

Best Practice Framework For In-house Training Contracts

Produced by the Aspire Best Practice Working Group, Aspire
Advisory Board and LexisNexis – November 2016

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Part I - Introduction

Why create a Best Practice Framework for In-house Training Contracts?

1. There is little support or guidance available for in-house legal teams seeking to train trainee solicitors in-house; the main focus revolves around 'traditional' training contracts, ie those completed with a law firm. Particularly, there is no:
 - a. established or uniform practice for training trainee solicitors in-house in the same way there is for law firms; or
 - b. centralised guidance tailored to in-house legal teams in respect of what investment is required (time, cost and resource), how to obtain authorisation to train trainee solicitors and obligations of the in-house legal teamconsequently leading to uncertainty and confusion for in-house legal teams, and in some cases, deterring them from taking on trainee solicitors.
2. With careful thought and preparation, training trainee solicitors in-house can be a relatively simple process and can be very beneficial for the in-house legal team and the business they support, by retaining key commercial and legal know-how in-house.
3. To address the lack of support and guidance available to in-house legal teams, and to encourage in-house legal teams to take on trainee solicitors, a group of in-house trainee solicitors and NQs from a broad range of organisations (the **Aspire Best Practice Working Group**), backed by the Aspire Advisory Board and LexisNexis, have produced this 'Best Practice Framework for In-house Training Contracts' (the **Framework**).

Aims of the Framework

4. The Aspire Best Practice Working Group considers the Framework to represent a 'best practice' in-house training contract, guided by the different stages of the training contract process (set out below); from when an organisation initially decides to set up their in-house training contract, right through to when the trainee solicitor qualifies as a lawyer within the organisation.
5. The Framework aims to help organisations to train their trainee solicitors to become great lawyers, through the experiences and views shared by trainee solicitors who have experienced training in-house and by reference to the overarching principles and guidelines produced by the SRA.
6. By providing clear guidance to in-house legal teams on the training contract process, one of the aims of the Framework is to provide greater transparency between the 'traditional' training contract and the in-house training contract to help dispel the perception that one is better or more preferable to the other.

Structure

7. The Framework is structured to align with the following training contract timeline:
 - a. **Stage 1:** Setting up a training contract
 - b. **Stage 2:** Commencing and undertaking a training contract; and
 - c. **Stage 3:** Qualification

8. By following this structure, the in-house legal team is guided through every step of the trainee solicitor's training contract, to help ensure that all the requirements of a training contract are met.

Using the Framework

9. The Aspire Best Practice Working Group acknowledges that a one-size fits all approach is not appropriate for all types of in-house legal teams, given their differences in size and the industries in which they operate. Therefore, this Framework is intended to be used as a guide, rather than a rigid framework.
10. The Framework should be read alongside the applicable SRA training regulations (see 'Updates' below) and any available guidance produced by the SRA, which has been referenced throughout where possible and appropriate to do so.
11. A fact sheet is provided at Part III of this Framework to assist with highlighting key dates and fees.
12. If you have any questions or comments in respect of the Framework, please contact inhouse@lexisnexis.co.uk.

Updates to the regulations governing training contracts

13. The SRA training regulations changed on 1 July 2014 when the 'SRA Training Regulations 2014, Qualification and Provider Regulations' came into force ('2014 Regulations'). The 2014 Regulations regulate any individual seeking to be admitted as a solicitor and any organisation providing or intending to provide recognised training, or a qualifying law degree (QLD), Common Professional Examination (CPE)/Graduate Diploma in Law (GDL), Exempting Law Degree, Legal Practice Course (LPC) or Professional Skills Course (PSC).
14. The Framework reflects requirements that apply where:
 - a. training starts on or after 1 July 2014; or
 - b. training started before 1 July 2014, but the parties intend to transfer to the 2014 Regulations
15. For those with training contracts which commenced prior to 1 July 2014, and therefore qualifying under the 'SRA Training Regulations 2011', or for those seeking admission under the 'SRA Qualified Lawyers Transfer Scheme Regulations 2011' (QLTSR), please refer to the SRA for further guidance.

Definitions and interpretations

16. Throughout the Framework a 'period of recognised training' means a training contract, and is used to bring the Framework up to date with the 2014 Regulations.

**All of the information contained in the Framework, including fees and course information is correct as of November 2015.*

Part II—The Framework

17. The Framework is directed at both in-house legal teams and prospective in-house trainee solicitors. It foresees both parties working together to establish, and see through to completion, an in-house training contract.

Stage 1: Setting up a training contract

Putting together a business case

18. The main concerns of an in-house legal team are likely to be centred on the expectations of time, cost, and resources of training a trainee solicitor in-house, and the Framework seeks to address these concerns in this section.

Time

19. While there is a degree of administration that needs to be completed before the trainee solicitor starts training with the organisation, once set up, it should be a simpler process when considering taking on further trainee solicitors in the future.
20. The time taken by the organisation during the training contract is really a matter for the organisation, provided that it can meet the requirements of the 2014 Regulations. There is no minimum time prescribed by the SRA for the length of the training contract, although there are various steps which need to be followed including ensuring that the organisation is satisfied that it can provide the training and supervision that trainee solicitors require.
21. Certainly, for most organisations, with careful thought and preparation, this should not be too onerous over and above the general standards of having to deal with regular employees (for example, supervision, training, delegation and performance reviews) but it does require familiarity with and understanding of the 2014 Regulations by those directly involved.

Cost

22. There are fees required to be paid by organisations to the SRA (for example, fees payable to be authorised to take on trainee solicitors, as well as some of the mandatory course fees); further information can be found in section 31.
23. The organisation will need to consider the trainee solicitor's salary (which will not be an issue if the organisation pays above the national minimum wage), training costs, and any resources required to administer and support the training contract throughout its duration. Salary and costs are dealt with at section 73 of the Framework.

Resources

24. Your organisation must nominate an experienced lawyer to be the named training principal, who will administer the training contract and be responsible for seeing the trainee solicitor through to qualification. See section 39 for more details on the duties of the training principal and how these duties may be delegated to others within the organisation.

25. Considering resources helps to focus the organisation's attention on what it hopes to achieve by training trainee solicitors and the possible benefits it could bring to the organisation.

Testimonials from in-house trainees

24. *'The great benefit of training in-house is early responsibility, direct access to clients at different levels of the organisation, and the diversity of work. Also, training in a business environment means you have to learn to think commercially from day one – business partners want practical solutions, not a lecture on the law.'*

'Training in-house is a fantastic experience. The constant exposure to a variety of legal and commercial issues arising from all areas and levels of the organisation is invaluable. The day to day contact with the client, while at times demanding, is a great way to get to know the business and build strong relationships. You are encouraged to think of practical solutions from day one, as well as help improve ways of working to reduce risk.'

25. <https://l2b.thelawyer.com/issues/l2b-online/life-as-an-in-house-trainee/>

References:

- LexisPSL Practice Note: [Developing a Business Case.](#)

Authorised training provider and the role of the training principal

28. An organisation cannot provide a period of recognised training to a trainee unless it has been expressly authorised by the SRA.

Right of review

29. The SRA has a prescribed form for applications for authorisation to provide training contracts. The application form is reasonably short and straightforward but should be read in conjunction with the 2014 Regulations and the SRA's guidance set out in its 'Authorised Training Provider information pack'.

30. It is advisable to decide early on who will take responsibility within the organisation for submitting the application; this may be a prospective trainee solicitor or the prospective training principal.

