

# **Increasing flexibility in legal education and training**

## **Consultation on proposals for draft statutory guidance to be issued under section 162 of the Legal Services Act 2007**

### **Response from Birmingham Law Society.**

Q1 Do you agree that these outcomes are the right ones?

*Answer: We agree that the outcomes are correct.*

Q2 Do you think that all of the outcomes should have equal priority?

*Answer: We believe that the first three outcomes i, ii and iii should have priority as they focus on what is required of a solicitor entering the profession, the needs for flexibility to provide different methods of entry which is important of diversity within the profession and that there are standards in place to ensure equivalence at entry.*

Q3 Do you agree with our guidance that a risk based approach to education and training should focus more on what an individual must know, understand and be able to do at the point of authorisation?

*Answer: We believe that a risk based approach to education should focus on what the individual understands and knows at the point of authorisation, but also that they are able to apply that knowledge to satisfy client's needs. Knowledge without analysis and application skills would not be sufficient.*

Q4 Do you think that such a model would facilitate movement across different branches of the profession?

*Answer: The specific obstacles which need to be removed are possibly the following but would need to be further considered and discussed to enable any difficulties or adverse impact to be considered:*

- I. Some common training across the professions, particularly at the post degree stage for LPC and BPTC.
- II. There are financial or extra financial restrictions.

Q5 Do you agree that regulators should move away from 'time served' models?

*Answer: We agree that regulators should move away from 'time served' models, if they no longer fulfil their original purpose because of the changing needs of the legal market, and the needs of consumers. e.g. more flexible routes to entry requiring a different regulatory approach, CPD hours no longer assist the development of the profession or benefit the client if it is merely a tick box approach. CPD should be more reflective and also those entities with the resource and capability should have less regulatory involvement and be allowed to monitor the development plans for staff to encourage continuous development meeting the needs of the business, client and individual.*

Q6 Do you agree that the regulation of students in particular needs to be reviewed in light of best practice in other sectors?

*Answer: This question we felt needed to be clarified further as to what was meant, therefore, we could not answer in a constructive fashion.*

Q7 Do you agree that regulators should allow more flexibility in the way that education and training requirements are delivered by no longer prescribing particular routes?

*Answer: We do agree that education and training requirements should not be restricted by prescribing particular routes, and in fact, there are many providers who already provide flexible routes. However, innovation in training to deliver excellence is welcomed by BLS providing the quality standards set enable individual students to achieve the outcomes set or better. We feel it is most important that the checking of such standards is clear and , consistently monitored, to ensure the quality*

*and integrity of the profession is maintained and enhanced. We do not want tiers of quality appearing within the solicitors' profession.*

Q8 Do you think such a change will impact positively on equality and diversity?

*Answer: We believe it will impact positively to enable students to work in practice at the same time as learning e.g. apprenticeships, distance learning electronically, part-time learning provision etc, but we must ensure that all meet the required outcomes at the same standard whatever route is chosen.*

Q9 Do you agree that regulators should review their approach to quality assurance in light of developments in sector specific regulation of education providers?

*Answer: We consider it important that regulators always keep under review their approach to quality assurance in the light of developments, and ensure that they consider the methods of other regulators such as the Quality Assurance Agency. Other regulators e.g. General Osteopathic Council etc use the QAA. to undertake monitoring of their practice standards and we would welcome our regulators to review their process and change where appropriate and beneficial.*

Q10 Do you agree that entry requirements set by regulators should focus on competence?

*Answer: We do agree that entry requirements should focus on competence rather than just accumulation of knowledge. We do agree that many paralegals are operating in relation to reserved activities within regulated entities and are supervised by authorised persons. Therefore, the competency of a paralegal is monitored by the entity. However, we are concerned about paralegals who may not work within such an authorised environment because their activities are currently not reserved legal activities e.g. as with the Will Writers. We acknowledge that the Act does not give authority to extend to non-reserved activities, but although an individual licensing regime for paralegals as proposed in the LETR may be extreme, we do have concerns in relation to public protection, where such individuals may*

*cause harm. However, there could be exemption from such a licensing scheme where a paralegal operates within an authorised entity.*

Q11 Do you agree with our proposal that there may be areas where broad based knowledge is not essential for authorisation? Can you provide any further examples of where this happens already?

*Answer: We do agree.*

Q12 Do you agree that reaccreditation requirements should be introduced in areas where the risks are highest?

*Answer: We do not agree that reaccreditation should be introduced. We do not consider that this would assist in relation to high risk areas. Reaccreditation is more appropriate for professions, such as, the medical profession but even here, reaccreditation has been found to be difficult to determine the type of assessment, the time demand and benefit. If CPD is reviewed and improved and this results in planning, implementing and reflecting on such development, this will enhance on-going development of a professional which will benefit the profession, business and the public.*

Q13 Do you agree that in most circumstances an entity is better placed than the regulator to take responsibility for education and training?

*Answer: In most circumstances we would agree that an entity is better placed than the regulator to take responsibility for training providers if the quality standards are clear and consistently applied.*

Q14 Can you think of any circumstances in which this may not be possible?

*Answer: The only circumstance would be an entity which is not sufficiently or correctly resourced financially or skills-wise to carry out such responsibility.*

Q15 Do you agree that it is not the role of the regulator to place restrictions on the number of people entering the professions?

*Answer: Yes, we agree.*

Q16 Can you provide any examples for review where the current arrangements impose such restrictions and may be unnecessary?

*Answer: No.*