

Requirements for lawyers qualifying as solicitors in England and Wales

Consultation questionnaire form

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

If you wish, you can print a blank form and complete it by hand or by typewriter.

For submission instructions, see page 15.

The deadline for responses is 14 April 2008.

For alternative formats, email info.services@sra.org.uk or telephone 0870 606 2555.

Question 1

Should all solicitors admitted in England and Wales have had some prior experience of working within English and Welsh law, however they qualify?

Yes

No

Please explain your answer.

The LSC supports this and agrees that prior supervised experience working within English and Welsh law is absolutely necessary to ensure that clients are receiving a consistent quality of service.

The SRA needs to ensure as part of the impact assessment that any scheme put in place does not create a barrier to entry and define mechanisms/routes that solicitors may take to gain the necessary experience (please see question 7 for a response on Impact Assessment).

- If you answered "Yes" to the question above, please answer the question below. If you answered "No", please proceed directly to Question 2.

What should be the length of the prior experience required?

The LSC believes that the SRA's suggestions are practical, in particular one year's experience obtained working under the supervision of an experienced England and Wales qualified solicitor.

Question 2

Should all solicitors admitted in England and Wales have experience of different types of legal work, gained either in the law of England and Wales or in another common law system?

Yes

No

Please explain your answer.

It is in the best interest of the client that solicitors have a range of legal work relating to the areas they intend to practice.

The LSC would like additional information about why the SRA considers that it is necessary or desirable to put a number on that range, when it is likely to be individual to the applicant.

Additional information about the range of work necessary will be required by those applying to transfer.

- If you answered "Yes" to the question above, please answer the question below. If you answered "No", please proceed directly to Question 3.

What experience of different types of legal work should be required?

See Above

Question 3

How should required prior experience be supervised?

For example, should supervision be by an experienced solicitor? Should it align with the supervision required for trainee solicitors? Should it be more general?

The LSC believes that effective supervision is essential. In particular:

- Supervision should be carried out by an experienced solicitor in the specific category of law that they are overseeing.
- The supervisor should hold a pre-defined legal competence and be 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) - see

http://www.legalservices.gov.uk/civil/qm/specialist_help.asp.

The LSC supports the need for a generic supervision skills accreditation process that is applicable to all supervisors.

Supervision should be tailored to staff members according to their specific knowledge, skills and experience. 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 does not support the statement "experienced lawyers will not learn from being supervised by a solicitor qualified in England and Wales and will find the requirement insulting". The LSC requires all publicly funded providers to undergo supervision, regardless of their level or experience.

Question 4

Do you agree that the draft guidance is a reasonable and proportionate way of ensuring that all transferring solicitors are fit to practise?

Yes

No

Please explain your answer.

The LSC supports the draft guidance, in particular the requirement for supervised practical experience. It is recommended that further evidence of effective supervision is provided under the "evidence requirements".

There may be an impact in terms of an individuals' ability to gain practical experience under the supervision of someone that has the required background in English/Welsh law. This should be considered alongside realistic routes to gain this experience as part of the impact assessment.

Question 5

Should exemptions be granted from a stipulated part or parts of the QLTT?

Yes

No

- If you answered "Yes" to the question above, please answer the question below. If you answered "No", please proceed directly to Question 6.

In what circumstances should exemptions be granted?

The LSC supports this approach if an individual can appropriately demonstrate their experience and qualifications. However, the SRA will need to ensure that exemptions meet a set framework and that they are granted consistently.

Question 6

Is it reasonable to introduce a moratorium on the SRA's authorisation of new test providers and locations ahead of measures to enable greater assurances to be given about the standard of all QLTTs?

Yes

No

Please explain your answer.

The LSC supports the immediate measures that are being put in place to ensure that clients are receiving a quality service.

Without further information the LSC can't comment on the effect of these steps on the assessment of those applying for a transfer i.e. the backlog and waiting periods that this may create.

Question 7

What are your views on the possible equality impact of the guidance?

