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## **Third Consultation on a New Training Framework for Solicitors**

**The Trainee Solicitors' Group response to the Law Society's Consultation Paper: "Qualifying as a solicitor – a framework for the future"**

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## **Introduction to the TSG**

The Trainee Solicitors' Group ("TSG") is one of the largest Recognised Groups of the Law Society, run as a company limited by guarantee.

The TSG represents approximately 47,000 members throughout England and Wales.

Our membership is comprised of:

- (a) students:
  - (i) on an exempting law degree;
  - (ii) on a Diploma in Law or Common Professional Examination course;
  - (iii) on an integrated course; and
  - (iv) on the Legal Practice Course.
- (b) trainee solicitors;
- (c) solicitors who have been qualified for up to one year; and
- (d) paralegals.

Membership of the TSG is currently free and automatic.

The TSG is headed by an elected executive committee. The executive committee sits alongside a national representative from each of the 30 or more local TSG groups to form the national committee.

The TSG's role is to represent our member's interests through:

- the formulation of policies on key issues affecting TSG members;
- running a free and confidential helpline service;
- the organization of educational and social activities;
- the provision of professional support and networking opportunities; and
- the communication of our work via our quarterly magazine "tsgLIFE" and our website ([www.tsg.org](http://www.tsg.org)).

## **Foreword from the TSG executive committee**

The TSG represents people who are going through the training process now. We are ideally placed to comment on the inadequacies of the current system and make suggestions for change. Our views should be taken seriously as we represent the future of the profession.

Our members are deeply concerned about the validity, equality, diversity and cost of their training. This is compounded by the severe competition for training contracts. New entrants to the profession do so with an average debt of over £15,000. This is not a commitment that is undertaken lightly. The level of debt has increased since tuition fees were introduced and is likely to rise in the future.

Concerns have been raised by more experienced members of the profession that standards are falling amongst newly qualified solicitors. There is a strong public perception that standards are poor and this is substantiated by a large number of complaints.

We share the concerns that the current formal legal training, training contracts, supervision and professional skills course may not be adequately preparing our members for their chosen profession.

### **Representing our members**

TSG members are the TSG. The TSG have compiled this response with this firmly in mind.

In order to ensure that this response is as representative as possible, the TSG have carried out the largest on-line survey of its kind. There have been 416 responses.

We have also canvassed national committee members for their opinions. They in turn have canvassed the members of their own local groups.

We have tried to take into account all views received and have included dissenting opinions wherever possible.

This is the first time that a response has been drafted after such widespread consultation of members.

*The TSG executive committee*

7 July 2005

Peter Wright	Chair
Genevieve Monclin	Vice-chair and Treasurer
Benjamin Smith	Joint Honorary Secretary
Sarah Kenyon	Joint Honorary Secretary
Tamsin Tomlinson	Joint Publicity Officer
Nicola Rowlings	Joint Publicity Officer
Francine Naidoo	International Relations Officer
Abinye Allison	Website Officer
Natalie Goffe	Helpline Officer
Katherine Gibson	Events Organiser

## **The TSG training vision**

- Trainee solicitors must be paid at least a minimum salary. This is to be gauged against the cost of living. If such a protection is not in place, the profession will become even more inaccessible. Trainees should not be sliding further into debt during their training contracts.
- Trainee solicitors should have access to the best possible training at the most competitive prices possible.
- Equality and diversity should be ensured by promoting new and innovative ways to qualify. There is a recognition that full-time training excludes some entrants.
- There should be a choice of course providers offering high quality and affordable teaching.
- The standard of courses offered should be comparable at every institution and provide value for money.
- Supervision during work based learning should be of a consistently high standard across the country and should be monitored.
- Work based learning should provide a breadth of training and experience to ensure adequate and well balanced training.
- Upon qualification, solicitors should have received appropriate training to be ready for their professional life as a solicitor.

## **Points to note regarding the TSG response**

Please note that this is a response to the contents of the Law Society's Consultation Paper: "Qualifying as a solicitor – a framework for the future". The TSG have followed the suggested headings for response and we have confined our answers to the points requested.

The TSG would like to formally state that the suggestion that the minimum salary, a protection that was introduced for trainees twenty years ago, should be abolished, should have been approached with more sensitivity and given due regard by the Training Framework Review Group ("TFRG"). The TSG formally request a separate consultation on the safeguards available to trainee solicitors under any reform of the training system.

The TSG sincerely hope that the contents of this response will be duly considered by the TFRG and not dismissed out of hand. This response has taken into account views from the widest cross section of members of the legal profession ever canvassed by a Law Society recognised group. To disregard TSG members' views would be insulting to all those who have taken part and short sighted given that our members have the best perspective on training and will be the people expected to implement any new scheme as trainers and supervisors in just a few short years.

