

Analysis of the CPD pilot

Introduction

1. 175 CILEx members expressed an initial interest in participating in the IPS CPD pilot. Of these, 152 participants asked for and received the CPD pilot pack. 35 volunteers subsequently communicated their withdrawal from the pilot owing to time limitations. A further 41 volunteers did not respond to IPS.
2. The pilot required members to submit a monthly return of CPD documentation to an approximate timetable. This was to facilitate the processing of the pilot data. However, where members did not adhere to the timetable, they were not prevented from participating as in the normal operation of the scheme, there would be no such monthly time limitations.
3. This review of the pilot considers the responses of the 76 participants who had submitted at least one document for consideration by 3 April 2013.
4. In addition, participants had access to a discussion forum operated via 'Linked-in' and which was moderated by the Office. This document draws in comments made on that forum by participants.

QUANTITATIVE DATA

Participants by membership grade

	Number	Percentage of participants
Fellow	46	61%
Graduate	14	18%
Associate	15	20%
AP	1	1%

Numerical outline of documents submitted by participants

	Number returned
Reflection and Planning	66
Evaluation Activity document	131
Evaluation Unplanned Activity document	74
CPD Record – number of recorded activities	209

Area of Practice of Participants

Area of practice	Primary	Additional	Planned for future
Civil Litigation	12	7	5
Employment	5	5	3
Family	7	2	2
Wills/Probate/Elderly Client	3	2	5
Defendant PI	2	1	
Claimant PI		1	
Multi-track claims			1
Commercial and PII	3	1	2
Local Government	3	3	1
Criminal Litigation	4		
Mental Health			2
Conveyancing	18	6	2
Industrial Disease (PI)	1		
General PI	2	3	
Landlord and Tenant	1	2	3
Contract	1		1
Unemployed/maternity leave	1		
Data Protection		1	1
Housing/Anti-social Behaviour	1		
Licensing/Trading Standards		1	
Debt Recovery	2	2	
Insolvency			1
Company and Partnership	1	1	
Welfare			1
Immigration		1	
Regulation/Compliance	2		
Private Client	4		2
In-house	3		
ADR			1
IT/Training			2
Legal research			1
European Debt Enforcement			1
Costs Practice			1
Agriculture			1
Trusts			1
Taxation			2
SDLT			1
Private Practice	2		
Corporate Employment	1		
International Property	1		
Child Support			1
Lecturing		1	1

5. This information indicates that the two most common areas of practice undertaken by participants in the CPD pilot were conveyancing and civil litigation. This data is reflective of the wider membership as these areas are common areas of practice for members generally. However, members work in a wide range of practice areas and the pilot demonstrated that participants were able to complete the revised system irrespective of their area of practice.

Participant questionnaires

6. Each participant was provided an optional questionnaire to provide information on their experience in participating in the CPD pilot. The following feedback has been received from participants.

- 1 = Very useful
 2 = Quite useful
 3 = Not very useful
 4 = Not useful at all

	1	2	3	4
Handbook	20	22	3	
Reflection and Planning Tool	13	31	2	
Evaluation of Planned CPD Tool	17	22	5	
Evaluation of Unplanned CPD Tool	21	20	5	
Competence Framework	15	17	4	
CPD Record	16	22	3	4
Understanding Guidance	8	27	10	1
Ease of tool completion	15	21	9	1
Ease of completion of CPD record	19	19	7	1
Understanding of what constitutes supporting evidence	10	12	8	9

7. This data indicates that the majority of participants found the provided documentation helpful. In addition to the ratings, participants were asked to provide comments. Of those that found completion of the documentation difficult, the most common reason in the comments provided was that the documentation had only been provided in hard copy. The scheme documentation will be available electronically when the new CPD scheme is introduced. This would therefore alleviate that difficulty.
8. Commentary provided about the guidance indicated that the provision of examples would be beneficial and help to demonstrate the process from start to finish. In addition, there were requests for a webcast and a list of outcomes to be made available, which could be adapted for

each member to use. Other participants sought further simplification of the scheme.

9. In addition to the above, participants also provided other commentary and suggested improvements.

Comments

10.15 participants made positive comments about the scheme, stating that they found the scheme an improvement from the tick box exercise of the existing scheme. They also found that the scheme enabled them to think about what they needed to learn and how to achieve it.

11.13 participants commented that they preferred the existing scheme on the following grounds:

- Lack of time for critical analysis
- Preference for the wide range of CPD currently accepted
- Difficult to assess value of training before it is used in practice
- Confusing because the requirements are so different
- Planning ahead is hard
- There is nothing wrong with the existing system
- It is hard to know how much CPD is enough – a 6 hour course may count the same as 20 minutes research

IPS Response

12. The purpose of the CPD changes proposed by IPS is to move away from a CPD system which measures compliance through the number of hours members put into CPD activities, simply because this is what is required, to one which measures the value of the CPD undertaken to the individual. The aim is to provide a system which ensures members consider their development needs and target their CPD to address these needs. IPS understands that this is a significant departure from the current CPD schemes in operation for legal professionals.

