

Response of ILEX Tutorial College (ITC) to LETR Discussion Paper 01/2012

About ITC.

ITC is CILEx's wholly owned college and specialises in teaching law, legal practice and skills primarily through open and distance learning. ITC was established in 1983 and offers enrolment at any time of the year. At any one point approximately 3,000 students are studying with ITC, making us one of the largest law schools in the UK on the basis of student numbers.

ITC's main activity is the provision of courses in support of CILEx/City & Guilds Level 2 and CILEx Level 3 and Level 6 qualifications, including courses for law graduates. ITC also offers a distance learning LL.B in legal practice, jointly developed with Manchester Metropolitan University, and bespoke technician (Level 3) qualifications for CPS and police caseworkers/file handlers. Students can study a localised Hong Kong version of CILEx's Level 3 Professional Diploma in Law and Practice through ITC. ITC is a University of London (International Programmes) 'recognised centre' for the provision of distance learning tuition.

Comment on possible options proposed by the LETR

1. Abolition of the concept of the qualifying law degree

We believe that there is an argument for the retention of the qualifying law degree, although the current foundations as a knowledge base are arguably outdated. Outcomes should, as suggested, be defined in terms of cognitive and other skills.

One issue that should pervade LET is not just 'practice readiness' but 'business readiness' too. Business readiness is important because it recognises that 'business' is just what law is for many practitioners. While the term 'Alternative Business Structure' is used frequently, the 'business' element is not synonymous with the noun 'law firms'. Indeed, it is questionable how many law schools are currently equipped to teach the skills necessary for business readiness.

We would support a concerted effort to improve literacy and numeracy amongst all of those who are studying law, be it through apprenticeships, paralegal training (via CILEx or a law

degree), or professional training to become a Chartered Legal Executive Lawyer, solicitor or barrister.

To achieve this requires changes to the way in which law is taught. First, teaching institutions (at both FE and HE levels) must be satisfied that *their* staff are competent to teach students how to use English in a legal context. Teaching staff should be proficient in formal written and spoken English: substantive subject matter knowledge alone is only one of the requirements that should be required of a competent teacher. Perhaps the regulators should consider what constitutes a competent law teacher.

Second, we would favour students being able to demonstrate proficiency in English and maths at the point of commencing their legal studies. To become proficient students might need to have studied at a university summer school or a specialist distance learning course. Obviously this suggestion may not sit well with most (all?) HEIs because of the possible accusation that they are recruiting students who are demonstrably unready for degree level study. It must be stressed that ensuring proficiency in English and maths before the commencement of a course in law is not the same as an admission test.

Of the skills that should be mandatory, we would favour business development and marketing, general management and, if viewed as a discrete discipline, project management. Perhaps there is an argument too for more advanced IT skills forming part of the foundation cognitive skill set required of law graduates. Equipping law graduates with these skills would put them in a better position to enter law or commerce without extensive/expensive further training.

2. The introduction of national assessment at the point of entry to the profession

This is a regressive development. If students lack the skills to tackle legal study then there is a moral imperative for teaching institutions to take reasonable steps to prepare them. We are where we are- it helps no-one for teaching institutions to wring their hands and say that the secondary schooling has prepared students inadequately for further or higher legal education. Should HEIs insist on test based admissions, then perhaps there should be a concomitant obligation to offer free of charge tuition to help applicants prepare for these.

It is questionable whether the widespread use of such tests will improve mobility between the professions. It is also doubtful that the imposition of national tests would necessarily enhance the efficacy of the regulation of legal education.

3. The specification of sector-wide national standards for key areas of work, and a move to greater activity based authorisation/regulation.

Sector-wide standards are already being developed under the guise of the national occupational standards for apprenticeships. These will require a uniform approach to assessment if they are to be widely accepted by employers. Achieving a consistent standardised approach is difficult and should not be underestimated. If sector-wide national standards encompass law degrees then we would urge the regulators to consider the extent to which there is divergence in assessment standards currently applied by HEIs. Inevitably 'error variation'¹ occurs in marking and this needs to be addressed. Where the responsibility lies for achieving consistency- with QAA or legal sector regulators- is for others to decide. We believe that a more interventionist approach on assessment standards could temper the adverse effects of increasing competition within higher education, and mitigate the danger of further grade inflation. Ultimately if grade inflation is not controlled then the perception that some HEIs' degrees are more valuable than others could become more prevalent.

4. Removal of at least some of the linear breaks and distinctions between 'vocational courses' and work based learning, whether through the training contract, pupillage or paralegal experience.

In an ideal world this would be desirable and may be achieved under the guise of higher level apprenticeships. However, the removal of breaks creates another set of problems. Assuming there is more integration of courses and work based learning, then there would (presumably) be greater convergence between the training schemes coming under the guise of the three main regulators. The difficulty for the regulators would then be to determine how vocational training schemes should permit transference between different branches of the profession more effectively than is currently the situation.

5. Facilitation of greater common training between regulated occupations, both course based and work based (insofar as that distinction is retained)

¹ An examination of the incidence of 'error variation' in the grading of law assessments: Jim Hanlon, Sheffield Hallam University; Michael Jefferson, The University of Sheffield; Mike Molan, London South Bank University; Brian Mitchell, University of Wolverhampton

Perhaps the assumption underpinning this question is that a common core programme could be developed for trainee solicitors and barristers. Arguably a more catholic approach is required though. If those studying through the CILEx route or via an apprenticeship are required to achieve demonstrably comparable outcomes to those on the LPC/BPTC (admittedly, they will not cover as many areas), perhaps the determinant of an individual's professional destination should depend upon the depth and breadth of learning, rather than the label attached to the accompanying course. Even if labels are retained, there is an argument for Chartered Legal Executives to be afforded part exemption against the LPC in areas where they can fulfil the SRA's outcomes. Similarly we would expect apprentices to be permitted some exemption against the CILEx qualification. If this more fluid approach was to be adopted then the BSB would have to reconsider its long standing requirement that it is necessary to be a graduate to become a barrister.

6. Replacement of the pupillage/training contract with a more flexible period of 'supervised practice'.

In principle this seems like a sensible proposal providing it is supported by employers. Work based learning schemes have to strike a compromise between ensuring the integrity of the assessment of the outcomes and not placing too heavy a burden on the employer. In recommending this approach the LETR should be cognisant of this and the concerns articulated in the SRA's work based learning pilot.

7. Development of a sector-wide CPD scheme or alignment of schemes.

This is a sensible suggestion in so far as the future deliverers of legal services will be less defined by their badge and more by their demonstrable competences. Nonetheless CPD should recognise the link between the scope of competency (perhaps this is defined by professional status) and the CPD requirement placed upon them.