

The Legal Education Group is a discussion group, organised by the Centre for Legal Education but open to everyone (including, if your line manager says yes, subject administrators). It positively benefits from bringing together people from across the school. The spring meeting focussed on: "What has happened since the Legal Education and Training Review report?"

WEBB, J., CHING, J., MAHARG, P. and SHERR, A., 2013. Setting standards: the future of legal services education and training regulation in England and Wales. London: Legal Education and Training Review. Available at: <http://letr.org.uk/the-report/index.html>

## Generally

The regulators rejected recommendation 25:

*A body, the 'Legal Education Council', should be established to provide a forum for the coordination of the continuing review of LSET and to advise the approved regulators on LSET regulation and effective practice. The Council should also oversee a collaborative hub of legal information resources and activities able to perform the following functions:*

- *Data archive (including diversity monitoring and evaluation of diversity initiatives);*
- *Advice shop (careers information);*
- *Legal Education Laboratory (supporting collaborative research and development);*
- *Clearing house (advertising work experience; advising on transfer regulations and reviewing disputed transfer decisions).*

However, the main subject associations (ALT, SLS, SLSA and CHULS) have instigated a series of collaborative meetings and the CLE is spearheading a project to develop a digital hub which might achieve both some of these objectives and build on the work done by the former UKCLE.

## The undergraduate law degree, JASB, QAA and HEA

The JASB has been disbanded: <https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/academic-stage/joint-academic-stage-board/> But the Joint Statement on the requirements of a QLD has not. When the competence framework for solicitors and barristers (and the other professions too perhaps) are published, below, and the day one outcomes set, it may be that law schools will embed as many opportunities to meet the day one outcomes as possible across their portfolio, but it is also likely that there will be no need to do so. In essence then, we may see an abolition of the 'QLD' as an exemption for further study/training from about 2017.

The QAA Law Subject Benchmark Statement is due for an update. Work on this will start in May 2014. Becky Huxley-Binns has been appointed Chair of the QAA Review group.

Michael Bromby, Law Discipline Lead for the Higher Education Academy, ended his tenure with the HEA last summer and since then, Helen Jones has been leading the HEA law activities (she is also the discipline lead for Criminology). The HEA has indicated it will be advertising for a new law lead imminently.

## The Legal Services Board

The LSB issued a consultation (which closed in December 2013) under LSA 2007, s 162. This set out proposals based on:

- Focus on what individual knows, understands and can do at the point of authorisation;
- Providers having flexibility;
- Standards to balance between entry and "what can be fulfilled through ongoing competency requirements";
- Training obligations should be balanced between the individual and the entity both at entry and ongoing;
- Regulations should place no direct or indirect restrictions on numbers.

In addition, regulation should move away from "time served models"; broad based knowledge may not be necessary for authorisation; reaccreditation should be introduced where risks are highest. On the job training should be supported, as should cyclical, rather than hours/input based CPD models. Responses by the individual regulators are illuminating as to their individual plans

[http://www.legalservicesboard.org.uk/what\\_we\\_do/consultations/open/pdf/20130918\\_consultation\\_paper\\_on\\_guidance\\_for\\_education\\_and\\_training\\_FINAL\\_for\\_publication.pdf](http://www.legalservicesboard.org.uk/what_we_do/consultations/open/pdf/20130918_consultation_paper_on_guidance_for_education_and_training_FINAL_for_publication.pdf)

## Solicitors

<http://www.sra.org.uk/t4t/>

SRA's stated overall policy involves:

- Move from prescribing pathways to setting out day one outcomes
- Ending tick box approach to CPD (and also possibly considering revalidation of some kind)
- Stripping away regulation

They also make references to enhanced assessment (with references to QLTS and BPTC which suggest common standards/centralised assessment). Entity based approach. They also plan to investigate role of paralegals within regulated entities.

The **Training for Tomorrow** project has three streams:

### *Competence statement*

- For all solicitors but with assessment level only set for day 1
- Testing through to autumn followed by formal consultation

JC has been to two workshops on this. The draft framework, for solicitors and barristers, is organised around the following topics:

- Ethics, judgement and professionalism
- Technical legal practice
- Managing self and own work
- Working with clients, colleagues and others

### *Continuing competence (ie CPD)*

A consultation paper has just been released (to 2 April) with three options:

- Option 1: remove CPD obligation and rely entirely on regulations requiring individuals to be competent and entities to have a competent workforce
- Option 2: mandatory cyclical approach, linked to internal appraisal and competence statement. Monitoring of entities
- Option 3: retain minimum hours with some modifications, but with wider range of activities including on the job learning.