13. IPS considers that moving to a scheme which measures the value gained from CPD activities, whatever activity that is, will better enable IPS to assure the competence of CILEx members. This will be achieved through the identification of CPD chosen through reflection as to what learning will best develop the member and evaluating the activity, once undertaken, in the context of what they set out to achieve, rather than pure attendance and ticking off the hours needed to comply. The proposals to change the CPD scheme should proceed, however, it is clear that members will require significant support to understand the expectations from the new scheme. For example there were comments made on some of the pilot questionnaires that stated that participation had been challenging because the concept was so different from what

they were used to. Other comments related to the difficulties participants faced in understanding how to plan ahead their CPD for 3 months. These participants stated that they would find planning for the year even more difficult. IPS recognises that time is needed to do be able to engage effectively with the membership to address these issues.

Recommendations

14. A number of participants made suggestions to improve the scheme. These included the following:

- Communication of the requirements, including access to a webcast which explains the changes and access to a forum, similar to the one available to pilot participants (used by 27 of the 76 participants), as these were helpful during the pilot.
- The provision of examples of completed documentation and examples of learning outcomes
- A diagram of the step by step process which members must undertake
- The provision of forms and submission of CPD record electronically
- Simplification of the scheme as it is too long-winded
- Provide guidance as to what is required by way of supporting documentation

IPS Response

15. IPS intends to provide the requirements for the new scheme in a variety of media, including webinars and through the CILEx Journal. Examples of completed documentation will also be provided to assist members in understanding the scheme requirements. IPS will produce a diagram which outlines the new CPD process. Guidance will be provided as to the information which should be kept by members as supporting documentation in case their records are called for sampling. IPS recognises that time is required to carry out these tasks effectively and that additional resources alone will not be enough to address the engagement required.

16. The CPD documentation for the pilot was provided in hard copy only, however once live all scheme documentation will be available electronically. The CPD record will be submitted through 'MyCILEx' as with the current scheme. However, where the member is selected for sampling, the additional documentation which evidences participation in the CPD cycle will be submitted by the member in hard copy as it is likely they will have some documents in non-electronic format.

17. The piloted scheme was simplified from that which was consulted upon. The documents which formed part of the consultation have been amalgamated to reduce the paperwork required of members when

they are engaging with the CPD cycle. However, the tools are provided to help CILEx members with the process but they are not compulsory. Provided the member can demonstrate that they have participated in the CPD cycle, then any form of appropriate supporting documentation will be acceptable. Further guidance will be provided in the final documentation to assist members with this.

Equality and Diversity Data

18. IPS sought equality and diversity data to enable it to complete the EIA. As with the participant questionnaires, the completion of this document was optional. IPS has received 50 questionnaires. The core data is summarised in the table below.

Gender			
	Male	16	32%
	Female	34	68%
	Prefer not to say (PNS)		
Age			
	25-34	15	30%
	35-44	13	26%
	45-54	14	28%
	55-64	5	10%
	65+	2	4%
	Under 25		
	PNS	1	2%
Disabled	Yes	5	10%
	No	44	88%
	PNS	1	2%
Ethnic Origin			
	White	42	84%
	Black	3	6%
	Mixed	1	2%
	Asian	0	0%
	PNS	4	8%

Gender

19. The data provided is approximately reflective of the CILEx membership as a whole, with 68% of participants being female.

Age

20. The majority of participants fell into the 25-54 age range, making up 84%. There are representatives in all other groups, with the exception of the under 25s. This reflects the fact that participants are at different stages of their career and most under 25s would not be in grades of membership that are required to complete CPD, as they are still studying for their qualifications.

Disability

21. 10% of participants declared a disability and a further 2% preferred not to say. This approximately reflects the national data on disability which indicates that 15% of working age people have a disability (Office for Disability Issues 2010/11).

Ethnic Origin

22. 84% of participants were white, 8% were non-white and a further 8% preferred not to state their ethnic origin. This data is lower than the diversity of CILEx membership generally. Previous review of equality and diversity data indicates that CILEx members with an ethnic origin other than white tend to work more frequently outside of private practice. Review of the data on ability to participate based on employment type demonstrates that although most participants worked in private practice, those working in other areas were not disadvantaged by the proposed changes. These areas included Local Government, the CPS and in-house legal departments. Therefore IPS does not anticipate any impact on ethnicity, regardless of the low sample size for non-white participants.

