

Arrangements for qualified lawyers transferring to become solicitors in England and Wales

Consultation questionnaire form

This form is designed to be completed electronically—in MS Word. You must save it locally before and after completing it.

Question 1

Should the SRA use the “day one outcomes” as the benchmark against which transferees should be assessed?

Yes

No

If your answer is “no”, please explain your reasons and suggest an alternative approach.

Question 2

Should transferees be required to demonstrate the knowledge and skills set out in the consultation paper (pp. 8–9) under the heading “Common standards of knowledge, skills and ability”?

Yes

No

If your answer is “no”, please explain.

Question 3

Do you have any comments on our approach to assessing the character and suitability of transfer applicants?

The LSC agrees that it is appropriate for any QLTS to require evidence of transferees character and suitability, and that the guidelines used are the same as those for the domestic route of qualification.

The consultation states that the nature of evidence required will vary according to certain factors such as location and availability of evidence. SRA should be careful to ensure that in all cases there is sufficient evidence to demonstrate appropriate standards of character and suitability, and where there are variations all transferees are treated fairly, as with all members of the profession regardless of entry route.

Question 4

In order to be eligible to apply to transfer, should applicants need to be entitled to practise under their initial professional title without the need to complete further education, training or assessments?

Yes

No

If your answer is “no”, please explain.

Question 5

Should the transfer scheme be open to lawyers from a potentially wider range of jurisdictions than is currently the case?

Question 5/6/7 answered together below

Question 6

Do you agree with the characteristics we propose should be demonstrated by the professions who will be able to access the new transfer scheme?

Question 5/6/7 answered together below

Question 7

Should we phase the way in which we bring new jurisdictions into the transfer scheme in response to demand?

Question 5/6/7 answered together below

Question 5/6/7

The LSC believes that in the interests of clients the transfer scheme should only be open to those individuals that can demonstrate the necessary skills, knowledge and ability to perform the role of solicitor competently and ethically

Where jurisdictions meet the necessary criteria to do this they should be granted access the scheme.

Question 8

Should the International Lawyers' Assessment cover the range of knowledge, skills and ability set out in the consultation paper (pp. 17-18)?

Yes

No

If your answer is "no", please give reasons for your answer.

The LSC is concerned that there is no specific experience requirement in the new scheme. As outlined in our response to SRA's previous consultation on the requirements of the scheme we were supportive of the proposals that all transferees have experience of working within English and Welsh law. We believe that supervised experience working within English and Welsh law is necessary to ensure that clients are receiving a consistent quality of service.

In the absence of specific experience requirements the assessment process must be sufficiently robust to ensure that all applicants are able to competently practice law in England and Wales and that there is no risk posed to clients. Also it is vital that appropriate supervision requirements are in place.

It is the LSC's experience since the introduction of quality standards in the 1990's that effective supervision is a key component in guaranteeing quality services for clients. Failures in supervision are often highlighted in the reports of firms with poor peer review results.

Supervision is important for all staff regardless of their level or experience to ensure that a consistent quality service is provided to clients. The LSC requires all publicly funded providers to undergo supervision, regardless of their level or experience, this includes sole practitioners. Emphasis is placed on tailoring supervision to the specific knowledge, skills and experience of the individual. Effective tailored supervision is particularly important for those that have not taken the "domestic route" to gauge competence, level of experience and training required.

The LSC believes that supervision should be:

- Carried out by an experienced practitioner in the specific category of law that they are overseeing.
- The supervisor should hold a pre-defined legal competence and required to practice a specific number of hours in the category of law that they are supervising
- The supervisor should meet pre-defined supervisory skill standards.

The LSC defines a number of specific supervision requirements in the Specialist Quality Mark (SQM) http://www.legalservices.gov.uk/civil/gm/specialist_help.asp . Supervision should be tailored to staff members according to their specific knowledge, skills and experience.