### *Regulations*

A consultation paper is on the website including draft regulations. These include:

- Concept of "equivalent means" to achieve academic and/or vocational stage
- Remove duplicated arrangements for LPC and GDL – leave it to QAA
- Training contract replaced by "recognised training", rather than specifying the details of the employment contract. Though they still propose authorised organisations and some regulation on supervision, appraisal, training record etc
- Keep content and duration of the "recognised training", but remove requirements for contentious/non contentious and rely instead on fact outcomes require certain areas of work "Three distinct areas of English law" replaced by "three distinct areas of English law and practice"

## Barristers

<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/letr-next-steps/>

The BSB has extended regulation to those who have not completed pupillage. New BSB Handbook as of January 2014. Their current plans:

- Developing a competency framework for barristers (jointly with SRA and to a similar timescale)
- Aligning the Bar Training Regulations (BTRs) to modern regulatory standards
- Establishing an outcomes-focused approach to continuing professional development
- Sharing data to support our regulatory objectives in education & training
- Improving access routes to the profession ("For the BSB, this will require a clear-sighted approach in mapping the valid routes to qualification, and exploring opportunities to integrate further the post-academic stages of training")
- Collaborative development of Academic Stage regulation

Initial development of these programmes will take place in the winter of 2013 and spring of 2014; further information on our approach and our priorities for each will be published during that period.

## Legal Executives and apprenticeships

<http://www.cilex.org.uk/PDF/Consultation%20LETR%20061213%20Final.pdf>

IPS is represented at the SRA/BSB competence framework meetings but not actively participating (they already have a competency framework and a cyclical CPD system).

Areas for review that CILEx and IPS will take forward include:

- The development of knowledge and skills outcomes which can be obtained through completion of the academic qualification as part of the development of the definition of a Day One Fellow
- The development of similar outcomes for other levels of the CILEx qualification
- Mapping and identification of knowledge and skills gaps within the CILEx Level 3 and Level 6 qualifications
- Review of the available exemptions.

Proposals to allow CILEx independent practice rights in some fields are close to final approval:

[http://www.cilex.org.uk/media/media\\_releases/lrb\\_approves\\_practice\\_rights.aspx](http://www.cilex.org.uk/media/media_releases/lrb_approves_practice_rights.aspx)

### Apprentices

It is important to make a distinction between the Skills for Justice apprenticeships in legal services (<http://www.sfjuk.com/>), which lead into CILEx and other apprenticeships that might be offered by legal services organisations (eg in Business Administration).

Although there are different set ups for England and for Wales, the CILEx apprenticeships include plans for levels 6 and 7 which they regard as equivalent to LLB and LPC (without saying they will get the same results):

<http://www.cilex.org.uk/study/apprenticeships.aspx>

Other legally related apprenticeships are around, eg Co-Op is advertising some which progress into the Business Administration routes: <http://www.co-operative.jobs/apprentices/apprenticeships/legal/>

BPP is also offering an apprenticeship process but on investigation these are via ATT, CIPD or CILEX:

[http://discover.bpp.com/apprenticeships\\_employers/](http://discover.bpp.com/apprenticeships_employers/)

## Other professions

### Costs Lawyers

Have suspended their training scheme to realign post-Jackson. However the new scheme will be aligned with the NQF levels.

<http://www.associationofcostslawyers.co.uk/train-to-be-a-costs-lawyer/>

### Licensed Conveyancers

Have just launched a distinct conveyancing apprenticeship.

<http://www.clc-uk.org/news58.php>

### Notaries

Have introduced a 2013 edition of their qualification rules:

[http://www.legalservicesboard.org.uk/Projects/statutory\\_decision\\_making/pdf/notaries\\_\(qualification\)\\_rules%202013.pdf](http://www.legalservicesboard.org.uk/Projects/statutory_decision_making/pdf/notaries_(qualification)_rules%202013.pdf)

### Patent and trade mark attorneys

IPReg's published "education plan" was to 2013. However their response to the LSB consultation says they endorse outcomes approach. They also plan to focus on:

- Flexible work/study model – which they say (rightly) they already have
- Concerned that abolition of time served models will lead to a drop in standards and international recognition
- Claim their CPD scheme is in effect a specialist accreditation scheme
- Endorse shift towards entity responsibility (as they have limited resources)
- They like the idea of mutual recognition, common skills training in eg, business management, ethics.
- No evidence that their system operates to restrict numbers.