31. The fee for the application is currently £100, payable on submission of the application.

32. The organisation will be required to declare that it is able to provide training (directly or through a combination of in-house experience and secondments):

- a. in three distinct areas of law (see section 122)
- b. to enable the trainee to develop the skills they will need in practice to meet the SRA's Practice Skills Standards (see section 88), and to comply with the SRA Principles (see section 84)
- c. which is appropriately supervised (see section 130); and
- d. which meets the requirements of Regulation 12 of the Training Regulations 2014

Application for authorisation to become a training provider

33. If the SRA refuses to grant authorisation to an organisation following an application for authorisation

as a training provider, the organisation may apply to the SRA in writing for a review of the decision within one month of receiving notification of it.

References:

- SRA Authorised Training Provider information pack, Becoming authorised:
<http://sra.org.uk/trainees/resources/authorised-training-provider-information-pack.page>

Duration of authorisation

34. Authorisation as a training provider lasts indefinitely but the SRA retains the right to:

- apply conditions to any approval; and
- revoke authorisation if there are serious concerns about the quality of training being provided

References:

- Training Regulations 2014, Regulation 16
- SRA Authorised Training Provider information pack

Number of trainee solicitors

35. Once authorised, the organisation may employ as many trainee solicitors as it feels is appropriate, provided it can meet the requirements of the 2014 Regulations.

References:

- SRA Authorised Training Provider information pack, Key requirements

The Training Principal

36. All organisations wishing to train trainee solicitors must nominate a lawyer within the organisation to be the named training principal, responsible for overseeing the training during the period of recognised training and for being the main point of contact between the organisation and the SRA in respect of each training contract.

Requirements

37. The training principal must:

- be a solicitor of England and Wales, with a current practising certificate (unless exempt from holding a practising certificate under Section 88 of the Solicitors Act 1974) or be a practising barrister; and
- be competent to meet the requirements of the 2014 Regulations

38. The training principal must be named on any application the organisation makes to the SRA for authorisation as a training provider.

Duties

39. The training principal is expected to:

- take a central role in the provision of the training for the duration of the training contract

- b. be competent to meet, and ensure the organisation meets, the requirements of the 2014 Regulations
 - c. ensure that each trainee solicitor maintains a record of training (see section 145); and
 - d. ensure that any person supervising trainees at the organisation is sufficiently qualified and experienced in the relevant area of law for which they are supervising
40. The training principal can delegate these responsibilities to others within the organisation; and if they choose to do so, the trainee solicitor(s) should be informed.

Changes

41. The organisation must notify the SRA of any change in the training principal in the prescribed form: 'Training principal declaration'.

References:

- Training Regulations 2014, Regulations 10.2(b), 12.4 and 13
- SRA Authorised Training Provider information pack, The training principal:
<http://www.sra.org.uk/trainees/period-recognised-training/training-principal.page>

Requirements of recognised training

42. Trainee solicitors can be admitted as solicitors if they have:
- a. completed the academic stage (see section 43) and the vocational stage (see section 98) or an apprenticeship (see section 54)
 - b. complied with the SRA Admission Regulations 2011 (see section 166 to 173); and
 - c. satisfied the SRA as to their character and suitability to be a solicitor in accordance with Part 1 of the SRA Suitability Test 2011 (see section 55)

References:

- Training Regulations 2014, Regulation 2

Academic stage

43. The academic stage requires completion of one of the following with an approved education provider recognised by the SRA:
- a. a qualifying law degree (see section 44)
 - b. for non-law graduates, the Graduate Diploma in Law (GDL) formerly known as the Common Professional Examination (CPE) (see section 45); or
 - c. an Exempting Law Degree (see section 46)

Qualifying law degree

44. A qualifying law degree is normally an undergraduate degree, such as a law degree or a 3-4 year degree where the study of legal subjects is not less than two years of that degree, for example, a law and French degree, or law and business degree. For a list of the SRA's approved qualifying law degree course providers, see:

<https://www.sra.org.uk/students/courses/Qualifying-law-degree-providers.page>

GDL

45. The GDL is a post-graduate course for non-law graduates, or equivalent, wishing to pursue a career in the law. The course covers core foundation subjects studied by students under a qualifying law degree, ie contract law, criminal law, equity and trusts, European law, land law, public law and tort. The course is usually completed in one year (full time study) or two years (part time study). For a list of the SRA's approved GDL course providers, see:

<https://www.sra.org.uk/students/conversion-courses/cpe-gdl-providers.page>

Exempting Law Degree

46. Exempting law degrees are undergraduate degrees, for which the SRA has granted exemption to allow students to qualify for the vocational stage of their legal training. For a list of the SRA's approved Exempting Law Degree providers, see:

<http://www.sra.org.uk/students/exempting-law-degrees.page>

Exemption from the academic stage

47. Potential trainees may be entitled to credit for prior certified or experiential learning which may entitle them to the exemption from assessment in some subjects otherwise required from a qualifying law degree. Applications for credit for prior learning must be made to the applicable SRA approved education provider in accordance with any of their policies and procedures for accreditation for prior learning.

References:

- Training Regulations, Regulation 7.1

Vocational stage

48. The vocational stage requires successful completion of:

- the LPC with an authorised education provider recognised by the SRA
- the PSC with an authorised education provider recognised by the SRA (see section 107); and
- a period of recognised training with an authorised training provider, such as an in-house legal department (see section 81)

LPC

49. After completion of the academic stage, the LPC normally takes one year of full time study to complete, or two years part time, following which the trainee solicitor would usually commence their training contract. Students are required to complete seven compulsory modules and three elective modules.

50. The compulsory modules/assessed areas of stage one of the LPC are:

- business law and practice
- property law and practice
- litigation (civil and criminal)
- wills and administration of estates

- e. advocacy
 - f. interviewing and advising
 - g. practical legal research and writing
 - h. drafting
 - i. solicitors' accounts; and
 - j. professional conduct and regulation
51. Stage two offers students the opportunity to study three elective modules. The organisation may wish to consider discussing the electives with the trainee solicitor prior to them starting the course as there may be electives the organisation would prefer the trainee solicitor to choose which are more relevant to the organisation.
52. Courses are normally provided via a mixture of lectures, workshops and tutorials, and are generally assessed using a variety of means, such as open and closed book exams, written assessments and presentations.
53. For a list of the SRA's approved LPC course providers, see:
<https://www.sra.org.uk/students/courses/lpc-course-providers.page>

Apprenticeship

54. As an alternative to completing the academic and vocational stages, an individual may be admitted as a solicitor by the SRA if they have completed an apprenticeship. For the purposes of the 2014 Regulations, the individual will have completed an apprenticeship if they have met the requirements set out in:
- a. the assessment plan for the Apprenticeship Standard for a Solicitor (England); or
 - b. the Apprenticeship Framework specified in the Level 7 Higher Apprenticeship in Legal Practice (Wales)
- including successfully passing an assessment which is either conducted by the SRA or approved by the SRA as suitable for the purpose.

References:

- Training Regulations, Regulation 2.5
- Apprenticeship Standard for a Solicitor (England)
- Apprenticeship Framework, Level 7 Higher Apprenticeship in Legal Practice (Wales)
<http://www.afo.sscalliance.org/frameworks-library/index.cfm?id=FR03202>

SRA suitability test

55. Subject to the circumstances described below, trainee solicitors do not have to undergo the SRA's suitability test before starting training, although they will be subject to the test before admission.
56. If before the period of recognised training commences there are issues that may prevent the trainee solicitor from meeting the suitability test (or such issues arise at any time during the period of recognised training), they must make a disclosure to the SRA before starting training using form: 'Eligibility to commence a period of recognised training (Character and Suitability)'. The trainee solicitor is not eligible to commence training until the SRA has assessed their character and

suitability, which could take six months.