## **Overview of response**

- TSG members are not wholly dissatisfied with the way that the training process operates at present and the new structure should build on the existing system. There are many elements of the current system that work successfully to produce quality solicitors whilst providing trainees with adequate safeguards.
- Any change to the training system should build on the strengths of the current system: excellent education facilities, an established training regime and the experience of lawyers who are renowned world wide for their integrity and skill.
- TSG members will not support any change to the training process that involves the loss of the minimum salary.
- TSG members are open to innovative changes that will increase accessibility and diversity in principle.
- TSG members are concerned that changes will increase their already large burden in terms of cost and pressure.
- TSG members recognise the benefits of the proposals but are worried that the burden placed on firms will mean that there will be fewer training places available.
- A further reduction in the available places will put pressure on a system where there are already more LPC graduates each year than there are training contracts.
- The goal of encouraging access to the profession for all those who are willing and able to do so is laudable and wholly shared by the TSG. However, consideration must be given to the fact that the legal market cannot support an infinite number of solicitors. An increase in the number of people qualifying will lead to an excessive supply of solicitors. This will result in, for the individual trainee, lower wages, and for the profession as a whole, a devaluation of the services it provides. The most able candidates will look elsewhere.
- The TFRG should not lose sight of the fact that being a solicitor is a demanding job. It requires the intellectual rigour possessed only by the top couple of percent of people in the country. Law is both a noble and respected profession. Partly this is because clients have

confidence that solicitors have passed through a rigorous training process. TSG members enter the profession to become part of that great legal tradition.

- Training to be a solicitor is always going to:
  - be intellectually demanding;
  - be expensive in terms of education costs;
  - be time consuming; and
  - require dedication and commitment.
- The current training proposals need to ensure that trainee solicitors embark on the qualification process knowing that:
  - the standard of training they receive will be the same no matter what their background, educational establishment or training firm;
  - they will be offered safeguards and protections throughout their training process; and
  - that the only barrier to becoming a solicitor is merit.
- If sight of any of these elements is lost, then the TSG fear that the work of the TFRG will encourage a training system that:
  - leaves trainees with more debt and discourages those without private funding to embark on a career that requires several years of tertiary level education;
  - does not instill confidence in the public with the consequence that training as a solicitor will be viewed as a "soft option";
  - is unpopular with the profession, the same profession who will be expected to invest large amounts of time and money in training for uncertain results; and
  - undergoes many years of uncertainty due to the consideration, trial and implementation of various changes.

## **RESPONSES TO PARTICULAR POINTS**

### **1 DAY ONE OUTCOMES**

- 1.1 The TSG are concerned about the growing inequalities of the current training system. Escalating tuition fees, the advent of the city LPC, the lack of available money for training in high street legal aid firms and increased specialisation are leading to a multi-tier system. Some trainees qualify after having received inadequate training due to financial constraints, poor quality training and minimal supervision. This has led to inconsistent standards within the profession. The TSG believe that all trainee solicitors should have access to the same standards of training.
- 1.2 Standards need to be raised in order to meet a public perception of perceived shortcomings due to ever growing complaints. Standards need to be addressed but the public also needs to be educated on what they should expect from their solicitor.
- 1.3 Day one outcomes would be a way of ensuring consistent standards. The TSG agree that there should be a set of day one outcomes that all newly qualified solicitors should meet. We also agree with the scope and range of the proposed day one outcomes including the further changes added to this consultation.
- 1.4 The TSG agree that the day one outcomes must be allowed to evolve over time, with frequent review. This will help ensure that standards are both high and relevant. In turn, this may help to prevent the system requiring an overhaul AGAIN in another decade. After all, the LPC was introduced only in 1991 and by 2001, the TFRG started its work reviewing the training system.
- 1.5 The system needs to be flexible enough to allow adaptation to changing training needs. Any training structure will need to be able to evolve organically over time and adapt to a changing marketplace.

## **2 ARRANGEMENTS FOR ASSESSING KNOWLEDGE, UNDERSTANDING AND SKILLS AND, IN PARTICULAR, THE CHARACTERISTICS OF AN EXAMINATION AND ASSESSMENT FRAMEWORK THAT WOULD PROVIDE CONFIDENCE THAT STANDARDS OF ENTRY ARE SECURE**

2.1 The TSG are concerned about the practicalities of assessing day one outcomes. The most appropriate time for assessment would be at the end of a training contract. We have discussed various methods of assessment with our members, who differ in their opinions. The following are the options put forward by our members.