<http://ipreg.org.uk/public/about-us/our-education-plan/>

### Paralegals

CILEx paralegals:

[http://www.cilex.org.uk/careers/careers\\_home/careers\\_advisors/training\\_options/paralegals.aspx](http://www.cilex.org.uk/careers/careers_home/careers_advisors/training_options/paralegals.aspx)

NALP: <http://www.nationalparalegals.co.uk/>

IoP: <http://www.theiop.org/>

## And elsewhere

The whole story of will-writing regulation:

[http://www.legalservicesboard.org.uk/Projects/reviewing\\_the\\_scope\\_of\\_regulation/will\\_writing\\_and\\_estate\\_administration.htm](http://www.legalservicesboard.org.uk/Projects/reviewing_the_scope_of_regulation/will_writing_and_estate_administration.htm)

Immigration advisors: in late 2013 OISC conducted a consultation on changes to code of standards:

[http://oisc.homeoffice.gov.uk/latest\\_information/press\\_releases/consultation\\_on\\_code\\_of\\_standards\\_and\\_commissioners\\_rules/](http://oisc.homeoffice.gov.uk/latest_information/press_releases/consultation_on_code_of_standards_and_commissioners_rules/)

Claims management regulation: <http://www.justice.gov.uk/claims-regulation>

## Scotland

Projects by the Law Society on fair access, apprenticeship routes etc: <http://www.lawscot.org.uk/education-and-careers/education--training-policy/fair-access-review>

Faculty of Advocates: <http://www.advocates.org.uk/>

Scottish Paralegal Association: <http://www.scottish-paralegal.org.uk/>

## Northern Ireland

The Law Society's Education Review closed in 2010: <http://www.lawsoc-ni.org/joining-the-legal-profession/education-review/>

Bar Library: <http://www.barlibrary.com/about-barristers/barristers-profession/>

## USA

The ABA Task Force on the Future of Legal Education published its final report in January 2014:

[http://www.americanbar.org/groups/professional\\_responsibility/taskforceonthefuturelegaleducation.html](http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegaleducation.html)

## And in addition

The Jeffrey Review of independent criminal advocacy is due to report at the end of March: <https://www.justice.gov.uk/about/the-jeffrey-review> (thanks to Jeremy for this).

Ministry of Justice Review of Legal Services Regulation: <http://www.redtapechallenge.cabinetoffice.gov.uk/moj-review-of-legal-services-regulation/>

## Dates for your diary:

- 1 NTU Annual Learning and Teaching Conference, *Teaching Differently*, 1 April 2014: [https://www.ntu.ac.uk/apps/news/149201-41/Annual\\_Learning\\_and\\_Teaching\\_Conference\\_2014.aspx](https://www.ntu.ac.uk/apps/news/149201-41/Annual_Learning_and_Teaching_Conference_2014.aspx)
- 2 ALT Conference, *Responding to Change*, 13-15 April 2014: <http://www.lawteacher.ac.uk/events>.
- 3 British and Irish Law Education and Technology Association (BILETA) 29<sup>th</sup> Annual Conference, 14-16 April 2014, UEA: <https://www.uea.ac.uk/law/news-and-events/bileta-conference>
- 4 TEAN, *Developing Assessment and Feedback for Effective Learning*, 6th May 2014: <http://www.cumbria.ac.uk/Courses/SubjectAreas/Education/Research/TEAN/DiaryOfEvents/DevelopingAssessmentAndFeedbackForEffectiveLearning.aspx>
- 5 NLS Annual Learning and Teaching Event, 13<sup>th</sup> May 2014.
- 6 NLS Research Conference 2014, *Capability, Collaboration And Confessions In Research*, 14 May 2014.
- 7 2014 *Global Legal Skills Conference*, Verona, 21-23 May 2014: <http://glsc.jmls.edu/2014/>
- 8 W G Hart Legal Workshop 2014, *Legal Education and Training and the Professions*, 23-24 June 2014, IALS: <http://events.sas.ac.uk/support-research/events/view/15715>
- 9 NLS Centre for Advocacy, *International Advocacy Teaching Conference*, 27-28 June 2014: [http://www.ntu.ac.uk/apps/events/3/home.aspx/event/155597/default/centre\\_for\\_advocacy\\_2014?campaignid=advocacy2014#details](http://www.ntu.ac.uk/apps/events/3/home.aspx/event/155597/default/centre_for_advocacy_2014?campaignid=advocacy2014#details)
- 10 International Legal Ethics Conference 2014, *Legal Ethics at a Time of Regulatory Change*, 10-12 July 2014: <http://www.city.ac.uk/international-legal-ethics-conference>
- 11 12th International Journal of Clinical Legal Education Conference, *Clinic without Borders*, Czech Republic, 15-17 July 2014: [http://www.numyspace.co.uk/~unn\\_mlif1/school\\_of\\_law/IJCLE/](http://www.numyspace.co.uk/~unn_mlif1/school_of_law/IJCLE/)
- 12 SLS Annual Conference, *Judging in the 21st Century*, 9-12 September 2014, University of Nottingham: <http://www1.legalscholars.ac.uk/2013/01/10/sls-annual-conference-2014/>