57. If a trainee solicitor makes a disclosure, the SRA may determine (on grounds of character and suitability) that the trainee solicitor is not eligible to commence or continue training.
58. A trainee solicitor can submit three further applications for eligibility (following a decision by the SRA that the trainee solicitor is not eligible to commence or continue training). This can only be done:
 - a. where there has been a material change in circumstances; and
 - b. after intervals of not less than 12 months from final determination of their previous application
59. There is no requirement for the trainee to make a parallel disclosure to the organisation, but the organisation may wish to provide for this in the training contract. For an example, see the following template: '[Recognised training contract](#)'.
60. Failure to disclose character or suitability issues may result in the SRA:
 - a. refusing to recognise training undertaken during the period that disclosure was not made; and
 - b. treating the trainee solicitor's failure to notify as prima facie evidence of dishonest behaviour

References:

- Training Regulations 2014, Regulations 6.1, 6.2 and 6.5
- <http://www.sra.org.uk/solicitors/handbook/suitabilitytest/content.page>
- <http://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/qualifying-as-a-solicitor/>

Time to count

61. An organisation may recognise previous relevant work-based experience as satisfying up to six months of the required period of recognised training, provided the experience:
 - a. was gained in the preceding three years
 - b. was in English and Welsh law and practice and in one or more areas of law
 - c. enabled the acquisition of one or more of the Practice Skills Standards (see section 89) and/or the Principles (see section 84); and
 - d. was adequately supervised and appraised

The Process

62. The trainee solicitor and the organisation should complete and submit to the SRA the form entitled 'Application to recognise experience outside of a training contract'.
63. When considering whether to take account of relevant work-based experience completed during a sandwich placement during the academic stage of training, you may also take the following non-mandatory factors into account:
 - a. the placement should normally have been at level 3 of the National Qualifications Framework or above
 - b. the placement should have been for at least three months
 - c. whether the placement was with an authorised training provider

- d. whether the trainee was paid a reasonable salary during the placement, taking account of the national minimum wage (and any SRA minimum trainee salary at the time); and
 - e. whether the trainee satisfactorily completed the placement and was awarded the academic stage qualification
64. Part-time experience is calculated pro rata, eg a trainee solicitor who worked two and a half days per week for six months may be awarded a three month reduction to their training period.
65. It is entirely within the organisation's discretion to grant reductions in training periods. The organisation can notify the SRA, in writing, of any reductions:
- a. when the organisation notifies the SRA that a period of recognised training has commenced
 - b. at any time prior to the completion of training; or
 - c. pre-admission

References:

- Training Regulations 2014, Regulation 12.3
- SRA Authorised Training Provider information pack, Recognising experience gained before training starts

Formalising and registering a training contract

66. There are no mandatory requirements set by the SRA for entering into of the period of recognised training between an organisation and its trainee solicitors but it is good practice to adopt the same position as the organisation would with any new employee, ie by providing them with an offer letter as soon as possible following the organisation's decision to award a training contract. See LexisPSL Precedent: [Letter: trainee solicitor offer letter](#).
67. Many law firms make offers around two years prior to the training contract commencing, when the potential trainee solicitor is still completing the academic stage, but the time for an organisation to offer training contracts is a matter for the organisation to decide, based on finances, and the organisation's needs and resources.
68. Guidance from the SRA states that, when recruiting trainee solicitors, the organisation should adopt practices and procedures that adhere to the requirements of the SRA's Code of Conduct.

References:

- SRA Authorised Training Provider information pack: Recruiting trainees, and Offering a training position
- LexisPSL Precedent: [Letter: trainee solicitor offer letter](#)

The contract

69. Employment law requires the organisation to provide a statement of the terms and conditions of employment when the trainee solicitor starts work, or shortly afterwards.
70. It is advisable that the statement should set out clear details of what happens in the event of any disputes relating to the training contract (see section 147) and the statement should include:
- a. normal terms and conditions like place of work, hours, starting salary, and supervisory arrangements

- b. a job description
 - c. the length of training; and
 - d. the learning elements
71. If your organisation has agreed to pay any of the trainee solicitor's fees for the GDL or LPC, the statement should set out any conditions associated with these fees, such as time and method of payment, preferred education providers and electives.
72. If the prospective trainee is already an employee of the organisation, a simple amendment to their employment contract may be all that is required to take account of the terms set out above.

References:

- SRA Authorised Training Provider information pack, Entering into a training agreement
- LexisPSL Template: [Recognised training contract \(long form\)](#) and [Recognised training contract \(short form\)](#)

Pay

73. The 2014 Regulations specify that an organisation must pay its trainee solicitors the single hourly rate of the national minimum wage specified in the National Minimum Wage Regulations 1999. The national minimum wage (as at 1 October 2015) is £6.70 an hour for workers aged 21 and over.
74. Under certain circumstances, the organisation may apply for a waiver from the requirement to pay trainee solicitors a minimum salary. Regulation 18 of the Training Regulations 2014 refers to the SRA's waiver policy and SRA guidance simply states that the organisation should contact the SRA for the relevant TC5 form.

References:

- Training Regulations 2014, Regulation 10.2(f)
- National Minimum Wage Regulations 1999, SI 1999/584, Regulation 11
- NMW (A) Regs 2013, SI 2013/1975, reg 2(2)
- SRA Authorised Training Provider information pack, The minimum salary

Formalisation and registration of a period of recognised training

75. If there are no issues with the trainee solicitor's character and suitability (see section 55), there is only one compulsory form to submit to the SRA: the ['Notification of a period of recognised training'](#). The SRA requests that organisations submit this form at least 30 days before the training contract is due to start, along with a payment of £100.
76. If the organisation wishes to grant a reduction in the training period, the organisation should accompany the 'Notification of a period of recognised training' with a covering letter explaining the reason for the reduced duration of the training. When drafting the letter, the organisation should have regard to the factors set out under pre-contract experience (see section 62). It is also recommended that the organisation considers the information that the SRA required under the previous training contract regime (see form [Application to recognise experience outside of a training contract](#)).

Character and suitability issues

77. If there are any concerns about character and suitability, the trainee solicitor must submit the following form: [‘Eligibility to commence a period of recognised training \(Character and Suitability\)’](#).
78. The trainee solicitor is not eligible to commence training until the SRA has assessed their character and suitability, which could take six months.

Transition from the 2011 Regulations to the 2014 Regulations

79. Training contracts registered under the 2011 Regulations and entered into on or before 30 June 2014 can be transitioned to a period of recognised training under the 2014 Regulations.
80. The trainee solicitor and the organisation must agree by mutual consent to adopt the 2014 Regulations and submit the [‘Transition from 2011 to 2014 SRA Training Regulations’](#) form to the SRA.

Completing a period of recognised training

81. The period of recognised training required by the SRA is essentially the training contract, ie the period of vocational training that an individual completes with a firm or organisation which is authorised to provide training contracts. Individuals who have completed an apprenticeship (see section 54) are not required to complete a period of recognised training.
82. The SRA recommends that training contracts are for a period of not less than two years for full time training contracts, or pro rata if part time. As a guide, if the trainee solicitor works:
- two and a half days per week, the period is four years (1,460 calendar days)
 - three days per week, the period is three years and four months (1,216 calendar days); or
 - four days per week, the period is two years and six months (913 calendar days)
83. Trainee solicitors may also train while they study their qualifying law degree, GDL or LPC. If the trainee solicitor is working part time while they study, the organisation can adopt the pro rata arrangements above.