As part of the LSC's 2010 contract consultation we also propose the introduction of a minimum ratio of supervisors to caseworkers (1:4) as we believe that there is a finite number of caseworkers that it is possible to supervise whilst still maintaining the appropriate level of case involvement and training and development and conducting regular supervision and file review.

The LSC would want any scheme to include requirements relating to supervision, it is not clear from the consultation what requirements are in place with regard to supervision, we would welcome seeing SRA's proposals in this area.

Question 9

Should we assess transferees' ability to act appropriately in situations simulating practice and assess their understanding of law and legal practice in England and Wales?

Yes

No

If your answer is "no", please explain.

Question 10

Should international lawyers be required to undertake work-based learning in English/Welsh law as part of the transfer requirements?

Yes

No

Please give reasons for your answer and suggest the approach that should be taken.

The LSC would support the inclusion of work based learning to the requirements to allow transferees to gain direct experience of English and Welsh law. Any requirement of this type must include effective tailored supervision and file review to ensure that clients receive a good standard of service

However please also see our response to question 8.

Question 11

Should international lawyers be required to demonstrate in their assessments that they are competent to take accurate instructions from, and give clear and accurate advice to, clients in English and to understand and draft legal documents in English and exercise solicitors' right of audience?

Yes

No

If your answer is "no", please give reasons.

Question 12

Taking into account the obligations on the SRA, do you have any comments on the approach to the assessment of European lawyers' aptitude to practise as solicitors?

As with international lawyers EU lawyers should be required to demonstrate in their assessments that they are competent to take accurate instructions from, and give clear and accurate advice to, clients in English and to understand and draft legal documents in English and exercise solicitors' right of audience

European lawyers should be subject to effective tailored supervision, please see response to question 8.

Question 13

Do you agree with the proposed assessment requirements for UK lawyers (see consultation paper, p. 20)?

Yes

No

If your answer is "no", please give reasons.

See response to question 8.

Question 14

Should UK qualified lawyers be required to complete any specific experience before being admitted as solicitors?

Yes

No

Please give reasons for your answer.

See response to question 8.

Question 15

Should the SRA work with just one organisation to develop and deliver the transfer assessments?

Yes

No

If your answer is "no", please give reasons.

Question 16

Should a sole assessment provider be prohibited from also providing courses to prepare for the assessments?

Yes

No

If your answer is "no", please give reasons.

Question 17

What are your views on making the new assessments available outside of the UK?

The LSC sees no reason why, providing that all assessments are conducted using the same framework, are subject to effective and consistent approval, monitoring and evaluation procedures, that the new assessments cannot be available outside the UK as is the case with the current scheme. However the integrity and reliability of the scheme must be protected in the interests of clients.

Making the assessments available only in the UK may create an unnecessary barrier to entry for some international lawyers.

Question 18

Should special provision be made in the QLTS for Distinguished Specialist Practitioners?

The proposals outlined appear reasonable. If special provisions are made they must ensure that individuals can demonstrate the necessary skills, knowledge and ability to perform the role of solicitor competently and ethically.

Please also see response to question 8

Question 19

Should special provision be made in the QLTS for academic lawyers who have not qualified as practitioners?

The proposals outlined appear reasonable. Any scheme must ensure that transferees can demonstrate the necessary skills, knowledge and ability to perform the role of solicitor competently and ethically.

Please also see response to question 8

Question 20

What are your views on the possible equality and diversity impact of the new approach?

We are not aware of specific evidence that the proposed changes present any equalities and diversity issues, but agree that an impact assessment is required.

Ongoing monitoring should also be conducted to demonstrate no differential impact as a result of any changes to the scheme. To comment further on this area it would be helpful to see the Equalities Impact Assessment once it is complete.

Thank you for completing the **Consultation questionnaire form**.

Please save a copy of the completed form.

Please return it, along with your completed **About you form**, as an email attachment to trainingconsultations@sra.org.uk, by **6 February 2009**.

Alternatively, print the completed form and submit it by post, along with a printed copy of your **About you form**, to

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