and administering a single test. However if the test were to be introduced on a voluntary basis, the number of people taking the test would be considerably lower and this level of fee might not be sufficient to fund the testing programme. The basic cost of setting up and maintaining the test would still need to be covered even if there were fewer test takers.

Initial funding to set up all the processes and empirically demonstrate test effectiveness is also required. A commercial testing company may be willing to take on all or part of the initial development costs in return for a contract to deliver the test once fully developed for several years. Where an existing test is used there would be smaller initial costs than with the development of a new test ab initio.

Applicant interface

In order to make the test easy and accessible for applicants and to maintain the security of the testing process, the following are desirable:

- The test can be administered on demand
- The test can be administered at a centre local to the applicant.
- The identity of the applicant is checked prior to taking the test.
- Applicants can access information about the test prior to taking the test.
- Applicants can register for the test automatically on-line.
- The applicant only needs to take the test once in a designated period irrespective of which institution they applied for.
- The applicant can pay to take the test easily on line or over the phone.

- Scoring and feedback to both the test taker and the LPC provider is automatically generated.

Security

- Multiple forms of any test are available to ensure minimise any cheating opportunities.
- Appropriate high levels of security are available where the test is stored, delivered and scores are generated.
 - Security checks in operation
 - ID checks on applicants are carried out

Reporting results

The manner of reporting results needs to be agreed. This might be a simple pass/fail decision or might provide more detailed information regarding the level of performance and implications for future success. Different reports might be provided to candidates, course providers and those who manage the overall test process.