

Training Committee response to Richard Review of Apprenticeships Call for Evidence

The City of London Law Society ("CLLS") represents approximately 15,000 lawyers through individual and corporate membership. Our members include some of the largest international law firms in the world. These firms advise a variety of clients from multi-national companies and financial institutions to governments, often in relation to complex, multi-jurisdictional legal issues.

The CLLS responds to a variety of consultations on issues of importance to its members through its specialist committees. This response to the June 2012 call for evidence (the "Call for Evidence") as part of the Richard review of apprenticeship has been prepared by the CLLS Training and Education Committee. A list of the Committee's members is attached.

Background of CLLS firms

Our members employ a substantial number of trainee solicitors. In a previous era, these were called "articled clerks". That name shows the connection between earlier forms of apprenticeship and what still happens in our profession. Indeed, Skills for Justice is working on a more explicit apprenticeship scheme for lawyers, which may link into training contracts.

Currently the training contract covers a two year period. The primary activity of trainees at most of our member firms is to be involved at a junior level in at least 3 different areas of law involving transactions, preparation of contracts and litigation (the actual level of involvement varying with the capacity of the individual concerned and the relative complexity of the matter). There is an element of going to meetings, sitting in on calls and watching how solicitors behave. This helps establish those skills and expertise which cannot be taught in the class room, including "soft skills" (of dealing with clients, other lawyers, negotiation etc.) and socialisation in a work environment.

At the same time these activities are undertaken, there are also educational activities, some external but, particularly with the larger firms, mostly internal from practising lawyers and legal knowledge management lawyers, expanding the range of knowledge of somebody who has previously only studied law in an academic context.

So taken together trainees receive instruction, do supervised work and spend time observing what senior lawyers do. We think this is the essence of apprenticeships.

We might add that this on the job training benefits those more senior lawyers who are providing teaching or generally providing supervision or roll models for trainees.

Other lawyers

Outside the City, local solicitors' firms also have training contracts. Some of these like Nottingham firms' Freeth Cartwright and Browne Jacobson are reported to have already begun the process of taking school leavers through a legal apprenticeship, in one case in collaboration with CILEX (see below).

This is another model within the legal profession, that of legal executives in the framework provided by the Chartered Institute of Legal Executives where employees study as they work. The study includes tuition and testing which is at the level of a university degree. The CILEX "route" can also lead on to becoming a solicitor.

Pathways to the profession such as these become much more relevant given the increase in University fees and the very real need to provide routes into the professions for those without educational advantages.

The current review of Legal Education and Training is likely to add impetus to school leavers going directly into the law in a form of apprenticeship rather than by first obtaining a University degree. It is unlikely in the start that many City firms will follow suit (at least for lawyers), given their emphasis on candidates with established academic track records, normally in the form of strong university degrees, although experience with lawyers who come into the profession using other routes may influence a change in even this view.

Other professions

Accountants are also being innovative. Some of the large firms are now supporting students through University with students working for the firms in holiday times (which can be adjusted for peak demand). The major accountancy firms feel, perhaps, less threatened (than legal firms) by the risk of a significant number of the students defecting on qualification because of the smaller number of accounting firms able to offer first class experience (there is a larger diversity of legal firms). Accountants (we are told) are also looking at ways of employing school leavers who do not want to go to University with a view to maximising their potential. If this works it may well be a model for other professions.

The relevance of our experience

We understand that training contracts as currently applied at City firms (with university graduates) are a long way removed from most modern British apprenticeships. But as a number of areas which use traditional apprenticeships, like engineering and manufacturing, become more complex and specialist, the differences may well diminish. And some of the benefits of training contracts apply to apprenticeships, such as soft skills, working in groups etc. These are some of the reasons why the CLLS chose to respond to the call for evidence.

In this context we think there is one important point to make. The reason why our member firms invest so much in our trainees and training contracts is that we see trainees as a critical part of the business. In the nature of things, our firms expect to retain a significant number of our trainees on qualification (ideally all of them). So to the extent we have invested time and money in them, we get a return. In reality, trainees are the future of our firms, the future senior employees and partners.

Following on from that, and by way of observation about apprenticeships generally, we believe that apprenticeships work best when the employer is in a position to continue to employ apprentices once they have qualified. If employers are merely providing a training service, but with no expectation of the trainee remaining with the employer, it will be inevitable that the training involved will be far more "going through the motions". Moreover,

training should be delivered throughout employment, not just at the outset. We would therefore urge that the issue of what happens to apprentices when they qualify is at the centre of the review and not regarded as a merely peripheral issue. It is not the subject of a question for consultation in the review.

Consultation Questions

We have endeavoured to answer those of the questions in the review that struck us as more relevant to us, based on our experience as employers of large number of trainees, recognising the qualification above that a lot of modern apprenticeships are rather different from what we do.

1. Principles

1.1 The only question we would seek to answer under "Principles" is the question of who should apprenticeships be for. From what was said above, we think that they should be both to benefit the firm and also to benefit the individual. If they merely benefit the individual with some form of training, perhaps part subsidised by the State, they are more likely to involve cursory processes. So there needs to be a commitment on both sides. Ultimately successful apprenticeships, and resulting higher skills, will boost the economy, and we can well see the case for government support in appropriate cases.

2. Content

2.1 We think the nature of apprenticeships will need to differ between different sectors and types of employers. Equally, as with the CILEX route into the practice of law, a successful apprenticeship scheme can build in a number of access points, so that the requirements for somebody who joins at 18, with some A level or AS level outcomes, should be expected to differ from somebody who joins with a university degree.

2.2 Training will reflect employers needs if, as set out above, the overall arrangements include significant retention of apprentices on qualification.

2.3 Our member firms offer both external and internal teaching to trainees. We all of us have to fit that around the requirements of the work place. To the extent that a trainee needs to disappear to do training at a critical stage on a particular matter that he or she was working would dislocate the people (and clients) for whom he or she was working. We think the educational requirements should reflect this, so as to be flexible, so an employer can legitimately build them around the need to utilise the apprentice.

The nature of industrial apprenticeships is different to legal ones, but there may well be periods of the year where an employer can reasonably expect to have less need for workers to actually be on site and perhaps formal training could be done then. A large number of our member firms have now developed relationships with training organisations which involve a substantial degree of flexibility by the training organisations. Clearly, because of the economics of our practice, we are paying material sums of money for this, but one would hope and expect that the variety of teaching organisations in the UK could be encouraged to be flexible to support apprenticeships.

2.4 Qualifications are critical. There is no substitute for each sector working to establish the right criteria for itself.

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**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)

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Ms. R. Grant (Hogan Lovells International LLP)

Ms H. Kozlova-Lindsay (Slaughter and May)

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