The LSC suggests that the proposed changes will directly discriminate against lawyers from certain countries that may experience difficulty obtaining a training contract to gain two years experience of legal practice in the UK. Some lawyers from other countries may not be able to establish the appropriate links and networks to secure the necessary experience. In addition, it may put an additional financial burden on some candidates that may not have enough support mechanisms available. It is important that these factors are explored as part of a rigorous equality impact assessment.

The statistics already indicate that there already be elements of indirect discrimination in the existing procedure that have not been addressed in the proposed changes, by the fact that most of the lawyers qualifying from the transfer route have been both Australia or New Zealand. It is recommended that the SRA take into account the wealth of experience that lawyers from different countries can bring to UK firms. Anecdotal research has shown that lawyers from countries in Asia, Africa, Caribbean, the USA and Canada may bring a more sophisticated understanding of diverse clients presenting complex legal aid needs.

Those candidates that have been successful in the past have demonstrated a lack of competency in practising Law in the UK. This suggests there may be a need for more research and/or consultation to establish the competencies, skills and knowledge of those interested in accessing the transfer route and the support mechanisms, which could be implemented to encourage and enable them to pursue a sustainable career in Law.

Question 8

Have you qualified as a solicitor using the QLTR route to qualification?

Yes

No

If so, in which jurisdiction did you originally qualify?

Are you considering making an application using the QLTR route to qualification?

Yes

No

If so, in which jurisdiction are you qualified?

Would you be willing to participate in future research that will inform the full review of the transfer scheme?

By selecting "Yes", you consent to us contacting you by email for this purpose using the address you provide in the "About you" section of this form.

Yes

No

Question 9

Please enter below any other comments you would like us to consider.

The requirements being made for lawyers qualifying as solicitors appear to be fairer, well structured and well thought out. The LSC recommends that the SRA explores and expands on routes that transferring lawyers can take as part of the impact assessment.

In particular the LSC supports a consistent process that requires practical supervised experience and would advocate a generic supervision skills accreditation process and definition of supervisor competence/level of experience.

About you

Thank you for responding to the consultation.

Please identify yourself below.

Surname

Briggs

Forename(s)

Sarah

Your SRA ID number (if applicable)

Name of the firm or organisation where you work

Legal Services Commission

Your email address

Please enter your email address below.

We will use your email address if we need to contact you about your response and to inform you of progress in this consultation.

Email updates

Would you like to receive email updates about other Solicitors Regulation Authority consultations?

Yes

No

Confidentiality

We may publish a list of respondents and a report on responses. Partial attributed responses may be published. Please advise us if you do not wish us to attribute your response or for your name or the name of your firm or organisation to appear on any published list of respondents.

Attribute my/our response and publish my/our name.

Do not attribute my/our response and do not publish my/our name.

Specific confidentiality requirement detailed below.

I am submitting a response...

Please identify the capacity in which you are submitting a response by selecting **one option only** from the list below. To select an option, click on the check box next to it.

on behalf of my firm	<input checked="" type="checkbox"/>	<p>Please enter its name</p> <div data-bbox="858 427 1422 1093" style="border: 1px solid black; padding: 5px;"> <p>Legal Services Commission The Legal Services Commission (LSC) is an executive non-departmental public body sponsored by the Ministry of Justice. With an annual spend of around £2bn, we are responsible for the delivery of civil and criminal legal aid services and the development of the Community Legal Service. We help over two million people in England and Wales every year.</p> <p>The LSC is committed to ensuring that clients have access to quality services that meet their needs, and that providers deliver quality, value for money and client focused services. As a result the LSC welcomes the opportunity to respond to this consultation</p> </div>
on behalf of a Law Society board or committee	<input type="checkbox"/>	<p>Please enter its name</p> <div data-bbox="858 1144 1422 1196" style="border: 1px solid black; height: 23px;"></div>
on behalf of a representative group	<input type="checkbox"/>	<p>Please enter its name</p> <div data-bbox="858 1263 1422 1314" style="border: 1px solid black; height: 23px;"></div>
on behalf of a local law society	<input type="checkbox"/>	<p>Please enter its name</p> <div data-bbox="858 1382 1422 1433" style="border: 1px solid black; height: 23px;"></div>
as an academic	<input type="checkbox"/>	<p>Please enter the name of your institution</p> <div data-bbox="858 1500 1422 1552" style="border: 1px solid black; height: 23px;"></div>
on my own behalf as a solicitor in private practice	<input type="checkbox"/>	
on my own behalf as an employed solicitor	<input type="checkbox"/>	
as another legal professional	<input type="checkbox"/>	<p>Please specify</p> <div data-bbox="858 1863 1422 1915" style="border: 1px solid black; height: 23px;"></div>

