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BY EMAIL ONLY

13th December 2013

Dear Chris

Education and Training Guidance – LSB Consultation

Thank you for giving the CLC the opportunity to respond to the LSB's consultation.

We consider the proposed Education and Training Outcomes:

1. Education and training requirements focus on what an individual must know, understand and be able to do at the point of authorisation
2. Providers of education and training have the flexibility to determine how best to deliver the outcomes required
3. Standards are set that find the right balance between what is required at entry and what can be fulfilled through ongoing competency requirements
4. Obligations in respect of education and training are balanced appropriately between the individual and entity, both at the point of entry and ongoing
5. Education and training regulations place no direct or indirect restrictions on the numbers entering the profession

appear sensible and appropriately targeted, particularly in light of the Legal Education and Training Review's recommendations. They are in keeping with the direction of travel on which the regulators should be focused so that over time their regulatory arrangements, including education and training provisions, are targeted at risks, focused upon outcomes and based around both activity and entity.

Regulators can use the guidance to help assess how well their current provision meets these outcomes and to help inform the development of future arrangements. However, the CLC would be concerned if the inclusion of 'best' in the introductory words at paragraph 10 to the guidance (page 29) is read to infer that the guidance here is in effect the only standard, and that there is little, if any, tolerance for regulators to divert from it. Whilst it has no immediate issue with the draft guidance, it would be premature for the CLC to say in order to achieve the outcomes it would not need to divert from that guidance. However, if that were to be the case we would be able to demonstrate how we had taken the guidance into account.

We are very supportive of the LSB setting out goals and ambitions which all regulators should work together to seek and to achieve. However, we have spoken before of the inequalities of scale between the big and small regulators. The LETR itself provides an example of where not everyone was involved in the development of that report. With both this, and the especial need for “universal requirements” which the LSB has identified, in mind, we hope that the LSB takes an active role, not just in bilateral engagement with the individual regulators based on their action plans, but also, “holds the ring” to ensure coherence across the plans.

In order to ensure outcomes that are fit for purpose, and particularly where those outcomes need to be consistent across the sector, we ask that the LSB takes a facilitative role in bringing all the regulators together to ensure they are addressed in this way. Areas that could be explored in this type of forum include:

- “universal requirements” - activity based minimum consistent standards across the range of providers of that activity;
- Day One Outcomes based on activity rather than individual qualification; and
- Thought leadership career routes and supply diversity addressing entrance and accessibility, both from a provider and consumer standpoint.

Should the LSB approach these areas through a purely bilateral route it risks the necessary outcomes not being delivered,

Prior to publication of the consultation paper, the CLC had already begun reviewing the paths to qualification. Interest has already been expressed in our recent call for Apprenticeship Trailblazers as part of this work. The proposed Outcomes and guidance from the LSB will of course help us to shape the future of CLC qualifications as part of our review programme.

In summary, I would like to stress our opinion that this is an area where it would be proportionate and important for the LSB to take an active role so that we all help to deliver the aims of the Legal Services Act 2007 in a manner that is proportionate and cost and resource effective.

I apologise that this could not get to you before 11th December but I trust you will be able to consider our response.

Yours sincerely

Sheila Kumar
Chief Executive Officer