### 2.1.1 Portfolios

- (i) The majority of TSG members favour the completion of a portfolio of work. They believe that this will fit in with the demands of work based learning but will not add to the pressure and financial burdens they are under.
- (ii) The completion of a portfolio of EXISTING work undertaken on live files during the course of training is to be encouraged. It would not add significantly to the trainee's existing workload. A portfolio may have the effect of increasing standards. The work that trainees complete through the course of their work based learning varies hugely. Increased regulation, through portfolios, should raise standards.
- (iii) Evidence of work carried out prior to starting a period of work based learning should be allowed to be included in the portfolio and count towards qualification. However, the amount of such work should be limited and the majority of work in the portfolio should be work carried out while completing a training contract and receiving adequate supervision.
- (iv) There is a suggestion to allow paralegals to qualify as a solicitor provided that they have completed a portfolio. However, not to be forgotten is the requirement that would-be solicitors complete four supervisions at four monthly intervals. A paralegal could complete their portfolio only to find that they are denied admittance to the profession because they have not completed this "supervision" period. If paralegals then had to complete a

16 month supervision period, this would be no different from the situation we have now.

- (v) A time limit should be introduced on past work that is to be included in a portfolio to ensure that standards are maintained. The work must be current and relevant.
- (vi) The TSG do not agree that some of the “soft skills” required by the proposed day one outcomes could be adequately assessed through portfolio evidence. These skills cannot be accurately evidenced on paper.
- (vii) The TSG have concerns that some firms will develop a “database” of appropriate documents that trainees will be encouraged to include in their portfolios.
- (viii) The TSG have concerns about the affect on trainees of failing their portfolios through inadequate supervision during their work based learning.
  - (A) Inevitably, there will be a number of trial years It must be ensured that extensive training of portfolio supervisors is completed before the portfolio requirements are rolled out.
  - (B) An option to resubmit certain elements of a portfolio must be contained within the framework.
  - (C) Firms whose trainees regularly submit sub-standard portfolios should be penalised. Consideration should be given to remove their training licences.
  - (D) There must be an appeal process for trainees whose firm refuses to give them the experience or portfolio supervision that they require and, due to which, they fail their portfolio assessment.
  - (E) Solicitors supervising trainees should have the necessary time commitment and training to supervise the portfolio.

- (F) Trainees should not have their training compromised because a supervisor is too busy to carry out the new regulations. For example, many practitioners are unable to become police-station accredited because their supervisors do not have time to adequately supervise their portfolio.

#### 2.1.2 A Law Society administered external exam

- (i) This type of "bar exam", which would be sat by all trainee solicitors at the end of their work based learning, would bring England and Wales into step with other jurisdictions.
- (ii) The exam could be conducted on-line.
- (iii) There is a concern that larger firms would "hothouse" their trainees towards the exam and overlook wider training needs.
- (iv) There are concerns about who will bear the costs involved of preparing for and sitting an exam. The TSG will not support any proposal where the costs of examination are to be borne by the entrant.
- (v) There may be difficulties in setting such an exam due to the wide number of specialties. However, an exam could be suitable for assessing ethical skills.
- (vi) Although the TFRG seems to have dismissed the idea of an external exam, our members remain open to all possibilities. The TSG understand there are concerns, especially as a similar system was not successful in Scotland. However, the system does work well in almost every European jurisdiction as well as in America.

#### 2.1.3 An oral exam or viva

- (i) An oral exam would be suitable for assessing client care and ethical skills.
- (ii) In practice, an oral exam would have to be administered and assessed by individual firms. Would smaller firms be able to carry this out?

- 2.2 With regard to exams generally, there should be an option for entrants to re-sit exams if they fail. This should be limited to a maximum of three re-sits.
- 2.3 Any assessment should focus on what an individual actually knows as opposed to the courses that they have studied. The assessments would need to be creative and thorough to ensure that high standards were achieved. Today's trainee solicitors are fully IT conversant. Any form of new assessment should utilise information technology wherever possible.
- 2.4 The current LPC gives students good preparation for life in practice through the teaching of client care skills. These skills need to be actively reinforced during a period of work based learning to be truly effective. The value of classroom learning is reduced when skills are not adequately utilised due to poorly supervised training. Practical skills are essential but the TSG recognise that they are difficult to assess. Assessment would only be possible through better training for supervisors.
- 2.5 The current system, whereby some LPC providers assess subjects and skills in different ways, is unfair. The TSG believe that all assessments should be standardised. Whatever course someone sits under the new training framework, they must be assured that there is a consistent standard of teaching and examination throughout England and Wales.
- 2.6 Assessments should be external. Not only should this reduce costs of courses but it would potentially mean that people with valid external experience would be able to pay for just the exam without needing to sit a course.
- 2.7 Realistically, most candidates will continue to complete a course similar to the LPC. Indeed the TSG anticipate that sitting a preparatory course will become a de facto requirement of training, even if it is not in the training regulations, as most respectable employers will insist on it.