as a trainee solicitor	<input type="checkbox"/>	
as a student studying for a qualifying law degree or legal practice course	<input type="checkbox"/>	
as a member of the public	<input type="checkbox"/>	
in another capacity	<input type="checkbox"/>	Please specify <input type="text"/>

Thank you for identifying yourself.

More about you

We want to ensure that responses to our consultations capture the opinions of a wide cross-section of the profession, stakeholders and the public. Please help us by answering several more questions about yourself and—if appropriate—about your firm or other place of work.

A. Questions about you

What is your gender?	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Please enter your age—in years.	<input type="text"/>	
Which of the following best describes your ethnicity? Select one option only from the list below. To select an option, click on the corresponding check box.		
White British	<input type="checkbox"/>	
White Irish	<input type="checkbox"/>	
White other	<input type="checkbox"/>	Specify
Mixed white and black Caribbean	<input type="checkbox"/>	
Mixed white and black African	<input type="checkbox"/>	
Mixed white and Asian	<input type="checkbox"/>	
Other mixed background	<input type="checkbox"/>	Specify
Black or black British Caribbean	<input type="checkbox"/>	
Black or black British African	<input type="checkbox"/>	
Other black or black British background	<input type="checkbox"/>	Specify
Asian or Asian British Indian	<input type="checkbox"/>	
Asian or Asian British Pakistani	<input type="checkbox"/>	
Other Asian or Asian British background	<input type="checkbox"/>	
Chinese or other ethnic group, Chinese	<input type="checkbox"/>	
Any other ethnic group	<input type="checkbox"/>	Specify
Decline to answer	<input type="checkbox"/>	
Do you have any disability that has a substantial and long-term effect on your ability to carry out day-to-day activities?		
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

If you are responding to this consultation in any of the following capacities, you have now completed all questions. **Thank you.**

- On behalf of a Law Society board or committee, a local law society or a representative group
- As an academic
- As a student
- As a member of the public

Otherwise, please proceed to **Section B.**

B. Questions about your firm

Please answer the questions below **only if you are responding on behalf of your firm**. Otherwise, please proceed to **Section C** below.

What type of firm is yours? Partnership <input type="checkbox"/> Recognised body <input checked="" type="checkbox"/> Sole practice <input type="checkbox"/>		
Number of partners/directors	<input type="text"/>	<input type="text"/>
Number of associate and assistant solicitors	<input type="text"/>	<input type="text"/>
Number of other admitted staff	<input type="text"/>	<input type="text"/>
Number of remaining fee-earning staff	<input type="text"/>	<input type="text"/>
Number of non-fee-earning staff	<input type="text"/>	<input type="text"/>
In which region is your firm's main office located?		
City of London <input type="checkbox"/>	East Midlands <input type="checkbox"/>	Yorkshire & Humberside <input type="checkbox"/>
Rest of London <input type="checkbox"/>	West Midlands <input type="checkbox"/>	Eastern <input type="checkbox"/>
South East <input type="checkbox"/>	North East <input type="checkbox"/>	Wales <input type="checkbox"/>
South West <input type="checkbox"/>	North West <input type="checkbox"/>	
Please select areas of law in which your firm practises.		
Area of law	<input type="checkbox"/>	
Business and commercial affairs	<input type="checkbox"/>	
Commercial property	<input type="checkbox"/>	
Consumer problems	<input type="checkbox"/>	
Criminal defence	<input type="checkbox"/>	
Employment	<input type="checkbox"/>	
Family (including matrimonial and child care)	<input type="checkbox"/>	
Housing, landlord and tenant	<input type="checkbox"/>	
Personal insolvency and debt	<input type="checkbox"/>	
Personal financial management and advice	<input type="checkbox"/>	
Personal injury, accident, medical negligence	<input type="checkbox"/>	
Probate, will and trusts	<input type="checkbox"/>	
Residential conveyancing	<input type="checkbox"/>	
Welfare benefits and social security	<input type="checkbox"/>	
Other, please specify	<input type="text"/>	