References:

- Training Regulations 2014, Regulations 5.1 and 5.2
- SRA Authorised Training Provider Information Pack: Length of the training period

The SRA’s Principles and Outcomes

SRA suitability test

84. The 2014 Regulations form part of the SRA Handbook, in which the ten mandatory Principles are set out. These Principles apply to all who are regulated by the SRA, and imposes obligations on such persons to:
- uphold the rule of law and the proper administration of justice
 - act with integrity
 - not allow your independence to be compromised

- d. act in the best interests of each client
- e. provide a proper standard of service to your clients
- f. behave in a way that maintains the trust the public places in you and in the provision of legal services
- g. comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner
- h. run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial risk management principles
- i. run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity; and
- j. protect client money and assets

Outcomes

85. As for all solicitors qualified to practice in England and Wales, SRA regulation is focused on Outcomes which, when achieved, will benefit clients and the public.
86. The Outcomes that apply to the 2014 Regulations specify that, to qualify as a solicitor, an individual must:
- a. have achieved and demonstrated a standard of competence appropriate to the work they are carrying out
 - b. have had such competence objectively assessed where appropriate
 - c. have undertaken the appropriate practical training and workplace experience
 - d. be of proper character and suitability
 - e. have achieved an appropriate standard of written and spoken English; and
 - f. act so that clients, and the wider public, have confidence that outcomes have been met and they must achieve and continue to meet these outcomes, where relevant.
87. These outcomes, and the regulations that flow from them, apply to unadmitted persons (ie trainee solicitors), approved education providers, authorised education providers and authorised training providers (ie in-house legal departments training trainee solicitors, law firms).

References:

- Training Regulations 2014, Outcomes O(TR1) to O(TR6)
- SRA Handbook

Practice skills standards

88. The SRA's compulsory practice skills standards set out:
- a. the skills that trainee solicitors must acquire during their period of recognised training
 - b. the key elements of each skill; and

- c. the type of experience that will help them develop each skill
89. The practice skills standards are divided into the following categories:
- d. advocacy and oral presentation
 - e. case and transaction management
 - f. client care and practice support
 - g. communication skills
 - h. dispute resolution
 - i. drafting
 - j. interviewing and advising
 - k. legal research; and
 - l. negotiation
90. For each skill the SRA specifies the competency required and activities or work likely to achieve the required standard.
91. Trainee solicitors can develop their skills through a mixture of the following activities:
- a. completing work and tasks by themselves
 - b. assisting others; and
 - c. observing experienced practitioners

References:

- Training Regulations 2014, Regulations 5.2 and 12.1(a)
- SRA Authorised Training Provider information pack, Practice Skills Standards

Qualifying through 'equivalent means' (an alternative to the training contract)

92. Instead of the academic stage and the vocational stage, individuals may be able to complete all or part of their training by 'equivalent means' satisfactory to the SRA. This means learning which is assessed and for which qualification(s) or certificates have been granted and/or work based experiential learning, which the SRA determines is of at least an equivalent level and standard of that required by all or any part of the solicitor qualification and training framework as set out in the 2014 Regulations. For example, this route may apply to paralegals.
93. There is no guarantee that the SRA will admit an individual who has completed their training by 'equivalent means'.
94. The individual must submit an application to the SRA in writing in the prescribed form and provide supporting evidence with the application. For organisations who consider that potential trainee solicitors may be completing their training with them by 'equivalent means', it is advisable to seek guidance directly from the SRA before the training commences so that the organisation and the trainee solicitor can be sure that the training will satisfy the 2014 Regulations and the SRA Admission Regulations 2011 (see section 166 to 173). Alternatively, a paralegal may make an application retrospectively, to take account of a period of work completed by the paralegal in which they can evidence how they satisfy the 2014 Regulations and SRA Admission Regulations 2011.

95. The current fee to apply for exemption under 'equivalent means' is £600.

References:

- Training Regulations 2014, Regulations 2.2, 2.3 and 4.1.
- SRA's Equivalent means information pack:
<http://www.sra.org.uk/students/resources/equivalent-means-information-pack.page>

Stage 2: Commencing and undertaking a training contract

Transitioning from paralegal to trainee solicitor

96. Where an organisation chooses to offer a training contract to a paralegal already working in the organisation, it would be very tempting and easy to continue with business as usual when the training contract commences, ie that although the job title changes, the role does not in practice change.
97. However, the SRA has requirements which are applicable specifically to trainee solicitors and recognised training providers taking on trainee solicitors, so great care is needed on both sides to ensure an effective transition takes place.
98. It would be helpful for the former paralegal to be taken through the trainee solicitor job description by their manager or training principal and to talk through how their day to day role will change as a result of the transition. The former paralegal should also be given an appropriate induction, while appreciating that they may not require the same induction as a new trainee solicitor starting at the organisation.
99. To ensure compliance with the 2014 Regulations, changes may need to be made to the former paralegal's manager or supervisor, and it may be necessary to communicate to the relevant parts of the wider organisation about the change in role.

Induction, training and the PSC

Induction

100. Before a trainee solicitor starts their period of recognised training, the organisation might consider it appropriate for the trainee solicitor to come in and meet with the department and the people with whom they will be working most closely.
101. It may also be helpful to send to the trainee solicitor any pre-reading materials which will help them to learn a little more about the organisation and ways of working, and help them to settle in when they start.
102. Once the trainee solicitor joins the organisation they should receive an induction to ensure they have all the equipment they need, such as a PC/laptop, printer access, telephone, and contacts list. The induction should include, for example, taking them through any of the organisation's legal templates (NDAs, terms and conditions, etc.), the organisation's contract process, and the nature of the work the trainee solicitor will complete during their training.
103. To ease the administrative burden, the induction can align with the organisation's existing HR processes, with a supplementary sessions specific to a legal career as referred to above.

Training

104. It should be made clear to the trainee solicitor:
- the trainee solicitor's roles and responsibilities
 - who the training principal is; and
 - who will be managing them on a day-to-day basis
105. It is important that both the trainee solicitor and supervisor understand the shared responsibility in the trainee solicitor's development. Some of the actions are easily achievable and can drastically improve the environment in which the trainee solicitor works, helping them, and the organisation, to get the most out of their training.

References:

- SRA Authorised Training Provider information pack, Induction of trainees
- LexisPSL Precedent: [Trainee solicitor induction plan](#)

Vocational stage

106. In addition to completing the LPC, the vocational stage requires successful completion of:
- the PSC with an authorised education provider recognised by the SRA; and
 - a period of recognised training with an authorised training provider, such as an in-house legal department

PSC

107. The PSC aims to build on the skills learned during the LPC and would normally be undertaken by the trainee solicitors during their period of recognised training, or prior to admission if they are exempt from having to complete a period of recognised training.
108. Similar to the LPC, the PSC consists of various compulsory modules as well as electives. The SRA recommends that, to be more effective and relevant to the trainee solicitor, certain core modules are completed after they have completed a minimum of six months of their training contract.
109. The core modules are:
- advocacy and communication skills—minimum of 18 hours
 - client care and professional standards—minimum of 12 hours; and
 - financial and business skills—minimum of 18 hours
110. Elective modules will vary between course providers but usually consist of a combination of contentious and non-contentious modules and entail a minimum of 24 hours instruction.
111. It is advisable that the organisation compares course providers to see which electives are offered so that it can provide guidance to its trainee solicitors on the courses most appropriate to the organisation.

112. Depending on the number of trainee solicitors at the organisation, and taking into account financial implications to the organisation, it may be worth considering whether it is appropriate to contact education providers who offer bespoke in-house training, tailored to the organisation's industry and requirements. In addition, panel law firms may be willing to allow in-house trainee solicitors to attend the PSC delivered to their trainee solicitors internally.
113. There is no requirement for the organisation to allow time-off for studying the PSC, but the SRA recommends the organisation considers whether to offer paid study leave at the outset of the training and to advise the trainee solicitor accordingly.

