

PAPER (12) 52 ANNEX C - Legal Education and Training Review Update

The Legal Education and Training Review is now in its final phase and less than six months away from making recommendations to the sponsoring approved regulators (SRA, BSB and IPS) in December 2012.

To generate debate and assist in broadening the range of views being fed into the review, we held a series of five seminars across England and Wales between February and May 2012. Working with a different partner organisation, each event focused on a particular aspect of how the legal education and training framework may need to adapt to reflect the changing legal services market.

In support of the seminars we published a paper which put forward the view that reform of the education and training regime for those participating in the market for legal services is closely linked to liberalisation of the market. This is linked here:

http://www.legalservicesboard.org.uk/Projects/workforce_development/pdf/20120221_education_and_training_its_role_in_regulation_final.pdf

Key themes from each of the seminars are summarised below. These will be further developed into a paper for the Board's September strategy session. Presentations from the events have been published on the website as follows:

http://www.legalservicesboard.org.uk/news_publications/events/education_and_training_seminar_series.htm

The College of Law - 29 February 2012 - The removal of barriers

- Need for greater flexibility in the routes to authorisation and greater flexibility for employers to determine the education and training needs of their workforce
- Significant change in internal and external market place threatens dominance of UK legal qualifications, for example the rise in the JD model.
- Impact of globalisation - for example less than 40% of A&O lawyers are now E&W qualified. Is it possible and/or desirable to achieve global standards?
- Role of *undergraduate* legal education – what should be within the ambit of regulators and what should be left to academics?
- What does day-one competence mean? Balance between entry requirements and ongoing supervision

University of Westminster - 15 March 2012 - Demonstrating Competence, Identifying incompetence

- Consensus that CPD needs to change – output v. input? How do you assess outcomes? CPD linked more closely to type of work undertaken?
- Role of revalidation?
- Balance of responsibility for ongoing competence between individual and entity

- Consumer involvement - who should lawyers demonstrate competence to?
- Role of work based learning - traditionally undervalued?
- Importance of evidence – overreliance on complaint data?
- Before or after the event assurance? How do you measure competence, quality? Need to be proportionate

Leeds BPP - 29 March 2012 - Pupillage and Training Contracts: A means to an end or an end to the means?

- Role of the training contract: What risks is it designed to address? Necessary work based learning or a barrier to entry?
- Flexibility of entry routes without compromising on quality
- Transferability or fusion of training?

University of Warwick Law School - 18 April 2012 - Activity-based authorisation – turning process measures in to outcomes

- What are the problems we are trying to solve? What can we do to reduce unnecessary barriers and increase transition to other roles?
- Price and title are both relatively poor proxies of quality – what choice tools are available to consumers?
- Has a one size fits all approach for solicitors' education and training failed?
- How can you group risks that require similar regulatory interventions?
- Would greater focus on activity improve the quality of legal services?
- Distinction between activity based authorisation and activity based regulation
- The extent to which specialisation determines quality – voluntary or mandatory? Dangers of 'hyper-specialisation'?

Cardiff - 10 May 2012 - The impact of changes in Welsh jurisdiction

- Extent to which an emerging separate jurisdiction creates distinct education and training needs?
- Need for flexibility
- As greater divergence in smaller jurisdictions emerges will it inevitably increase the cost of accessing justice?
- How can training be delivered in Welsh law where training contract places may be relatively scarce?
- How do we ensure that the LETR doesn't lose sight of consumer outcomes?

Alex Roy is speaking at the LETR's International Symposium in Manchester on the day of the Board meeting and the Chairman and CEO are hoping to meet the Chairs of the Steering Group in the course of July. The next few months will be crucial in determining whether the current academic-led exercise provides the basis for a constructive way forward or whether the regulators and LSB will need to do more of the heavy lifting in the course of 2013. The prospects at present remain somewhat uncertain.