

Training contracts and pupillages: What are we training for?

Chris Kenny, Chief Executive of Legal Services Board

Background

- Legal Services Board established in 2009 as oversight regulator for legal services
- Eight approved regulators have responsibility for regulation of lawyers, for example
 - Solicitors Regulation Authority is the regulatory arm of the Law Society
 - Bar Standards Board is the regulatory arm of the Bar Council
- Regulatory objective to *encourage an independent, strong, diverse and effective legal profession* is shared by LSB and the approved regulators
- Section 4 of the Legal Services Act gives the LSB a duty to *assist in the maintenance and development of standards* for persons authorised to carry on reserved legal activities
- The LSB also has a general duty to act in a way that is compatible with the Regulatory Objectives and Better Regulation Principles

Legal Education and Training Review

- Solicitors Regulation Authority, Bar Standards Board and ILEX Professional Standards have come together to undertake a fundamental review of legal education and training
- The review is about the role of education and training in *regulation*
- Independent review team report findings in December 2012
- Approved Regulators will then need to respond and apply to the LSB for approval of any changes to regulatory arrangements
- LSB seminar series to support the review and generate a broad debate to inform both the review and the LSB's own thinking

Things are changing...

- Regulation is increasingly about entities
- Firms employ a wide range of individuals
- Professionals are not the only people delivering legal services
- Globalisation
- External ownership and different types of business model emerging
- Use of IT and commoditisation
- Outcomes focused regulation

Where are we now?

- Current entry route linked to professional title (solicitor, barrister etc)
- Single route to qualification for each title
- Based on high entry standards
 - Qualifying law degree
 - Vocational graduate qualification (LPC or BPTC)
 - Work-based learning (training contract or pupillage)
- Route is the same whatever type of law you want to practise
- Bottle neck of the 'training contract'

Some alternatives?

- Breaking the link between authorisation and training contract?
- Qualification straight after vocational graduate training?
- Flexible work based learning?
- Modular approach?
- Specific rather than general authorisation?

Some questions

- What is the training contract or pupillage for?
- What problem is a training contract solving?
- Does it act as a barrier to diversity and social mobility?
- Are there other ways to deliver the same objectives?
- At what point are you considered fit to practise – specifically and generally?
- To what extent should prior learning or experience count?

Our panel

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