References:

- Training Regulations 2014, Regulation 10.2
- SRA guidance: <http://www.sra.org.uk/trainees/resources/professional-skills-course-information-pack.page>
- SRA-approved PSC course providers: <https://www.sra.org.uk/trainees/professional-skills-course-providers/professional-skills-course-providers.page>

Course fees

114. Many law firms and organisations offer to pay for all or part of an individual's course (and sometimes, maintenance) fees for the GDL and/or the LPC part of the vocational stage before the potential trainee starts their studies, as an inducement for that individual to accept the offer of a training contract at their firm or organisation. However, there is no mandatory requirement from the SRA for firms and organisations to pay for the trainee solicitor's GDL or LPC.
115. Unlike the GDL and LPC fees, the PSC fees must be paid for by the organisation, as well as reasonable expenses, such as travel costs. However, it is only fees for the first attempt at completing the PSC which must be paid for by the organisation. If the trainee solicitor fails the first attempt, it is for the organisation to determine whether or not it is prepared to pay for any re-sits required and to agree with the trainee the terms on which any payment for resits would be made.
116. If the organisation is prepared to pay for any of its trainee solicitor's courses, it should consider whether or not the organisation has a preferred education provider with whom it requires the trainee solicitor to complete their studies, and whether or not these will be conditions the trainee solicitor needs to meet for the organisation to agree to pay for the fees.
117. All fees are normally payable in one upfront instalment before the commencement of the course but the organisation should contact the relevant course provider if it would prefer to pay in instalments.

GDL, LPC and PSC fees

118. Fees for the GDL can range from £8,000 to £11,000, depending on location and method of study.
119. Fees for the LPC can range from £11,000 to £15,000 for a one year full time course, or £5,500 to £7,500 per year for a two year part time course, depending on location, content and method of study.
120. Fees for the PSC range from £1,285 plus VAT to £2,195 plus VAT per trainee solicitor, depending on location and content.

References:

- SRA Authorised Training Provider information pack: The Professional Skills Course

The requirement of three distinct areas of law

121. Two of the requirements of Regulation 12.1 of the Training Regulations 2014 are that trainees must be provided with practical experience in areas of English and Welsh law and practice and have relevant learning and development opportunities to enable them to meet the SRA’s Practice Skills Standards.

Areas of Law

122. The SRA lists the following as examples of the distinct areas of English and Welsh law and practice, a minimum of three of which must be provided to trainees during their period of recognised training. This is not an exhaustive list.

- | | | |
|----------------------------------|---------------------------------------|---|
| • Administrative and Public Law | • Crime – General, Motoring, Juvenile | • Liquor Licensing/Gaming |
| • Agricultural Law | • Debt and Money Advice | • Maritime/Shipping/Admiralty |
| • Aviation Law | • Education Law | • Media |
| • Banking Law | • Employment | • Mediation – Family, Civil/ Commercial |
| • Business Affairs | • Energy and Natural Resources | • Medical Negligence |
| • Chancery | • Environmental Law | • Mental Health |
| • Charity Law | • European Community Law | • Mergers and Acquisitions |
| • Children Law | • Family | • Military Law |
| • Insurance and Reinsurance | • Financial and Investments Services | • Neighbour Disputes |
| • Civil Liberties/Human Rights | • Fraud | • Pension Law |
| • Commercial Law | • Immigration Law | • Personal Injury |
| • Commercial Property | • Insolvency and Bankruptcy | • Planning Law |
| • Company Law | • Insurance | • Professional Negligence |
| • Computer and IT Law | • International Law (non-EC) | • Taxation |
| • Construction/Civil Engineering | • Landlord and Tenant - Residential | • Transport - Road and Rail |
| • Consumer Problems | • Libel and Defamation | • Travel and Tourism |
| • Conveyancing – Residential | | • Trust |
| • Corporate Finance | | • Welfare Benefits |
| | | • Wills and Probate |

123. When considering whether or not your organisation can provide experience in three distinct areas of law, you need to consider how your in-house legal department is set up. For example, if the legal department is part of a large organisation, it may be divided into teams, allowing for specific rotations between different departments (sometimes referred to as ‘seats’), such as Intellectual Property, Employment, Property, Tax, etc, meaning that it is easy for your organisation and the trainee to identify the three distinct areas of law to be completed. If your in-house legal department is not structured in this way, however, or if your in-house legal department is relatively small, it may be that the day-to-day work done by the department crosses many different aspects of these areas of law. For example, it is fairly typical of work coming in to an in-house department to include commercial, corporate, employment, data protection, company secretarial and intellectual

property work. If your in-house department falls into this category, you need to carefully consider whether or not the various types of work will satisfy the requirements to complete three distinct areas over the period of the training contract, and organise the training accordingly. If not, consider whether or not this requirement could be satisfied by means of a secondment (see 'Secondment' below).

References:

- Training Regulations 2014, Regulations 10, 11 and 12
- SRA Authorised Training Provider information pack, Practical experience in law

Secondments and international seat rotations

Secondments

124. If you cannot provide training in all areas of the Practice Skills Standards or in at least three distinct areas of English and Welsh law and practice, you may satisfy the training requirements by way of a secondment. This is defined as the temporary transfer of a trainee to an organisation other than his or her authorised training provider. This may be relevant in particular for organisations who, for example, cannot offer experience in contentious work, or who outsource it to external suppliers. Secondments are often arranged with external law firms, particularly those who have a relationship with your organisation; it can certainly benefit both your organisation and the external law firm in the long run as:

- it creates a broader relationship from that of supplier and client;
- it can help provide unique commercial insights into your organisation to enable the firm to provide more relevant and cost effective advice; and
- provides your trainee with learnings and insights that they can bring back in-house to your organisation.

Alternatively, if there is another organisation, other than a law firm, where you consider your trainee could complete an area or areas of training that your organisation cannot provide, or areas which may be of benefit to them, this option is also open to you. For example, you could consider whether or not it is appropriate to second your trainees to one of your clients or customers. As another option, in particular in the case of organisations with legal departments in overseas offices, it may be possible for you to arrange an internal secondment with that office, although you will need to ensure that the trainee is appropriately supervised in that office by an English qualified lawyer.

125. The cost of arranging secondments is purely a matter for negotiation between your organisation and the relevant firm or organisation to whom you are seconding your trainee. Clearly you are providing a resource and there is a cost associated with it, such as the trainee's salary. It may be that you can negotiate that the firm or organisation you are seconding to splits the costs with you in some way, or preferably pays all the costs; but ultimately bear in mind that your organisation remains responsible for ensuring the trainee is paid as required by the Training Regulations 2014. A lot of it will come down to the strength of your relationship with the firm or organisation and what each of you sees as the benefit of the secondment. In all cases, it is advisable to put some form of contract in place between you and the firm or organisation setting out the details of the secondment, whether or not there are fees involved, what happens if any problems arise, etc.

Ultimately it is your organisation's responsibility to ensure your trainee is getting the required training.