QUALITATIVE DATA

23. Participants in the pilot scheme were provided (inter alia) with the following documentation:

- 1 Reflection and Planning Document
- 3 Evaluation of Planned CPD Documents
- 3 Evaluation of Unplanned CPD Documents
- 3 CPD Records
- An Ethics CPD activity

Reflection and Planning Document (66 responses)

24. This document is divided into 2 parts for the purposes of the analysis:

- Selection of CPD through reflection on law and practice areas, types of CPD and other skills. In this section, participants were asked to identify possible areas for development within their

area of practice, types of CPD they would like to undertake and participants were asked to consider any other skills which they consider would enhance their practice.

- Planning CPD activity – once they had identified some areas for development, they were asked to draw up a plan of at least 3 activities at the start of the year. This could be added to or amended during the course of the year, depending on how their role developed.

25. IPS received 66 reflection and planning documents at the date of the analysis. Some participants did not send this form back within the timeframe, but they did submit other evidence of CPD activities and evaluation of those activities. They were allowed to continue with the pilot.

Selection of CPD

26. Of the 66 completed forms which were returned, 62 participants submitted documentation which provided clear evidence that they had reflected on practice in order to identify relevant CPD activities.

27. In the documentation provided, where reflection was less easy to ascertain, IPS found participants tended to select a large number of areas of interest from which to select CPD. Increased guidance has been provided to assist members with this, to ensure they think carefully about which areas would be most beneficial to their development and to enable them to focus on the selection of CPD.

Planning of CPD

28. Of the 66 completed documents, 63 participants provided appropriate evidence of planned CPD. In these cases, the plan reflected the selection of areas for development undertaken in the first part of the document. However, in a small number of cases, this was not apparent as there was either no link to the preceding reflection or no plan was provided.

29. However, 46 participants struggled to express their objectives as outcomes, either not doing so at all, or providing very general outcomes such as 'to improve practice.' Of these, 4 participants did not identify specific activities in their plan.

IPS response

30. In many cases, there was insufficient detail on the planning document in relation to the learning outcomes. IPS will provide increased guidance and worked examples to demonstrate how learning outcomes should be expressed. IPS believes that it is possible for all members to

express objectives as outcomes with ease. In some instances, the lack of detail provided may have been owing to the lack of space on the hard copy documents. This will be rectified through the provision of access to online documentation once the scheme launches. However, it also demonstrates a key area that IPS needs to address with members.

Evaluation of Planned Activity Document (131 documents)

31. This document evaluated the effectiveness of the planned CPD activity in the context of the identified learning outcome which triggered the planned activity.
32. All documents completed by participants provided a clear explanation as to how the CPD would benefit future practice and how the information provided could be used in their area of work.
33. As with the previous document, there was some misunderstanding as to how to express outcomes, with outcomes expressed in the past tense, too generally formulated or not written as outcomes at all.
34. 2 documents stated the number of hours undertaken, which was not the purpose of the new scheme.

IPS Response

35. Clearer guidance will be provided on how to develop and express learning outcomes together with the provision of examples to inform the process.
36. The counting of hours for CPD in the legal profession is deeply embedded. As the new CPD scheme takes effect, this should become less relevant to members. However, in the short term, members may have to act as advocates in educating their employers of the IPS requirements. IPS recognises that there is a risk to the scheme if employers fail to support members in their CPD. This may not be a long term risk, but could create difficulties for members until their employers understand the scheme.
37. IPS therefore proposes phased implementation of the scheme, which will enable members to engage with outcomes in one area of CPD (professionalism) in the first year of operation. This will enable members to gain an understanding of the requirements in a controlled way, prior to the full scheme being rolled out to the membership by grade on an incremental basis.

Evaluation of Unplanned Activity Document (74 documents)

38. This document evaluated the effectiveness of activities which were undertaken as a result of a situation which arose unexpectedly and which led to a learning point for participants.
39. The unplanned activities recorded were largely related to novel areas of law in relation to case work undertaken. However, 2 situations involved IT, 2 involved time management, 1 involved risk management, 3 involved file management and 2 involved ethics.
40. There were situations where the unplanned activity was explained but how the need for undertaking the activity arose was not explained.
41. In some situations, the need to research the law was really a planned activity (e.g. in a response to a change in the law). In others it appeared that the member already knew the answer. However, this may be because the inclusion of an unplanned CPD activity was a compulsory element of the pilot. This will not be the case for the final scheme, where all CPD activities can be planned activities.
42. Members were good at identifying how the learning from the experience could be shared and methods included team meetings, updating office procedures manual and communication to senior colleague for dissemination.

IPS Response

43. IPS will provide greater guidance as to the information which should be included when an unplanned learning activity is encountered and what is meant by an unplanned activity. We will also guide members on completion of the forms through the handbook.

