

Sent by email only to [consultation@sra.org.uk](mailto:consultation@sra.org.uk)

4 March 2016

Dear Sir/Madam

### **Training for tomorrow: assessing competence**

The Panel appreciates the opportunity to respond to this consultation. We welcome the continued collaboration between the SRA and the BSB on this subject, as with the professional statement/statement of competence.

Before picking up on specific points we would question the appropriateness of beginning this consultation without demonstrating further consideration to or analysis of some elements, or without any discussion around workplace training. It is difficult to agree or support fully some proposals where there is either a placeholder for evidence (as with setting entry requirements for the SQE) or where further decisions are yet to be explored (as with workplace training).

Against this background, we are aware that the SRA has presented three options for its approach to qualification and it intends to take the third, whereby it will develop a centralised assessment of competence. The Panel does not agree with this approach which seemingly runs counter to the SRA's wider ambition of principle-based and outcomes focused regulation. It also has a higher risk of increasing the costs of qualifying and of regulation. We believe that option two would better serve the SRA's objectives, whereby it would be responsible for authorising or accrediting any training pathway which would enable a candidate to demonstrate they can perform the activities set out in the Statement of Solicitor Competence to the standards required in the Threshold standard.

As the Legal Education and Training Review (LETR) report found, there is a need for flexibility in routes to qualifying. As it stands, the Panel does not believe that the SRA's proposed route enables such flexibility. Although the SRA suggests that the introduction of the SQE would remove the need for candidates to take the Legal Practitioners Course (LPC), in practice this is dictated by firms' entry requirements for training contracts and the availability of such alternatives. It is likely that firms may well favour the status quo, as some employers have indicated, and continue to

demand the additional qualifications that the LPC provides having seen that it produces good quality candidates. By increasing the cost burden on what is likely to remain the most popular route to becoming a solicitor, there could be an adverse impact on equality, diversity and inclusion and barriers to entry could be raised rather than lowered. This is clearly counter to the SRA's end goal. This risks increasing the costs of qualification which, in turn, raises costs for the intending solicitor and the consumer.

Although it remains unclear in the consultation paper, there is also the potential for option three to increase the costs of regulation if the SRA is to take an increasingly hands on role in the detail of qualification. Developing a syllabus and setting a centralised standard, running and ensuring the appropriate monitoring and evaluation along the way is a substantial task which comes with additional financial burdens beyond those the SRA currently bears. Again, this cost is ultimately passed down to the intending solicitor and the consumer. Having already invested the time and effort in developing the solicitor statement of competence and threshold standard, the Panel would have thought that these served as an excellent basis for devising an external benchmark against which to approve academic training providers and by which workplace experience could be measured. We understand that workplace training is not being considered in this paper, however it is closely linked and should be considered when looking at any developments in this area.

Barriers in the form of costs are also at risk of being compounded by barriers to entry if the SRA chose to set entry requirements for the SQE. Although it is recognised that solicitors have historically qualified without having attended university, the Panel is firmly of the opinion that the SRA should refrain from setting an entry requirement that all solicitors must be graduates. Such a barrier would exclude those who have undertaken apprenticeships or alternative routes to qualification, as well as those coming to the profession later in life who may not hold a degree, but do hold years of experience in another field. We recognise that the SRA is yet to undertake further detailed analysis of this element, and look forward to seeing the results.

Lastly, the concerns raised within the consultation document about the pre-qualification training experience becoming misaligned with the professional assessment further emphasise our views around broad based versus specialist training. We reiterate our initial report which stated:

*The GP-style qualification model fails to respond to a market which is hugely varied in terms of its provider base and range of activities. It is impossible for a single qualification to prepare an individual for the sheer diversity of roles they might, perhaps much later, come to occupy. This suggests a modular approach and introducing additional, or in some cases, alternative specialist training requirements for activities where the quality risks are highest. The point of authorisation as an approved person would therefore offer a limited permission to provide certain legal services to consumers, but authorisation to provide certain other services would be granted separately.*

The Panel remains of the view that there needs to be a balance between a sufficiently broad general knowledge of legal subjects and ensuring specialist training in higher risk areas.

We hope this response is helpful. As always, we would be pleased to meet with SRA colleagues to discuss these issues further. Please contact Stephanie Chapman, Consumer Panel Associate, with any enquiries.

Yours sincerely,

Elisabeth Davies  
Chair