### **3 ARRANGEMENTS FOR ASSESSING PERFORMANCE IN THE WORK PLACE**

- 3.1 Please refer to section 7 for our proposals on the supervising solicitor's role and the assessment of the trainee's portfolio.

#### **4 PROPOSALS TO ALLOW INDIVIDUALS TO STUDY AND PREPARE FOR QUALIFICATION IN DIFFERENT WAYS**

- 4.1 The TSG welcome alternative ways of studying and qualification and feel that this will increase accessibility and diversity.
- 4.2 It is important to bear in mind that the vast majority of trainee solicitors, who want to, should be able to continue to study for the equivalent of an LPC and then complete an adequate period of work based learning.
- 4.3 Studying and preparing for qualification should be a mixture of skills based training combined with a solid knowledge and understanding of the law. Both of these elements are essential and all alternative methods of qualification should achieve this balance.
- 4.4 The TSG would like to see:
- 4.4.1 part-time study encouraged and made more flexible;
  - 4.4.2 the recognition of other qualifications and previous career experience;
  - 4.4.3 options for part-time training contracts;
  - 4.4.4 options for self-study and distance learning options;
  - 4.4.5 more exempting law degrees; and
  - 4.4.6 increased computer based learning.
- 4.5 Study options should be aimed at increasing flexibility and decreasing costs whilst maintaining standards.
- 4.6 Combinations of different courses and methods of study should be possible to encourage flexibility.
- 4.7 Study requirements should remain limited to those necessary to meet the day one outcomes. If further study is required then the outcomes are not exhaustive and are not sufficient to underpin the new system leading to qualification.

- 4.8 People embarking on the training process should have access to impartial and objective information about:
- 4.8.1 the quality of courses;
  - 4.8.2 the range of course providers; and the quality of training received in particular firms, perhaps through a quality mark scheme.
- 4.9 Potential students could be assessed to see if they are suited to a career in law before they invest thousands of pounds embarking on a LPC-style course.

## **5 PROPOSALS TO ALLOW TEACHERS AND COURSE PROVIDERS FREEDOM TO DESIGN AND DELIVER COURSES AND PROGRAMMES TO SUPPORT LEARNING**

- 5.1 While the LPC and GDL have merits, the experience of students is varied. 66.1% of TSG members surveyed found the LPC and GDL too expensive. 18.3% found the LPC or GDL to have been a waste of time and 8% said it had been a waste of money.
- 5.2 Realistically, it is envisaged that most trainees will complete a "traditional style LPC", in a similar format to that undertaken at present.
- 5.3 Innovative forms of delivery should be encouraged. This will potentially lead to bespoke courses in the areas currently occupied by the LPC and PSC, for example specialising in legal aid practice. This may ensure that courses more accurately prepare trainees for practice although there is a danger this will lead to a multi-tier system with students being encouraged to specialise too early.
- 5.4 Any assessments must be centrally set to ensure a multi-tier system is avoided.
- 5.5 The Law Society must continue to regulate all courses provided in order to maintain and improve the quality of courses. Despite the increased flexibility for course providers, standards must be consistent.
- 5.5.1 There must be prescribed Law Society minimum standards with regard to:
    - (i) staff : student ratios;

- (ii) the mixture of teaching methods;
- (iii) the quality of teaching; and
- (iv) the support and learning resources to be made available to students.

5.5.2 The Law Society is the only credible body with the capability of doing setting and enforcing standards. They should not abdicate their responsibilities to the profession in an attempt to cut costs. Failure to do so could lead to the Law Society losing its responsibility for overseeing training.

5.6 Course fees must be kept to an acceptable level. The TSG accept that university tuition fees are a wider political issue. However, LPC or GDL course providers must provide value for money

5.6.1 The TSG hope that increased competition between course providers will help to ensure that prices remain competitive.

5.7 The TSG agree that if a student has sufficient experience to pass an assessment, that student should not be required to sit that particular element of the course. This would reduce wasted costs

5.8 Courses should encourage practical experience. Such experience is invaluable in preparing for life as a solicitor and gives entrants more realistic expectations of the demands of the profession. Examples of practical experience the TSG would like to see put into practice are:

5.8.1 encouraging setting up and working in student law offices, in-house advice centres, Citizen's Advice Bureau and pro bono schemes;

5.8.2 work experience;

5.8.3 judge shadowing schemes; and

5.8.4 mentoring from experienced solicitors.