Please select the types of client with which your firm conducts business.

Area of law	
Private individuals not legally aided	<input type="checkbox"/>
Private individuals legally aided	<input type="checkbox"/>
Private sector firms or companies	<input type="checkbox"/>
Public sector bodies (eg central and local governments, Crown Prosecution Service, National Health Service, etc)	<input type="checkbox"/>
Others (eg charities, trade unions, etc)	<input type="checkbox"/>
Overseas clients	<input type="checkbox"/>

C. Questions about where you work

Please answer the questions below **only if you are a qualified solicitor, trainee solicitor or other legal practitioner responding on your own behalf**. Otherwise, you have now completed all questions.

Which of the following best describes you?

Qualified solicitor working in private practice	<input type="checkbox"/>	
Qualified solicitor working in commerce and industry	<input type="checkbox"/>	
Qualified solicitor working in government	<input type="checkbox"/>	Central government
	<input type="checkbox"/>	Local government
	<input type="checkbox"/>	Crown Prosecution Service
Qualified solicitor working in other sector (eg trade union, charity)	<input type="checkbox"/>	
Qualified solicitor no longer working in legal practice	<input type="checkbox"/>	
Trainee solicitor working in private practice	<input type="checkbox"/>	
Trainee solicitor working in commerce and industry	<input type="checkbox"/>	
Trainee solicitor working in government	<input type="checkbox"/>	Central government
	<input type="checkbox"/>	Local government
	<input type="checkbox"/>	Crown Prosecution Service
Trainee solicitor working in other sector (eg trade union, charity)	<input type="checkbox"/>	
Other (eg paralegal)	<input type="checkbox"/>	Please specify
		<input type="text"/>

Please answer the questions below **only if you are responding on your own behalf as a qualified solicitor, a trainee solicitor or other legal practitioner, and you work in a firm of solicitors**. Otherwise, you have now completed all questions.

How many partners/directors does your firm have?			
1 (sole practitioner)	<input type="checkbox"/>	11–25	<input type="checkbox"/>
2–4	<input type="checkbox"/>	26–80	<input type="checkbox"/>
5–10	<input type="checkbox"/>	81 or more	<input type="checkbox"/>
How many solicitors, excluding partners, does your firm have?			
0	<input type="checkbox"/>	6–12	<input type="checkbox"/>
1	<input type="checkbox"/>	13–40	<input type="checkbox"/>
2–5	<input type="checkbox"/>	41–170	<input type="checkbox"/>
		171 or more	<input type="checkbox"/>
Which of the expressions listed best describes your position in the firm?			
Equity partner	<input type="checkbox"/>	Sole practitioner	<input type="checkbox"/>
Salaried partner	<input type="checkbox"/>	Consultant	<input type="checkbox"/>
Associate/assistant solicitor	<input type="checkbox"/>	Other	<input type="checkbox"/>
If you answer "other" to this question, please specify			
<input type="text"/>			

Submission instructions

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

Please **save a copy** of the completed form.

Please return it as an **email** attachment to trainingconsultations@sra.org.uk, by **14 April 2008**.

Alternatively, **print** the completed form and post it to

Simon Bullock
Solicitors Regulation Authority
Berrington Close
Ipsley Court
Redditch
Worc B98 0TD

or

Simon Bullock
Solicitors Regulation Authority
DX 19114 Redditch

We are unable to acknowledge receipt of responses. We take this opportunity to thank you for your response.