

Application made by the Solicitors Regulation Authority Board to the Legal Services Board under Part 3 of Schedule 4 of the Legal Services Act for the approval of amendments to the Training Regulations

Proposed Alteration

1. It is proposed that the Training Regulations are amended to allow Bar Vocational Course (BVC) and Bar Professional Training Course (BPTC) graduates to apply for exemptions from parts of the Legal Practice Course (LPC).
2. The purpose of both the new and old Regulations is to:
 - give credit to graduates who have already been assessed on the LPC outcomes; and
 - as a result, provide an abbreviated route to qualification to those BVC/BPTC graduates who have decided to qualify as a solicitor rather than a barrister
3. The new Regulations alter the means by which the LPC outcomes can be met (Regulation 17 - Course requirements).

Nature and effect of the existing Training Regulations 2011 on LPC course requirements

4. The LPC can only be satisfied by completing all the outcomes at one or more authorised providers i.e. students can not be exempted from one or more parts of the course.

Nature and effect of the amendments to the Training Regulations 2011 on LPC course requirements

5. There will be 'permitted exemptions' from the LPC outcomes for BVC and BPTC graduates.
6. Only BVC and BPTC graduates who have the BVC or BPTC not more than 5 years prior to his or her enrolment on the LPC will be eligible for an exemption. The exemption will enable the student to be exempted from attendance and assessment of specific LPC outcomes which will be specified by the SRA, subject to the agreement of their authorised provider.

Rationale for amending the Training Regulations 2011

7. The need for the SRA to develop a policy on Accreditation of Prior Learning (APL) has been motivated by internal and external factors:
 - a request by the SRA Board in September 2007 to develop our policy on APL
 - the introduction of the Qualified Lawyers Transfer Scheme (QLTS) which means that BVC/BPTC graduates can no longer qualify through the QLTS route as they are not fully qualified¹
 - our conclusion in the QLTS EIA² was that the changes to our eligibility requirements on the QLTS, are "likely to have a disproportionate adverse impact on BME graduates of the BVC" and that to mitigate this impact the SRA would carry out research to further its existing commitment to developing our policy on APL (stemming from the SRA Board decision of September 2007)
8. However there is a much broader socio-political context to this policy. On 5 May 2011, the Government published its social mobility strategy³ and appointed Rt. Hon. Alan Milburn as Independent Reviewer on social mobility and child poverty. This strategy builds on the conclusions of the Panel on Fair Access to the Professions which reported in 2009⁴.
9. The SRA has responded to calls for evidence from the Panel and more recently, from Alan Milburn and has emphasised our commitment to social mobility, particularly in the context of our regulatory objective to "encourage an independent, strong, diverse and effective" profession.
10. The recommendations in both reports are clear, that the professions should look carefully at the entry points and requirements in place and consider whether any changes can be made which will enable people from more socially diverse backgrounds to enter the profession. Furthermore they call on the professions to support mid-career, career interchange and career returner opportunities.
11. The Unleashing Aspiration report concluded that "the professions are missing out on talent because of inflexible entry and profession routes".
12. In particular in relation to Professional Regulators the report recommended:
 - that statutory and approved regulators ...should embed the social mobility and fair access agenda into strategic plans⁵; and
 - regulators should consider how to embed more widely the fair access agenda permanently into the work and strategic planning of their professions and take the appropriate regulatory action to do so⁶
13. APL should also be viewed in the context of both the SRA's regulatory objectives and the Better Regulation Principles, which is set out further below.

¹ Our QLTS EIA revealed that Black and Minority Ethnic (BME) BVC and BPTC graduates seem to find it harder to gain pupillages. Latest figures from the Bar Council show a 4.4% decrease in the number of BME pupils between 2004/5 and 2009/2010. See the Bar Barometer March 2011 at www.barcouncil.org.uk/assets/documents/Bar%20Barometer,%20March%202011.pdf.

² <http://www.sra.org.uk/sra/equality-diversity/impact-assessments/QLTR-consultation-full.page>

³ <http://download.cabinetoffice.gov.uk/social-mobility/opening-doors-breaking-barriers.pdf>

⁴ Unleashing Aspiration -

http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/21_07_09_fair_access.pdf

⁵ See Recommendation 83 of footnote 1

⁶ See Recommendation 84 of footnote 1

Statement in respect of the Regulatory Objectives

Protecting and promoting the public interest

14. This policy will facilitate the transfer of BVC/BPTC graduates into the solicitor's profession whilst at the same time ensuring they are competent to practise. It is in the public interest that individuals holding themselves out as solicitors have been assessed against equivalent outcomes and have achieved the requisite standard.
15. The new APL policy will therefore promote this regulatory objective.