## **6 THE PROPOSED AVAILABILITY OF DISCRETE QUALIFICATIONS SET AT THE LEVEL OF THE NEWLY QUALIFIED SOLICITOR OR A SOLICITOR MOVING INTO A NEW AREA OF WORK**

- 6.1 The electives currently available on the LPC give students a broad range of experience; this is invaluable. At present, the electives are the only way in which LPC students can tailor the course to suit their own preferences. If course providers had the flexibility to introduce more specialist courses, a more tailored approach could be put in place.
- 6.2 However, the TSG agree that costs should be minimised. Such areas of specialist study, while being encouraged, could be deferred until such a time as employment has been secured. This would also allow a trainee to choose electives that will definitely be of assistance to their future career. This will benefit the majority of TSG members who embark on their LPC before securing a training contract.
- 6.3 It should not be compulsory for solicitors to achieve a discrete qualification before qualification. However, in order to prepare for day one outcomes, it may well be necessary to undertake some of these qualifications.
- 6.4 If day one outcomes are drafted comprehensively, then there should not be a need for further discrete qualifications to be obtained by newly qualified solicitors. The TSG welcomes opportunities for such qualifications to form part of ongoing career development, which may fit into the current review of post qualification training.

## **7 WORK BASED LEARNING REQUIREMENTS INCLUDING PROPOSED REQUIREMENTS FOR TRAINEES**

- 7.1 Broadly, the TSG accept the proposals for work based learning requirements. TSG members do, however, have concerns:
- 7.1.1 the cost of any such changes should not be borne by the individual trainee; and
- 7.1.2 if the cost of additional requirements is borne by the individual firm, many smaller firms will simply not be able to afford to have trainees. This will make training contracts even harder to secure.

- 7.2 Work based learning remains essential – most TSG members are broadly happy with the length and scope of their training contracts and the new work based learning should build on this structure.
- 7.3 The work based learning period would have to remain structured in order to provide protection to the trainee. Trainees are already being abused under the current system, as evidenced by calls to the TSG helpline. In the event that the current protections were lost, this situation would only get worse. Trainees should have the basic right to:
- 7.3.1 a minimum salary above the national minimum wage which reflects the cost of living and the time and commitment given in training, thereby ensuring that trainees do not accrue further debt during work based learning;
  - 7.3.2 a promise from their employer to pay the costs of training undertaken during work based learning;
  - 7.3.3 employment protections binding their employer to give adequate and appropriate notice at the end of the work based learning period if the trainee is not being retained, thereby enabling trainees to find alternative employment;
  - 7.3.4 an effective indemnity;
  - 7.3.5 a minimum defined training period; and
  - 7.3.6 clear training criteria and day one outcomes.
- 7.4 **The TSG will not support any work based learning proposals without these protections.**
- 7.5 It is naive to suggest that competition between firms will ensure that the salary is effectively regulated.
- 7.5.1 Many firms already apply for exemptions to pay less than the minimum salary.
  - 7.5.2 Many trainees are paid at **or below** the minimum salary at present. This is particularly so in high street firms.
  - 7.5.3 The increased costs of training and the added administrative burden will mean that those firms able to take on trainees, may pay them less.

- 7.5.4 The national minimum wage currently equates to under £10,000 per year.
- 7.5.5 The average trainee has £15,000 of debt. In many cases this figure is far higher and is set to rise with increased tuition fees.
- 7.5.6 It seems to be proposed that trainees would have a "learning agreement" with their firm through which the firm would agree to train them. Surely there is scope for any trainee who has such an agreement to be paid a minimum salary? Registering the agreements with the Law Society would ensure compliance.
- 7.5.7 The Law Society would not necessarily have to refuse applicants admission to the profession if they had not been paid the minimum salary. It is accepted that paralegals, provided that they had undertaken the necessary requirements (including supervision) would be able to qualify even if they were paid less than the minimum salary. The Law Society (in its representative role) surely has a duty to protect its members' interests – including the minimum salary for trainees. If a trainee decided to take themselves out of this protection in order to gain work experience, that would be a choice for them.
- 7.6 **Abolishing the minimum salary is a way to placate the firms and reassure them that their overall training expenditure will not increase. It is the trainees who will be damaged by this in the short term. Access to the profession will be restricted to those who have the benefit of private funding or sponsorship from larger firms. In the long run, abolishing the minimum salary will damage the profession and such a move would be short sighted.**
- 7.7 **The loss of the minimum salary would limit entrance to the profession from many minorities including those from underprivileged backgrounds.**
- 7.8 The proposed status of trainees as "employees" is unsatisfactory. After completing a minimum of three years study and further vocational training, the status of someone training to be a solicitor should be clear. At present the job title "trainee solicitor" is instructive to both clients and colleagues and accurately denotes experience and qualifications. The terms "employee" or even "paralegal" can be attached to someone who does not have any formal qualifications. Will the public be happy that their legal work will be handled by an

"employee"? How does the TFRG propose that trainees are described? What will a trainee's status be within the hierarchical legal profession?