CPD Record (209 activities)

44. For analysis of this document, each listed activity from the CPD record was examined.
45. As with the previous documentation, the expression of learning outcomes could be improved.
46. In addition, this document asks participants to state how and why the information is relevant to practice. This aspect of the form could be better completed, with 15 participants not identifying how the information was relevant to their area of practice and 51 not stating how the information was relevant to their own practice. This may be because for the pilot only, the documents were only available in hard

copy, which limited the space available for completing the information. This could also be because members did not fully understand what the question was asking or why it was asked.

IPS Response

47. IPS will produce guidance as to how members should develop and express outcomes and the guidance will be informed by the provision of examples.

48. Guidance will be provided as to the information which should be included in the 'relevance' box. The documentation will be available on MyCILEx which will enable greater detail to be included in the submission. This will require training and education of members. CILEx and IPS will need to carry out this engagement with the membership over an extended period which is why IPS has adopted a phased approach to implementation of the full scheme.

Ethics (59 documents)

49. Of the 59 responses received, 5 were negative.

50. Negative comments about the activity included the fact that there was no new learning gained from participation, that there was no need to undertake further ethics training and that the scenario provided was not targeted to specific areas of practice.

51. A selection of the positive responses is as follows:

- The exercise revealed that... it is easy to become complacent and... that I must regularly review the standards to ensure my knowledge is up to date
- Helpful to refresh knowledge and identify areas for further clarification
- Improved my knowledge of another area of practice and confirmed best practice in my own area
- Found the activity reassuring
- Used the scenario to warn a colleague about a potential danger point at work
- Provided pause for thought
- Confirmed knowledge up to date

52. In addition, as part of the Linked in forum, used during the pilot, one member suggested that the 'ethics' component should be broadened to 'professionalism'. This would enable all CILEx members to benefit from relevant CPD each year.

IPS Response

53. The responses to the Ethics activity are largely positive, which confirms that this is beneficial to members.

54. With regard to the members who found the ethics activity too straightforward, it should be made clear that the activity was provided as there is little CPD available at present in relation to ethics. In recognition that members may find some ethics training too straightforward, IPS has decided to broaden this category to one of 'professionalism'. This will enable all members to tailor their CPD to the most relevant activity for them whilst retaining the need to undertake CPD in this area. In recognition that this element will cover a range of subject matter, this requirement has been made an annual requirement.

Conclusions and next steps

- The participants encompass a wide range of areas of practice
- The documentation has been generally well received, but would benefit from being provided in electronic format and the scheme would benefit from the provision of examples
- Further guidance on the development and expression of learning outcomes should be provided, informed by examples. This will help members to understand how to formulate outcomes and complete the documentation
- Greater guidance on completing the unplanned activity document will be provided, including the provision of examples
- Explanation of what to include in the 'relevance' box on the CPD record will be provided, including appropriate examples
- Broadening the Ethics CPD to one focusing on professionalism and increasing this requirement to an annual requirement.

55. It should be noted however that 152 members expressed an interest in participating in the pilot and only 76 members returned at least one document. This is a participation rate of 50%.

56. Of these members, 35 formally withdrew from the scheme (usually because of time constraints). Removing these members from the list creates a compliance rate of 65%. This means that 35% of the potential volunteers did not engage with the pilot once they had received the information. Some of these members may have decided that it would be easier to complete their CPD using the hours' requirement. As the scheme was voluntary, there was no compulsion to complete the pilot: this will be different once the new scheme comes into effect.

57. However, of those who did start to participate in the pilot some did not complete all of the paperwork within the timescales, although more documentation has been received after the end date of 31 March 2013.

58. These 2 issues outlined above indicate that there will need to be significant engagement and education of the membership both prior to the introduction of the scheme and during the early years of its operation.

59. IPS will need to secure:

- Adequate resources to enable member engagement and to educate members of the requirements of the scheme such as how to reflect effectively, identify and construct outcomes required as a result of the reflection and how to evaluate the effectiveness of the activities against the target set. This is a responsibility of CILEx
- Administrative support on hand to deal with member queries once the scheme launches and at the time the annual return is due. This is a responsibility of CILEx
- Should there be wholesale non-compliance with the submission of 9 entries under the new scheme, this will have the potential to significantly increase the cases of misconduct brought against members

60. In order to address some of these concerns, the following issues should be addressed:

- Develop a series of case studies which can be used by members to help them to identify learning outcomes, plan their CPD and evaluate the effectiveness of the activity
- Regular journal articles, which should include some examples of completed documentation
- Direct mailing to each member

61. IPS proposes to phase the introduction of the new scheme over a period of years, to enable greater engagement with the membership.

This will be undertaken as follows:

	Fellow and Associate Prosecutors	Other Grades of membership
2013/4	Existing scheme + undertake professionalism CPD	Existing scheme + undertake professionalism CPD
2014/5	New scheme (including professionalism CPD)	Existing scheme + undertake professionalism CPD
2015/6	New scheme (including professionalism CPD)	New scheme (including professionalism CPD)