126. In some cases, you can arrange an exchange of trainees. Again for the same reasons, the benefit of this being that if it is purely a straight swap, there should be no or minimal extra cost to either organisation. Before agreeing to any secondment, you must satisfy yourself that this firm or organisation has the required authorisation from the SRA to provide training contracts, and also that you consider that they can meet the relevant requirements of the Training Regulations 2014, although you do not need approval from the SRA for the secondment itself.
127. There is no set period for the secondment; it is whatever is required for that trainee to complete the relevant training that you cannot provide. Typically trainees are seconded for a period of between three to six months for each area of law that your organisation cannot itself provide.
128. It may be that your organisation's needs dictate that a block period of secondment would not be suitable and instead that an ad hoc secondment (eg 2 or 3 days per week or when working on a particular case) might be more appropriate. If this is an option your organisation is considering, you must ensure that this ad hoc secondment will satisfy the SRA requirements that your organisation cannot meet.
129. When considering secondments, you need to consider what impact this might have on your organisation, in particular if you are seconding your trainee out but you are not doing a trainee swap with the organisation or firm to whom you are seconding your trainee. For example, consider who will pick up your trainee's workload in their absence and any resourcing issues that may arise. It may be that there is a more appropriate time for your organisation to arrange the secondment, for example at quieter times of the year so that resourcing is less of an issue

References:

- Training Regulations 2014, Regulation 12.2
- SRA Authorised Training Provider information pack, Secondments

Supervision and Expectations

Supervision and review

130. The Training Regulations 2014 impose regulatory requirements on organisations in relation to supervision of trainee solicitors. The Regulations are supplemented by guidance in the SRA's Authorised Training Provider information pack.
131. In accordance with the Regulations and guidance, organisations must provide training that is supervised by solicitors and other individuals with the necessary skills and experience to provide effective supervision to ensure trainees:
 - a. gain relevant learning and development opportunities
 - b. receive personal support to enable them to meet the Practice Skills Standards (see below)
 - c. gain practical experience in at least three distinct areas of English and Welsh law and practice (see 'Areas of Law' above)
 - d. know the requirements of the SRA Principles (see 'Principles' above) and are able to comply with them; and

- e. receive regular reviews and appraisals of the trainee’s performance and development in respect of the Practice Skills Standards, the SRA Principles and trainee’s record of training
132. You should also ensure that their training includes guidance on the SRA’s Code of Conduct, and matters such as professional conduct, ethics, client care, privilege, conflicts of interest, etc.
133. On a day-to-day basis, as mentioned above under ‘Authorised training provider and the role of the training principal’, the supervision of trainees may be delegated to a number of different people, including partners, managers, solicitors, barristers or experienced legal executives. They are responsible for providing practical day-to-day training and for giving trainees appropriate opportunities to develop their legal skills and knowledge. This role should not be underestimated and the organisation should give thought to the resource required to supervise trainee solicitors.

References:

- SRA Authorised Training Provider information pack, Practical experience in law

Role of supervisors

134. Supervisors should:
- a. allocate work and tasks of an appropriate level, gradually increasing the level and complexity of the work over time, while encouraging the trainee to suggest solutions independently
 - b. provide a balance between substantive and procedural tasks that, as a whole, demands the use of a broad range of skills
 - c. provide clear instructions and ensure they have been understood
 - d. offer advice and guidance on appropriate research methods and materials along with sufficient information and factual background about a case or matter
 - e. set a realistic time-scale for work to be completed and answer questions as they arise, within a supportive environment that does not deter the trainee from asking questions in the future
 - f. monitor the trainee’s workload to ensure they have a sufficient but not excessive amount of work
 - g. help ensure that the trainee maintains an up-to-date training record that identifies the work they have performed and the skills they have deployed
 - h. review the training record regularly to ensure that an appropriate balance of work and skills is struck
 - i. give regular feedback to the trainee regarding their performance, recognising achievements and improvements, and constructively addressing areas that require further effort
 - j. conduct or participate in formal appraisals of the trainee; and
 - k. provide an environment that encourages the trainee to take responsibility for their own development
135. While there is onus on supervisors to ensure they train their trainee solicitors appropriately, the trainee solicitor is required to be proactive and support their supervisor with their training. A trainee solicitor’s training is the shared responsibility of the training principal, supervisor and trainee solicitor.

136. During the training period, trainees are expected to develop and apply the practice skills they will use as qualified solicitors. Supervisors must ensure that, over the course of their training, the amount and type of work given to trainees adequately covers relevant skills and is of an appropriate level and complexity for the trainee in question.

Mentoring and buddies

137. Mentoring is not mandatory under the Training Regulations 2014 but can assist communications and the trainee's development, in particular if they are mentored by someone with whom they do not work on a day to day basis or from a different department, or from another organisation. It can help provide the trainee with a wider perspective on their role and their organisation and encourage them to be more active in their progress. Note however that any mentoring or buddy scheme is not a replacement for supervision by the training principal, or those to whom the training principal has delegated day-to-day supervision, and should be seen as a supplement to this process.
138. For further information on how LexisNexis can assist with mentoring, including identifying and approaching mentors and mentees from outside your organisation, please contact: sophie.gould@lexisnexis.co.uk.
139. 'Buddy' systems can also benefit the trainee, in particular in their first few weeks at your organisation. For example, they will have many questions when they first join and may not feel able to ask all the questions they have, thinking them perhaps to be silly questions, or may feel conscious of taking up your time. If possible, try to identify someone within the legal department, possibly a more junior member of the department who can assist them with specific questions.

Performance reviews and training reviews

Appraisals and informal review

Timing: appraisals at the end of each seat, and monthly throughout the training contract

Formal appraisals

140. Your organisation should conduct regular review and appraisal of the trainee's performance and development. Supervisors are expected to conduct and/or provide input into the appraisal process. You should aim to conduct a minimum of three formal appraisals during each training contract: one in the first year, one in the second year, and one at the end. If your trainee will be rotated between different seats during their training contract, it would be sensible to have a formal appraisal at the end of each seat. The purpose of a formal appraisal is to:
- review the trainee's overall performance
 - assess the development of their skills
 - identify areas of strength and weakness;
 - agree new objectives and plan future training
141. Appraisals should be conducted face-to-face, and the discussions recorded and documented (see Lexis PSL Precedent: [Performance appraisal and development review](#)). During the discussion, the trainee should have an opportunity to ask questions and to raise any concerns they may have.

142. Appraisals should not include any surprises because problems should always be dealt with as they arise. Supervisors should undertake frequent, informal reviews of the trainee's development and their training record.

Regular catch ups

143. In addition to the formal appraisals above, supervisors should aim to conduct an informal performance reviews. This will help supervisors and trainees to:

- a. review progress toward agreed objectives
- b. deal with any difficulties close to the event
- c. compare the breadth and depth of work being performed by the trainee with requirements of the Practice Skills Standards
- d. address any professional conduct or ethics issues that may have arisen; and
- e. discuss future training

A sample trainee solicitor monthly review form is attached at IV to help structure these review meetings.

144. Supervisors should also aim to give trainees ongoing feedback on a day-to-day basis, in addition to the regular informal progress reviews and formal appraisals.

References:

- SRA Authorised Training Provider information pack, Performance review and sign-off, Informal review, Appraisals
- LexisPSL Precedent: [Trainee solicitor: supervisor's monthly review](#)

Performance reviews and training reviews

145. Under the 2014 Regulations trainee solicitors must maintain a record of training (usually referred to as a training diary) which:

- a. contains details of the work performed
- b. records how they have acquired, applied and developed their skills by reference to the Practice Skills Standards and SRA Principles
- c. records the trainee's reflections on their performance and development plans; and
- d. is verified by individual(s) supervising the trainee

146. There is no prescribed form of training record required by the SRA although they do provide a [sample training record](#) which can be used.

References:

- Training Regulations, Regulations 5.3 and 14
- SRA Authorised Training Provider information pack, Training record

Encountering problems during the training contract

147. Under the old 2011 Training Regulations 2011, disputes between the organisation providing the training contract and the trainee could be referred to the SRA in accordance with the prescribed training contract precedent. However, the SRA no longer prescribes a training contract, and therefore will no longer intervene or deal with disputes. This is now deemed to be an employment matter between the organisation and trainee. You should therefore ensure that the formal training contract sets out details for how disputes will be managed, and any processes which your organisation and your trainee is required to follow in the event of a dispute.
148. If, however, the trainee considers the organisation is breaching SRA Regulations, they can report this to the SRA in the same way as any employee, client or member of the public can report an organisation for breaching SRA Regulations, ie this is not specific to trainees.

