

## Response: LETR Discussion Paper 02/2012 (Key Issues II: Developing the Detail)

**Question 1: in the light of limited evidence received so far we would welcome further input as regards the preferred scope of QLD Foundation subjects, and/or views on alternative formulations of principles or outcomes for the QLD/GDL (We would be grateful if respondents who feel they have already addressed this issue in response to Discussion Paper 01/2012 simply refer us to their previous answer).**

The QLD needs to be retained as it is difficult to accept that any profession could reject the notion that there is a common body of knowledge and skills that all entrants should have. Abolition of the Foundations would be likely to restrict the scope of options available to students studying law degrees as there would be likely to be a larger list of subjects required to be studied in order to obtain exemptions (see further the answer to Q2).

Any expansion of coverage could only be at the cost of: (i) removing existing subjects from the core, (ii) reducing the range of options available to QLD students or (iii) making the GDL even more of a cramming/rote learning exercise than it is already. Some subjects such as Company Law, Commercial Law and Family Law have a good claim to be included. However, it is not obvious that they have a better claim than the existing subjects.

A compulsory research project (on any legal topic) as part of the QLD would be a way of developing writing and research skills if it is felt that the current level of coursework required on QLDs is not delivering the levels of competence that the professions require. It is difficult to see how this could be fitted into the nine month GDL structure.

**Question 2: Do you see merit in developing an approach to initial education and training akin to the Institute of Chartered Accountants of England and Wales? What would you see as the risks and benefits of such a system?**

No.

The objections to this have been outlined in the response to Q1. It would be likely to lead to an increase in the number of subjects which a law student needed to study in order to obtain exemptions (as opposed to satisfying the Foundations). Many undergraduates do not know where they will specialise (and a lot depends on where they obtain employment, which may occur after graduation). There would be a great incentive to cover all bases with the result that subjects outside the exemptions would not be studied and might disappear from the curriculum. Other students would find themselves shut out of areas of practice unless they enter a fragmented "top-up" market.

In practice, this would lead to two year GDLs (which is probably a good thing)

**Question 3: we would welcome views on whether or not the scope of the LPC core should be reduced, or, indeed, extended. What aspects of the core should be reduced/substituted/extended, and why?**

**Question 4: should greater emphasis be placed on the role and responsibilities of the employed barrister in the BPTC or any successor course? If so, what changes would you wish to see?**

**Question 5: do proposals to extend rights to conduct litigation and the extension of Public Access to new practitioners require any changes to the BPTC, further education or new practitioner programmes, particularly as regards (a) criminal procedure (b) civil procedure (c) client care, and (d) initial interviewing (conferencing) skills?**

**Question 6: we would welcome any additional view as to the viability and desirability of the kind of integration outlined here. What might the risks be, particularly in terms of the LSA regulatory objectives? What are the benefits?**

**Question 7: We would welcome additional evidence as regards the quality of education and training and any significant perceived knowledge or skills gaps in relation to qualification for these other regulated professions.**

**Question 8: As a matter of principle, and as a means of assuring a baseline standard for the regulated sector, should the qualification point for unsupervised practice of reserved activities be set, for at least some part of the terminal ('day one competence') qualification at not less than graduate-equivalence (QCF/HEQF level 6), or does this set the bar too high? (Note: 'qualification' for these purposes could include assessment of supervised practice). What are the risks/benefits of setting the standard lower? If a lower standard is appropriate, do you have a view what that should be (eg, level 3, 4, etc)?**

**Question 9: Do you consider that current standards for paralegal qualifications are fragmented and complex? If so, would you favour the development of a clearer framework and more coordinated standards of paralegal education?**

**Question 10: If voluntary co-ordination (eg around NOS) is not achieved, would you favour bringing individual paralegal training fully within legal services regulation, or would you consider entity regulation of paralegals employed in regulated entities to be sufficient?**

**Question 11: Regarding ethics and values in the law curriculum, (assuming the Joint Announcement is retained) would stakeholders wish to see**

- (a) the status quo retained;**
- (b) a statement in the Joint Announcement of the need to develop knowledge and understanding of the relationship between morality and law and the values underpinning the legal system**
- (c) a statement in the Joint Announcement of the need to develop knowledge and understanding of the relationship between morality and law, the values underpinning the legal system, and the role of lawyers in relation to those values**
- (d) the addition of legal ethics as a specific Foundation of Legal Knowledge.**

**In terms of priority would stakeholders consider this a higher or lower priority than other additions/substitutions (eg the law of organisations or commercial law)?**

(d) is impracticable because of the inherent vagueness in what is being proposed, the resources required to deliver such a solution and the difficulty of adding a new foundation subject to both QLDs and GDLs.

It is a lower priority than the other subjects mentioned.

If there is a problem concerning ethical practice, it needs to be established that teaching a basic introduction to the subject at undergraduate level (probably in the first year of a QLD) would have an impact many years later when an individual was in practice.

It is surprising to me that anyone thinks that existing QLDs do not spend considerable time doing exactly what is laid down in (b). It follows that (a) or (b) would be acceptable. I cannot say how (b) would be handled on a GDL.

A detailed training in legal ethics needs to be given at LPC/BPTC level as a fundamental requirement of the professional qualification and as the basis for continuing regulation of the practitioner. It is only at that stage that one can assure any degree of uniformity of training given the variety of likely routes into the provision of legal services in the future.

**Would you consider that a need to address in education and training the underlying values of law should extend to all authorised persons under the LSA?**

It would be remarkable if any legal education system did not make such a commitment.

**Question 12: Do you agree the need for an overarching public interest test in assessing the aims**

and outcomes of LET? If so do you have any view as to the form it should take?

**Question 13: we would welcome any observations you might wish to make as regards our summary/evaluation of the key issues (as laid out in paras. 127-31 of the Paper)**

**Question 14: Do you agree with the assessment of the gaps (now or arising in the foreseeable future) presented in this paper in respect of the part(s) of the sector with which you are familiar? If not, please indicate briefly the basis of your disagreement. [If you feel that you have already responded adequately to this question in your response to Discussion Paper 01/2012, please feel free simply to cross-refer]**

**Question 15: do you consider an outcomes approach to be an appropriate basis for assessing individual competence across the regulated legal services sector? Please indicate reasons for your answer.**

**Question 16: in terms of the underlying academic and/or practical knowledge required of service providers in your part of the sector, would you expect to see some further specification of (eg) key topics or principles to be covered, or model curricula for each stage of training? If so do you have a view as to how they should be prescribed?**

**Question 17: Would you consider it to be in the public interest to separate standards from qualifications? What particular risks and/or benefits would you anticipate emerging from a separation of standards and qualifications as here described?**

**Question 18: Decisions as to stage, progression and exemption depend upon the range and level of outcomes prescribed for becoming an authorised person. A critical question in respect of existing systems of authorisation is whether the range of training outcomes prescribed is adequate or over-extensive. We would welcome respondents' views on this in respect of any of the regulated**

occupations.

Thank you very much for your contribution. Please now e-mail your responses to [letrbox@letr.org.uk](mailto:letrbox@letr.org.uk), putting 'Developing the Detail response' in the subject line.