- 7.9 One of the stated aims of the review is to "raise standards". However, the TFRG seem equally as concerned about enabling the missing 1/5<sup>th</sup> of LPC graduates to qualify as solicitors. Has the TFRG considered that this attrition rate helps to maintain standards? People are weeded out at all stages of legal education, from applications to the LL.B, from LL.B graduates to LPC students, and from LPC students to training contracts. As disappointing as it is for people to fail to achieve their goals, it must be recognised that some people are unsuited to the profession. There is a reason why some people do not get training contracts based on their ability rather than barriers of access to the profession.
- 7.10 The TSG feel that the length of the work based learning period should be more flexible. Trainees with previous experience should be able to finish their work based learning period in a shorter time. This would be subject to a minimum of sixteen months.
- 7.10.1 The TSG have concerns that larger firms may "hothouse" their trainees, rushing them through the training process in order to allow them to qualify quicker. Stringent portfolios and end of work based learning assessments should ensure that standards are maintained.
- 7.10.2 The TSG also have concerns that some firms will lengthen the training period, using trainees as "cheap labour" at the national minimum wage and refusing to sign off their training contracts. Some TSG members have called for there to be a maximum specified period of work based learning as well as a minimum.
- 7.11 There should be the flexibility to move between different firms during the work based learning and the experience gained should be transferable.
- 7.11.1 The TSG have concerns that trainees could be exploited. Trainees need a degree of job security for the tenure of their training contract. Safeguards to ensure this would need to be put in place.
- 7.11.2 If firms were not obliged to employ trainees for the duration of their work based learning, then trainees would lack job security. Trainees could potentially find themselves unemployed part way through their training and unable to find an alternative firm in order to complete the remainder of their training.

- 7.11.3 The use of portfolios should facilitate transferable work based learning as supervisors will have a clear record of the work already completed by the trainee.
- 7.12 The TSG agree with the proposals for the range of skills that should be covered within the work based learning.
- 7.13 Work based learning should provide a broad grounding for the trainee. Multiple areas of law should be covered within it.
- 7.13.1 Whilst the TSG recognise that increased specialism within the profession may mean that solicitors never return to areas of law covered in the training contract, it is vital to learn a wide range of skills.
- 7.13.2 Furthermore, many trainees at the start of their training contract do not know which area of law they will eventually qualify in. The freedom to try different areas of work helps trainees make an informed decision.
- 7.13.3 Both contentious and non-contentious work should be covered during the work based learning.
- 7.14 The TSG supports the external assessment of work based learning. Provided that a trainee's existing workload is not unfairly supplemented, balanced and fair assessment will serve to raise standards further and return greater public confidence in the profession. .
- 7.15 The TSG fully agrees that solicitors supervising trainees should receive specialist training. Supervisors should be at least three years post qualified.
- 7.15.1 TSG members have direct experience of poor supervision, resulting in inadequate training contracts and ill-preparedness for qualification.
- 7.15.2 The TSG helpline received a significant number of calls relating to poor supervision within the last year.
- 7.15.3 Training for supervisors should cover:
- (i) people management skills;
  - (ii) Identifying suitable tasks for trainees;

- (iii) evaluation skills;
- (iv) giving constructive feedback;
- (v) organisational and time management skills; and
- (vi) raising an awareness of what trainees are expected to achieve and what level they are entering the profession at.

7.16 The TSG agree that supervisor training should be free at the point of delivery. The costs of training supervisors should be borne as part of the profession's regulatory costs funded through the practice certificates. However, the TSG are concerned that:

7.16.1 such costs, if borne in this manner, would lead to decreased investment in other vital areas such as course regulation;

7.16.2 firms may be reluctant to invest, in terms of the time spent out of the office and loss of chargeable hours, for their staff to be trained; and

7.16.3 if firms are not be willing to send staff to be trained as supervisors, then inevitably, the number of training places will decrease.

7.17 Supervisor training should attract CPD points to try and combat this.

7.18 The TSG supports the concept of a portfolio of work to be compiled from tasks that would have been carried out by the trainee in any event that are then individually assessed (see 2.1.1 for more details).

7.19 The Professional Skills Course ("PSC") is widely perceived by TSG members to be of very little practical value and a "waste of time".

7.19.1 Similar courses run to prepare for the day one outcomes will probably be run in the future.

7.19.2 Reducing the compulsory element of the PSC will decrease individual firm's financial burdens. However, this will only have an impact on the individual trainee's finances if firms pass these savings onto trainees in the form of increased wages or pay for comparable training.

