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Training Committee response to the SRA consultation "Red Tape Initiative: Removing unnecessary regulations and simplifying processes"

The City of London Law Society ("CLLS") represents approximately 15,000 City lawyers, through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multi-national companies and financial institutions to government departments, often in relation to complex, multi-jurisdictional legal issues. The CLLS responds to consultations on issues of importance to its members through its 19 specialist committees.

The remit of the CLLS's Training Committee covers all education and training issues of relevance to the CLLS's members. With that in mind, this Response focuses only on the Proposals in the Consultation Paper which relate to education and training matters (that is, Proposals 5-10). The other Proposals in the Consultation Paper will be dealt with separately.

1. **Proposal 5 – Remove the need for SRA approval for trainee secondments**

   The Training Committee supports this proposed change.

   The approach of seconding trainees either for extended periods (that is, more than one year) or to entities not authorised by SRA (for example, clients) has proved very effective in terms of helping with the development of trainee solicitors. The current authorisation process can take time and our view is that the SRA should rely on the Training Principals to ensure that any such secondment will deliver effective training to the secondee.

   We recognise that while the vast majority of Training Principals will take this responsibility seriously, there may be instances where the risk outlined in the Consultation Paper may still arise. We would suggest that that "abuse" should be addressed through the SRA's monitoring processes rather than needing to rely on the current authorisation process.

   If the current requirement is removed, this will reduce the time (and any related costs) involved at both the SRA and the firms in going through the authorisation process.

   We cannot comment on whether our suggestion that the SRA rely on the existing monitoring processes will lead to an increase in the cost of those processes.

2. **Proposal 6 – Introduce a lifetime authorisation for training establishments**

The Training Committee agrees with this proposal.

From the perspective of the CLLS member firms, the current authorisation renewal process is largely a "tick box" exercise, managed by each firm's Training Principal.

Again, we acknowledge that removing the requirement may lead to "abuse" in a small minority of cases. However, as the Consultation Paper itself highlights, the introduction of the COLP and COFA roles should provide adequate protection.

Picking up the point in the Consultation Paper about the authorised Training Establishments which are not licensed or recognised bodies, our view is that the obligations imposed on the Training Principal in each of these organisations coupled with effective monitoring by the SRA should prevent abuse.

The Consultation Paper does not make it plain whether the proposed change would take immediate effect so that no further authorisation renewals will be required or whether the intention would be to have one final authorisation renewal process for each Training Establishment. If it is the latter, we would advocate that Training Establishments with a good track record should be subject to a "grandfathering" provision.

While we are aware that the Consultation Paper is focussing on renewal of the authorisation to be a Training Establishment, we would like to take this opportunity to suggest that the authorisation processes which apply to all training issues (the Professional Skills Course and CPD authorisation generally and specifically for the Management Course Stage One) should be subject to the same approach.

3. **Proposal 7 – Remove half-equivalence provisions in training contract reductions**

The Training Committee agrees with this proposal subject to the caveats we have set out below.

Where the Training Principal is satisfied that the prior work experience of a trainee solicitor is equivalent to the experience which he or she would have gained while working for the Training Principal's firm, "full equivalence" should be given to that experience.

That said, the Committee agrees that there should be a maximum "time to count" period of six months so as to ensure that the trainee solicitor undergoes a substantial period of training under the overall supervision of the Training Principal.

Furthermore, we would want to preserve the Training Principal's right to decide whether or not previous experience should count. Our thinking is that the Training Principal must be able to decide whether the trainee solicitor's overall period of training meets the requirements of his or her Training Establishment. Therefore, we would not want to see a situation arising where a Training Principal would be obliged to allow previous experience which either was irrelevant to the practice of his or her firm or which was of questionable value.

4. **Proposal 8 – Remove the time limit for an academic award to remain valid**

The Training Committee sees advantages and disadvantages in this proposal and so does not support the complete removal of this time limit.

It is true that the current time limit is probably an arbitrary one which may avoid risk in some cases while representing an unnecessary barrier in others. For example, a law graduate who works for many years in a totally unrelated field before deciding to qualify as a solicitor may represent a risk because of out of date substantive knowledge and/or inadequately developed "lawyering skills". In contrast, a law graduate who has spent his or her entire career in an area related to the profession may pose no risk whatever as a result of deciding to qualify many years after graduating.

The Consultation Paper states that the risk of embarking on the vocational stage many years after completing the academic stage lies with the individual so that that becomes the appropriate barrier. However, the nature of the vocational stage is such that knowledge based on an "elderly" degree will not necessarily lead to the individual failing to progress. Success at this stage may be a perfectly good indicator that the individual should rightly progress to qualification. However, there is the risk that his or her out of date knowledge and/or under-developed "lawyering skills" may create risk down the line.

On balance, the Committee would favour extending the period of validity of an academic award rather than removing the requirement altogether.

5. **Proposal 9 – Remove the need for student re-enrolment after four years**

The Committee agrees with this proposal.

The current system prevents unsuitable people from continuing with their plans to qualify as solicitors. However, the re-enrolment requirement is duplicative of the checks which take place at the admission stage and therefore is unnecessary.

6. **Proposal 10 – Remove the need for QLTS Certificates of Eligibility in certain, specified circumstances**

The Committee agrees with this proposal.

Requiring lawyers from the Republic of Ireland and Northern Ireland who do not need to sit the QLTS assessments to have Certificates of Eligibility prior to admission is a pointless bureaucratic and expensive process. As such, it should be removed.

The City of London Law Society Training Committee

8 February 2013

THE CITY OF LONDON LAW SOCIETY
TRAINING COMMITTEE

Individuals and firms represented on this Committee are as follows:

Tony King (Clifford Chance) (Chairman)

D.E. Coleman (Macfarlanes LLP)

Ms R. Dev (Allen & Overy LLP)

Ms. R. Grant (Hogan Lovells International LLP)

Ms H. Kozlova-Lindsay (Slaughter and May)

P. McCann (Herbert Smith Freehills LLP)

Ms C. Moss (Fasken Martineau LLP)

A.G. Murray-Jones (Skadden Arps Slate Meagher & Flom (UK) LLP)

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