Appraisals and informal review

149. Under the 2011 Training Regulations, a training contract could only be terminated by the SRA. This has fundamentally changed: it is now the organisation, not the SRA, which can terminate a training contract.
150. This is not apparent from the 2014 Training Regulations which are silent about termination. Organisations should refer to the SRA Authorised Training Provider information pack.
151. According to the SRA, periods of recognised training are viewed as apprenticeships in the eyes of the law meaning the training contract may only be terminated where:
- a. you and the trainee agree
 - b. the training contract is conditional on the trainee passing any of the academic stages of qualification or the LPC, and they do not pass
 - c. the trainee's conduct is unacceptable (the SRA Authorised Training Provider information pack refers to 'serious misconduct')
 - d. the trainee is incapable of meeting the Practice Skills Standards; or
 - e. your organisation closes or changes so much that it is not possible to properly train the trainee
152. In a separate list in the SRA Authorised Training Provider information pack, the SRA suggests that the contract of apprenticeship may also be terminated early where 'the trainee is so incapacitated that they are incapable of being trained'. Although the authority for this proposition is unclear, if the essential feature of an apprenticeship is that the apprentice contracts to be taught a trade or calling, it would seem arguable that, just as it may be possible to dismiss a trainee whose conduct is so bad it is impossible to teach him, it may be possible to dismiss a trainee who suffers an incapacity so severe that it leaves him incapable of being taught his trade or calling. See LexisPSL Precedent: [Recognised training contract template](#) which contains an optional clause to cover a broad range of circumstances in which the trainee solicitor might be incapable of being trained.
153. If the trainee has a disability, you must ensure that your organisation does not discriminate unlawfully, and that it complies with the duty to make reasonable adjustments.
154. If the trainee is wrongfully dismissed, they may have a claim for enhanced damages by reason of the loss of prospects on completion of his apprenticeship, ie training contract.
155. Consider also whether the trainee solicitor may be eligible to claim unfair dismissal. A trainee is

unlikely to have sufficient continuous employment to be eligible to claim unfair dismissal unless he has previously been employed by the organisation eg as a paralegal. However, consider also dismissal reasons for which no qualifying period is required (see further guidance below).

156. The SRA has no process for termination of a training contract. There is no requirement or form to notify the SRA of the termination of a training contract but it would be good practice to do so. As there is no form, you should contact the SRA directly.

Stage 3: Qualification

Planning ahead and qualification opportunities

157. As the trainee solicitor approaches the end of their period of recognised training, there are various steps and procedures to consider.

Opportunities within your organisation

Timing: during formal appraisals throughout the training contract and no later than 3-6 months prior to qualification

158. It is important that the organisation discusses the options available to the trainee solicitor prior to commencing the training contract, ie whether or not there are likely to be any positions available within the organisation as a newly qualified solicitor, and the process the trainee solicitor should follow (with timings), if they need to submit a formal application. If there are not likely to be any positions available upon qualification, the organisation should inform the trainee solicitor as soon as it becomes aware so that the trainee solicitor can begin to look at opportunities elsewhere.
159. For trainee solicitors who will be kept on as newly qualified solicitors within the organisation, similar to the position for paralegals transitioning to trainee solicitor, the organisation should plan in advance to ensure a smooth transition from trainee solicitor to qualified solicitor. This should include discussions with the trainee solicitor as to how their role will change, and any suggestions from them as to how they think the transition should be managed.

Character and suitability

Timing: approximately 10 weeks prior to qualification

Criminal record check

160. All trainee solicitors are required to obtain a satisfactory criminal record check (standard disclosure) before admission.
161. The SRA will send to the trainee solicitor the relevant criminal record check application form approximately 12 weeks before the expected completion of their training contract. This will be accompanied by detailed guidance on how to apply for a standard disclosure from the Disclosure and Barring Service (DBS). The trainee solicitor must complete the application form according to the guidance given and pay £42 for the disclosure. An incomplete or incorrectly completed form will be returned and will delay admission.
162. A DBS standard disclosure includes details of any current and spent convictions, police cautions, reprimands and final warnings held on the Police National Computer, except those filtered-out by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions Order).

163. The SRA may also use, or require trainee solicitors to provide, overseas criminal records information. The trainee solicitor (not the organisation or training principal) is responsible for applying for the required DBS standard disclosure.

Suitability test

164. Before admission, the SRA will assess the trainee solicitor's character and suitability by reference to the SRA Suitability Test 2011.

165. The trainee solicitor is required to provide detailed information on character and suitability in the Admission form (**AD1**), and the training principal must sign the AD1 form to certify: 'To the best of my knowledge the trainee solicitor is of proper character and suitability to be admitted as a solicitor.'

SRA Admission Regulations 2011 (Admission Regulations)

Timing: approximately 8 weeks prior to qualification

166. An application for admission:

- a. may be made at any time after the trainee solicitor has complied with the 2014 Regulations, the Qualified Lawyers Transfer Regulations 1990 and 2009 (QLTR) or the QLTSR; and
- b. must be made in such form and be accompanied by such fee and documents as the SRA prescribes—the current form is AD1 and the fee is £100

167. The SRA will send the AD1 form to the trainee solicitor approximately eight weeks before the expected completion of their training contract. The trainee can use this form to apply:

- a. for admission as a solicitor
- b. to attend an admission ceremony
- c. for their first practising certificate; and
- d. for membership of the Law Society

168. The AD1 form is completed and submitted by the trainee solicitor but the organisation's training principal must also sign the form to certify:

- a. to the best of their knowledge, the trainee solicitor is of proper character and suitability to be admitted as a solicitor
- b. they are satisfied the trainee solicitor is eligible to apply for admission to the role
- c. the commencement and completion date of the training contract; and
- d. that the trainee solicitor:
 - i. has gained experience in at least three distinct areas (see section 122)
 - ii. is competent to meet the practice skills standards (see section 89)
 - iii. is competent to comply with the SRA principles (see section 84)
 - iv. has a full and complete record of training which complies with the requirements of the 2014 Regulations (see section 145)
 - v. has successfully completed the period of recognised training (see section 81); and
 - vi. has satisfactorily completed the PSC (see section 107)

169. Applications must be received at least 28 days before the date on which the trainee solicitor expects to be admitted (see below for dates). A fee of £100 is payable (together with the prescribed fee stated in the admission form for a practising certificate if you are intending to practise).
170. The SRA will issue a certificate of satisfaction, if it is satisfied:
- the trainee has complied with the 2014 Regulations; and
 - as to the trainee solicitor's character and suitability to be a solicitor
171. If the SRA refuses to issue a certificate of satisfaction, it will notify the trainee solicitor stating the grounds for refusal, following which the trainee solicitor has one month to apply to the SRA in writing for a review of the notification of the refusal. If the SRA upholds its refusal to issue a certificate of satisfaction, the trainee solicitor may appeal to the High Court.
172. Once a certificate of satisfaction has been issued, the trainee solicitor will be admitted as a solicitor within a reasonable period. There are two admission dates each month, usually the 1st and the 15th day of the month.
173. If, after the SRA has issued a certificate of satisfaction, but before the trainee solicitor is admitted as a solicitor, cause is shown to the SRA's satisfaction that the trainee solicitor should not be admitted, the SRA will not admit the trainee solicitor as a solicitor and must notify the trainee solicitor of this decision in writing. In such circumstances, the trainee solicitor may ask for the matter to be reviewed and may appeal to the High Court.