7.19.3 Many larger firms will chose to provide in-house training that can be tailored to their perceived training needs.

**8 ANY OTHER ISSUES NOT OTHERWISE COVERED INCLUDING VIEWS ON THE WIDER CONTEXT IN WHICH THE REVIEW IS TAKING PLACE**

- 8.1 It is important to engage as many sectors of the legal community as possible in this debate.
- 8.2 The TSG have been deeply concerned about the level of mis-reporting and mis-information circulated both in the legal press and within the profession about the TFR.
- 8.3 Although commercial considerations will undoubtedly play a part in the ultimate training framework, the proposals need to take into account the need to ensure:
- 8.3.1 appropriate, fair and consistent training;
  - 8.3.2 the raising of standards within the profession;
  - 8.3.3 the increasing of accessibility to and diversity in the profession;
  - 8.3.4 the maintenance of protections for trainee solicitors.

Commercial considerations of individual firms and legal education providers must not be allowed to override these goals.

## **TFR and the TSG Helpline – what are TSG members' concerns?**

### **Introduction**

The TSG helpline is a confidential advisory freephone service offered by the TSG to its 47,000 members. The helpline is restricted to the giving of information, advice and referrals only. Helpline volunteers are not permitted to give legal advice and the TSG does not follow up individual matters on behalf of callers. However, the TSG will advise individuals as to the procedure they may require to follow up a matter.

The majority of the calls come through the helpline's freephone number (08000 856 131), which operates as an automated call management service from 9am to 8pm Monday to Friday. The TSG's email address ([helpline@tsg.org](mailto:helpline@tsg.org)) has also become an increasingly popular source of contact for enquiries, which can also be accessed through the TSG website ([www.tsg.org](http://www.tsg.org)).

The helpline is manned by 16 trained volunteers. All of these volunteers are trainees, newly qualified solicitors or LPC students.

Regular reviews are undertaken of the calls received by the helpline. The attached schedule illustrates snap shot of picture as to the matters which concern TSG members during the period 13 March 2004 to 24 September 2004.

The TSG helpline is a vital source of statistical data. The information can be seen as a key indicator as to the problems affecting TSG members. The information can also be used as a tool for change. The results of the TSG helpline preliminary review for the past year are therefore included within this response to provide a concrete indicator of the concerns and needs of TSG members.

### **Methodology**

It is important when considering the content of this analysis to note the well defined methodology for the helpline review:

- the number of calls received is the actual number of callers and not how frequently an individual caller has called;

- the actual number of calls may well be higher than detailed in this schedule because calls made to TSG officers, members of the national committee, and e-mails received are not included in this schedule;
- the accuracy of the statistics is entirely reliant upon volunteers completing and returning case sheets;
- it is noted that the discrepancy between the number of calls to the helpline and the number of calls for which details are known lies in great part to callers being put through to a volunteers voicemail and/or secretary, with the caller deciding to abort the call and then recalling to be put through to another volunteer;
- callers to the helpline cannot be regarded as being in any way representative of the trainees or student population at large and, as such, the study of the helpline calls should properly be regarded as a case study rather than a survey.

## **Quantative Results**

### **Number of calls**

Between 13 March 2004 and 24 September 2004, the helpline took 1,090 calls. This represents an 11% increase over a period of six months. Of these, 310 case sheets were fully completed.

- (a) The TSG believe the increase in calls may be due: an increased awareness of the helpline;
- (b) a more open attitude generally to seeking help and advice;
- (c) an increase in the number of students, trainees, paralegals and newly qualified lawyers; and

a greater number of students, trainees, and paralegals and newly qualified lawyers experiencing problems.

### **Gender and ethnic background**

Out of the 1090 calls received, 67% were from females and 33% from males. Not all of the case sheets recorded the gender of callers.

Out of the 1090 calls received, 23% of the callers were identified from the case sheets as being from ethnic minorities.

### **Professional stage of caller**

Of the 1090 calls received, 5% were from newly qualified solicitors, 55% were from trainee solicitors, 9% were from paralegals and 31% were from students.

### **Subject of calls**

Over 14% of callers were asking for **advice in relation to finding a training contract and general careers advice and guidance**. Callers enquired about the procedure for receiving feedback and also the deadlines as to what time frame was reasonable for receiving feedback from interviews.

14.8% of the calls concerned advice for problems callers were experiencing during their training contracts. These calls were categorised as problems related to **stress, work loads, poor supervision, bullying and harassment**. The **level and quality of supervision** was identified as being partially associated with the issue of **transferring a training contract**. Trainees appeared to be given **unrealistic work loads and a general lack of support** from the more senior members of the firm.

The helpline received calls from trainees who had been **humiliated** in front of other employees as well as those who considered that their training and ability to progress was being highly affected by **bullying**. Some trainees were often bullied into doing demeaning jobs, such as cleaning the office and also being bullied for refusing to go on a date with a supervisor.

Calls demonstrated that **stress** was a common factor and linked to a range of problems during the training contract. Stress was linked to the process of LPC students spending months and years trying to find a training contract. Students were also concerned by their degree results and whether a 2.2 made it impossible for them to find a training contract.

