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Re: "Training for Tomorrow – A new approach to continuing competence"

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 multinational companies and financial institutions to Government departments, 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 19 specialist committees. This response in respect of "Training for Tomorrow – A new approach to continuing competence" has been prepared by the CLLS Training Committee.

We support the SRA's initiative to review the current CPD scheme.

While over time the existing CPD scheme has encouraged a culture of development across the profession, it has become a "tick box" exercise which is not (and perhaps cannot be) monitored adequately. As a result, it is of limited use in terms of ensuring the "competence" of the profession at large even if it does continue to bring some benefits to the profession and the public.

From the point of view of the CLLS member firms, all of whom have sophisticated developmental and performance management systems in place, we welcome the plan to allow individual solicitors and the regulated entities for which they work the freedom to determine the right way to ensure "continuing competence". The "reflective cycle" explained in the Paper is in line with processes many CLLS member firms have in place and we know from experience the benefits that brings to both the firms and the solicitors working within them.

Following on from that, while there is not unanimity of view across the CLLS on the issue of mandatory Hours, on balance we support the SRA's plan to drop that requirement as doing any fixed number of Hours is not of itself a way to guarantee competence.

Any new regime must be designed so it is an improvement on the current scheme which means dropping the ineffective elements of the current scheme while retaining its advantages. The new regime should give the profession the flexibility to decide how to ensure competence while being structured and monitored in a way which ensures compliance.

There are a number of issues to address.

There needs to be clarity on what standard is being applied when determining "competence". Will it mean competence to do "today's job" or does it mean being able to cope with whatever the future may bring? Will competence be determined exclusively by the individual solicitor and his/her employing organisation or will the SRA have some role in this? In particular, how will the new regime mesh with the Competency Statement which is being developed?

Individual solicitors will need some guidance on what they could or should do so Indicative Behaviours need to be developed. Linked to that, there needs to be clarity on how the SRA will police the new regime to ensure compliance.

If the profession is left with the impression that the new regime will not be subject to any more rigorous monitoring than is the case with the current scheme, that coupled with the planned flexibility may lead to the new regime being interpreted by some within the profession as "voluntary". (That could lead to support for development being withdrawn and/or developmental opportunities not being taken up.)

If that interpretation is also taken by the public and/or the profession's competitors (nationally or internationally), it could have adverse consequences on the status of the brand of "solicitor".

Change is needed to make the current scheme more effective but care is needed if the new regime is to ensure that the collective competence of the profession continues to be enhanced.

Yours sincerely

TONY KING
CHAIRMAN, CITY OF LONDON LAW SOCIETY TRAINING COMMITTEE

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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 LLP) (Chairman)
Rita Dev (Allen & Overy LLP)
Ruth Grant (Hogan Lovells International LLP)
Hannah Kozlova-Lindsay (Slaughter and May)
Patrick McCann (Herbert Smith Freehills LLP)
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