Supporting the constitutional principle of the rule of law

16. The LPC, as well as the BVC/BPTC, tests applicants' knowledge and application of professional values, behaviours, attitudes and ethics, together with the legal system which underpins the rule of law in England and Wales.
17. The new APL policy will support this regulatory objective, although it will have no direct impact.

Improving access to justice

18. The APL policy will provide a route for partially qualified barristers to change their career path and become solicitors. This may mean that clients are able to benefit from choosing solicitors with skills which are developed further on the BVC/BPTC (e.g. advocacy skills). Although this would be very difficult to quantify, this may in turn improve their access to justice.
19. We therefore consider that the APL policy may promote access to justice.

Protecting and promoting the interests of consumers

20. Consumers need to know that any solicitor which they choose to instruct has met certain basic standards. The old Qualified Lawyers Transfer Regulations 2009, allowed part-qualified barristers to become fully-qualified solicitors without having met those basic (Day One) outcomes which are set for solicitors.
21. This new APL policy helps assure consumers that every solicitor has achieved the requisite level of skill and knowledge, whilst providing the flexibility for BVC/BPTC graduates to change their career path.
22. We therefore consider that the new APL policy will protect and promote the interests of consumers.

Promoting competition in the provision of services

23. The APL policy is neutral in relation to this objective.

Encouraging an independent, strong, diverse and effective legal profession

24. The prime motivator for this policy is to increase access to a group of potential solicitors who would otherwise have no alternative but to complete the entire LPC. As set out above we are aware that there is an increased likelihood of BME BVC/BPTC graduates not being able to gain pupillage as compared to their non-BME counterparts. It is therefore evident that this policy could have a positive impact on that group alone.

25. This policy will however benefit the much broader group of BVC/BPTC graduates who cannot obtain pupillage as it facilitates a career change between the barrister and solicitors profession.

Increasing public understanding of the citizen's legal rights and duties

26. The APL policy is neutral in relation to this objective.

Promoting and maintaining adherence to the professional principles

27. This APL policy will ensure that the professional principles are properly understood by all potential entrants into the profession and therefore the policy will have a positive impact on this objective.

Statement in respect of the Better Regulation Principles

Proportionality

28. The APL policy allows BVC/BPTC graduates to be given credit for the LPC outcomes which they have already achieved on the BVC/BPTC. It is therefore a proportionate response to the issue of how to enable part-qualified barristers to transfer into the solicitor's profession.

Accountability

29. The SRA will monitor the take-up of this policy and the response of course providers to this opportunity. The SRA will use this evidence to support and inform further developments in the area of APL.

Consistency

30. The SRA has conducted a mapping exercise to determine the areas of overlap between the LPC and the BVC/BPTC. Therefore, the parameters within which credit can be claimed are prescribed by the SRA. However it is for the course provider to determine whether, within the parameters set by the SRA, a candidate should gain credit from parts of the course. This is because some course providers set their courses at a higher level than that required by the SRA and they will need to ensure that the student has already achieved the requisite level on their BVC/BPTC.
31. Therefore, although the benchmarking exercise will mean there is a large degree of consistency, there may be variations in the acceptance of prior qualifications from provider to provider and this is something which students will need to be aware of when they are choosing their course provider.

Transparency

32. The policy will be clearly set out in the LPC Handbook (draft attached as Annex A).

Targeted

33. Demand for this policy has to date come entirely from the Bar and BVC students who are no longer able to qualify via the qualified lawyers transfer route. In the short-term therefore we have targeted this policy at BVC/BPTC graduates.

Statement in relation to desired outcomes

34. The SRA seeks to establish a scheme which:

- provides BVC/BPTC graduates with a route to qualification as a solicitor
- gives BVC/BPTC graduates credit for outcomes achieved on the BVC/BPTC which are broadly similar to those on the LPC
- is the most effective way of achieving the outcomes listed above

35. These outcomes will be measured in the following ways:

- number of BVC/BPTC graduates embarking on LPC - we will ask LPC providers to provide us with data and feedback in their annual report
- feedback from those BVC/BPTC graduates taking the LPC

Statement in relation to impact on other Approved Regulators

36. The APL policy will have an impact on the Bar Standards Board as it entitles BVC/BPTC graduates to re-qualify as solicitors.

37. The BSB are pleased that there will be a route for BVC/BPTC graduates who are unable to gain pupillage

Implementation timetable

March 2012	Application for approval of amendment Regulations submitted to LSB
April 2012	LPC providers permitted to introduce APL for BVC/BPTC graduates
2013	APL reconsidered in light of LETR report
2015	Evaluation of introduction of APL

Stakeholder engagement

38. The SRA conducted a consultation during the Summer of 2010 on its initial proposals for APL. Since then the SRA has twice consulted the LPC providers on its proposals.

Further explanatory information

- Annex A Draft amendments to LPC Handbook
- Annex B Benchmarking exercise to compare BPTC/BVC and LPC
- Annex C Equality Impact Assessment

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