



**SRA Consultation
Training for Tomorrow: Assessing Competence**

The Law Centres Network Response

The Law Centres Network is the membership body for Law Centres in England, Wales and Northern Ireland, each of which is a not-for-profit legal practice providing legal help and advice in civil law, with a particular focus on social welfare law. Law Centres support the rule of law and, as part of it, universal access to justice. In particular, they target their services at the most disadvantaged and vulnerable people and groups in society, helping make their rights a reality and aiming to tackle the root causes of their poverty or disadvantage.

Law Centres are embedded in local communities and run by committees of elected local people drawn from community, legal sector and health sector organisations. The Law Centres Network ('LCN', the trading name of the Law Centres Federation) has coordinated and represented Law Centres collectively since 1978. There are currently 44 Law Centres across the UK represented by the Network. They are primarily funded by a mix of civil legal aid contracts, local authority grants or contracts and fixed-term project grants from charitable trusts and foundations.

LCN members work with clients who are vulnerable, often because of social, cultural and/ or economic disadvantage. A good training for those involved in assessing improper or unprofessional activities must include understanding the context within which clients can be vulnerable when involved in a legal action. No less important is to understand the complexities that solicitors face in managing not only the action but also the needs, expectations, behaviours and responses of a vulnerable client. This can result in cases taking longer, needing more careful attention and producing high degrees of pressure for the solicitor. We recommend that this pressure should be understood by all those involved in the training of future solicitors.

Our law centre members engage frequently with law students and workplace legal trainees. We responded to the SRA consultation on the Solicitors Competence Statement and the Question of Trust, which topics relate substantially to this consultation.

We have limited resources to consult and engage with training providers to enable us to offer a fully informed and analytical view on all the questions raised in the consultation and how selection of pathways would result in improved assessment of student lawyers and their competency. We are committed to that quality and competency, however, and submit this response on some topics, on behalf of the Law Centres movement.

1. We welcome the move to provide a clearer framework of the qualification pathways and their significance across the training spectrum: we agree that any approach should align candidates to the Statement(s) of Solicitor competence, knowledge and standards that will be the benchmark of their future practice.

2. We recognise that there are complexities inherent in a wider exercise, however we are disappointed that this consultation is limited to addressing the principles of competence assessment and the proposed assessment approach. In particular, in the omission of the entry requirements to reach the proposed competence assessment stage and assessment during the pre-qualification workplace learning period, which are referred to, but not developed, as these are to be addressed later. This we consider is a missed opportunity and feels fragmented: for example, certain items of principle or practice in this discussion carry the caveat, that decisions are subject to (the future) discussions/decisions about entry requirements, etc..
3. The ethos of the Law Centres Network is to encourage quality in client -centred delivery, and that extends to the belief in a range of quality options for qualification for all aspiring lawyers. Those options, or pathways, should recognise that diversity of background is essential to a social and just legal system; that access routes should be flexible and not be so proscribed or costly that they become obstacles. These principles need to be balanced against a continuing requirement for quality, competency and consistency as lawyers are educated, then qualify and continue to develop learning in order to craft their service delivery to their clients' needs.
4. We welcome the proposal for a common professional assessment to pass qualification, provided that the assessment framework incorporates those principles. Option 3 is said to be the preferred route for the SRA at this stage, but we note in the summary of outcomes of the evaluation that the relative cost levels of Options are not discussed, nor any likely costs increase. To have a centralised assessment of competence as proposed in Option 3, could increase costs in setting up that system and, in our experience, any extra exams or process beyond the core training attracts a further fee/ cost/ value which is usually borne by the student. We would have preferred to see commentary on this cost element and the impact on equality of opportunity.
5. It is the assessment, monitoring and evaluation of the delivery of training pathways that will decide how effective a common standard is, whatever competence approach is selected. Another option would be somewhere between Options 2 and 3 and to develop the competence assessment framework by having a clear and flexible monitoring, evaluation and impact standard, that is, a Solicitors Qualifying Standard, that will deliver the required skills and knowledge levels and that training providers are required to meet.
6. Over prescription in the content of training can limit flexibility: we would urge that sufficient resources are made available to ensure that collaborative arrangements between training providers and SRA exist to develop assessment standards. This would also serve to address the weaknesses the LETR identified, that is, in insufficient and inconsistent quality of outcomes and standards of assessment (paragraph 21 of this consultation).
7. Turning to discussion of the Skills assessment part of the proposed new framework, the consultation recognises that specialisation in the legal context occurs early in solicitors practice. It is proposed that this is recognised in the examination of skills (Page 59)

“Each skill area must be passed in twice, in different legal contexts. The different contexts in which candidates must be assessed are: probate, property, criminal and civil litigation, and the law of organisations (business law and practice).....”

We strongly recommend that laws of Social Welfare and Public Law and Practice are added to this list. These subject areas are no longer peripheral areas; trainees with these skills will necessarily go on to engage in reserved legal activities. They are

essential to the workings of our modern society and their inclusion recognises the major impact of social welfare lawyers who develop law within our modern society and often shape and create society's policies in a framework of justness and fairness. We argue that training of lawyers who have developed early interest and skills in these areas is as worthy of recognition as those training in business law - which is, by inclusion here, perceived as worthy of specialism in order to enhance and develop the country's economy.

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