References:

- Admission Regulations 2011, Regulations 4.1–8
- SRA Admission forms for guidance on completing form AD1 and a copy of the AD1 form: <http://www.sra.org.uk/trainees/admission/admission-forms.page>
- SRA Authorised Training Provider information pack
- SRA, Trainee information pack

SRA Admission Regulations 2011 (Admission Regulations)

Timing: approximately 8 weeks prior to qualification

174. It is compulsory for those qualified to practice as solicitors in England and Wales to have a current practising certificate in place, save for some exceptions (see the SRA's ethics guidance on whether or not a practising certificate is required).
175. It is standard practice for the organisation to pay for the cost of the practising certificate if the trainee solicitor has been offered employment with the organisation as a newly qualified solicitor.
176. The annual cost for a practising certificate is £320 per solicitor, which may be reduced if the application is made part way through the year.

177. The SRA's practising certificate year runs from 1 November to 31 October the following year. It is the individual's responsibility for ensuring that they have a valid current practising certificate but, depending on the size of your organisation, it may be that someone else within the organisation takes responsibility for organising bulk renewals. The organisation should inform its trainee solicitors as to the process they wish them to follow.

References:

- <http://www.sra.org.uk/solicitors/code-of-conduct/guidance/do-i-need-a-practising-certificate.page>

Part III—Framework Fact Sheet

Element	Tips and summary notes	Key dates and timing	Fees
The business case	<ul style="list-style-type: none"> Key considerations for organisations are timing, costs and resources and availability of qualification role 		
Authorised Training Provider	<ul style="list-style-type: none"> Requires the organisation to submit a short application to the SRA Organisation must demonstrate that it can offer training: <ul style="list-style-type: none"> > in three distinct areas of law > that meets the SRA's Practice Skills Standards; and > that is appropriately supervised Authorisation lasts indefinitely An Authorised Training Provider may take on as many trainees as it feels is appropriate (consider resource and cost implications) 		Application fee: £100
Training principal	<ul style="list-style-type: none"> While a mentor or buddy is not a requirement, it can be hugely beneficial for the trainee solicitor Consider both internal and external mentors/buddies 		
Recognised training	<ul style="list-style-type: none"> Trainee solicitors must: <ul style="list-style-type: none"> > complete the academic stage and vocational stage, or an apprenticeship > comply with the Admissions Regulations 2011; and > satisfy the character and suitability tests Trainee solicitors may benefit from time to count, reducing the length of the period of recognised training It can be undertaken while studying the academic or vocational stages 	The SRA recommends training contracts are for a period of not less than 2 years.	
Formalising and registering a training contract	<ul style="list-style-type: none"> It is advisable to send a prospective trainee solicitor an offer letter and follow up with an employment contract setting out: <ul style="list-style-type: none"> > usual terms of a contract of employment > length of training; and > learning elements Trainee solicitors must be paid the national minimum wage The Authorised Training Provider should notify the SRA of the training contract 	Notify the SRA 30 days prior to commencement of a training contract.	
SRA's Principles and Outcomes	<ul style="list-style-type: none"> The trainee solicitor must abide by the SRA's Principles and Outcomes and be trained across all of the Practice Skills Standards 		
Induction, training and the PSC	<ul style="list-style-type: none"> The trainee solicitor should receive a thorough induction and clear training about their responsibilities, the training principal's and supervisor's involvement and role (including a job description) 		

Element	Tips and summary notes	Key dates and timing	Fees
Vocational stage		The LPC must be completed before or during the training contract either on a full time or part time basis. The PSC can be undertaken during or after the LPC.	GDL: £8,000 to £11,000. LPC: £11,000 to £15,000. PSC: £1285 (plus VAT) to £2,195 (plus VAT).
Three distinct areas of law	<ul style="list-style-type: none"> • These areas may be undertaken all within the same organisations, at a variety of Authorised Training Providers and within the UK and abroad • It is common for those organisations without a litigation department to send their trainee solicitor to a law firm to gain experience of contentious work 		
Supervision expectations	<ul style="list-style-type: none"> • Supervisors: <ul style="list-style-type: none"> > must be appropriately qualified > are responsible for the day-to-day management of the trainee solicitor > should ensure the trainee solicitor receives a variety of work > will be required to sign off the trainee solicitors training record at the end of each seat; and > should provide regular feedback 		
Mentoring and buddies	<ul style="list-style-type: none"> • While a mentor or buddy is not a requirement, it can be hugely beneficial for the trainee solicitor • Consider both internal and external mentors/buddies 	Monthly reviews are advisable and formal appraisals at the end of each seat are essential.	
Performance reviews and training reviews	<ul style="list-style-type: none"> • Appraisals are key to the trainee solicitor’s development and should be conducted regularly • The discussion points within an appraisal should not come as a surprise to the trainee solicitor provided regular feedback is given during the course of the training 		
Encountering problems	<ul style="list-style-type: none"> • An organisation may terminate a training contract: <ul style="list-style-type: none"> > by agreement with the trainee solicitor > as a result of the trainee solicitor failing to meet the required standards for the academic and vocational stages > if the trainee solicitor is incapable of meeting the SRA Practice Skills Standards; or > if the trainee solicitor’s conduct is unacceptable 		
Qualification opportunities	<ul style="list-style-type: none"> • Trainee solicitors should be informed early on if there are likely to be qualification roles within the organisation 	3–6 months prior to qualification, a trainee solicitor should start seeking out qualification roles.	
Admissions and practising certificates	<ul style="list-style-type: none"> • A trainee solicitor cannot practice until they are admitted to the roll • A practising certificate must be obtained annually to ensure a solicitor can continue to practise 	<p>A criminal record check should be completed 10 weeks prior to preferred admission date.</p> <p>An application to be admitted should be sent to the SRA 8 weeks prior to preferred admission date (in any event, no later than 28 days prior to preferred admission date).</p> <p>Admission dates are 1st and 15th of each month.</p>	<p>Disclosure fee: £42</p> <p>Admission fee: £100</p> <p>Annual practising certificate fee: £320 (pro-rated depending on admission date)</p>

Part IV— Further Information And Materials

Practice Notes:

- [Supervision of trainees—overview](#)
- [Writing a business case](#)

Precedents:

- [Letter: trainee solicitor offer letter](#)
- [Recognised training contract \(long form\)](#)
- [Recognised training contract \(short form\)](#)
- [Trainee solicitor induction plan](#)
- [Guidelines for the supervision of trainees](#)
- [Performance appraisal and development review \(trainee solicitor\)](#)
- [Trainee solicitor: supervisor’s monthly review](#)
- [Trainee solicitor recognised training record](#)

Useful links

- SRA Handbook Glossary: <http://www.sra.org.uk/solicitors/handbook/glossary/content.page>
- SRA Code of Conduct: <http://www.sra.org.uk/solicitors/handbook/code/content.page>
- SRA Handbook: <http://www.sra.org.uk/solicitors/handbook/welcome.page>
- SRA Authorised Training Provider information pack: www.sra.org.uk/trainees/resources/authorised-training-provider-information-pack.page
- SRA Admissions Regulations 2011: <http://www.sra.org.uk/solicitors/handbook/admissionregs/content.page>
- SRA Suitability Test 2011: <http://www.sra.org.uk/solicitors/handbook/suitabilitytest/content.page>
- SRA guidance on Academic stage of education and training: www.sra.org.uk/students/academic-stage.page
- SRA guidance on the Legal Practice Course: www.sra.org.uk/students/lpc.page
- SRA Equivalent Means information pack: www.sra.org.uk/students/resources/equivalent-means-information-pack.page
- SRA guidance for trainees: www.sra.org.uk/trainees/trainees.page
- SRA Trainee information pack: <http://www.sra.org.uk/trainees/resources/trainee-information-pack.page>

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