Some callers explained that they were told their training contract was threatened if they refused to comply with the requests of the firm. Such practices are of grave concern.

Enquiries were made about the **minimum salaries** for trainees and whether there was a similar protection for newly qualified solicitors. Trainees were generally concerned in ensuring that their firms were paying them the Law Society minimum or more. In some cases, the caller needed advice on approaching their supervisors or HR departments to ensure that they were being paid an appropriate salary. Please see the table below that breaks down the number of calls per subject matter as identified from the case sheets.

**Details of breakdown of calls by subject matter**

<b><u>Problem</u></b>	<b><u>Percentage of calls</u></b>
Paralegals looking for training contract and Law Society Regulation	2.9%
Trainees wanting to transfer their training contracts	6.5%
Enquiries from non- EEA students	3.2%
Newly Qualified lawyers asking about procedure for qualifying and minimum salary as set by the Law Society	6.8%
Trainees asking about minimum salaries	4.5%
Trainees and students inquiring about the disclosure of criminal convictions to the Law Society	2.3%
Trainees with maternity related queries	0.65%
Problems during a training contract	14.8%

Firms not providing adequate training	5.2%
Firms requesting trainees to sign additional clauses to the Law Society's standard training contract	1.3%
Finding a training contract and careers advice	14.2%
Time to count inquiries	3.5%
Procedure for registering a training contract	0.9%
Other procedural questions	7.4%
Debt and funding issues	4.2%
Enquiries from mature students	1.9%
Employment law related enquiries	6.1%
Other	13.5

## **Conclusion**

The TSG helpline has definitely had a continues to provide an accurate case study as to the concerns of a selection of its members.

The TSG will continue to raise the profile of the rights for its members and highlight the enduring importance of pastoral care. It has developed a pastoral care sub-committee to continue and further the guidance and support provided to its members. The TSG is aware that there are still trainees that are subjected to poor levels of training and treatment. This should not be tolerated within the profession. The TSG aims to continue to use these statistics to address and impact upon policies to ensure that best practice is adopted to train solicitors and address TSG member's concerns.

Natalie Goffe

Helpline Officer

TSG

July 2005

## **TFR and Events – what do our members want?**

The TSG run a varied and well supported programme of events throughout the year. There have been a number of student skills and trainee skills evenings, numerous local educational and social events and our annual conference and gala dinner. We also attend careers fairs and deal with queries from people considering a career as a solicitor.

These events give the TSG the unique opportunity of meeting huge numbers of students and trainee solicitors. At these events we listen to their concerns.

In terms of feedback received from the membership whilst at events, the most telling is the current confusion concerning routes to qualification. Students do not seem to know the routes to qualification, and indeed, do not seem to grasp the steps to follow. It seems that careers advice is centred on the “traditional” route whereas alternative routes such as ILEX are not mentioned to students.

Students do not know what to expect from their training contract. There is little or no information given to them beforehand about what is expected from them.

Would-be trainees find it very difficult to get a training contract. Many LPC students do not have one set up for when they finish the LPC. The majority of students expect to secure one whilst studying for the LPC. Alternatively, they plan to paralegal until they successfully obtain a training contract. The student skills evenings have been a sell-out event and we believe that this is down to the “how to get a training contract” element of the evening.

Due to the differences in the standard of training at different firms, it is very difficult to get a training contract transferred to another firm. Firms are reluctant to accept trainees as they feel that they may not have had the same quality training, or have learned bad habits. The same applies to paralegals who are looking to reduce the length of their training contract, having worked as a paralegal in another firm. At the trainee events, the most important talks for the attendees were:

- 1 how to secure an NQ role; and
- 2 life as an NQ.

Trainees do not feel prepared for qualification and managing their own files due to the piecemeal training they have received. They are particularly unsure if they have only been utilised in a very junior or administrative role.

Summary of points arising from TSG events:

- Alternative routes of qualification, which will only increase in number, need to be publicised to potential entrants to the profession.
- It is desperately hard for many to secure a training contract – indeed many do not. If the TFR has the effect of reducing the number of training contracts on offer, then this situation can only get worse.
- More practical experience on the LPC would help prepare trainees for the rigours of the training contract.
- Many trainees feel woefully under prepared for their newly qualified status. The standard of training contracts must be increased and made consistent.

Katherine Gibson

Events Organiser

TSG

July 2005

## **Conclusion**

The recommendations of the Training Framework Review Group (“TFRG”) are bold in their nature and scope. The TFRG have taken account of the changing landscape created by: the Higher Education Acts of 1992 and 2004; the Race Relations Amendment Act 2000; the Employment Act 2000; Morganbesser; the Dearing Review; and the recent Clementi Review recommendations. Taken in their entirety, the training proposals as outlined in the consultation paper would create a radical new training system for solicitors.

The TSG broadly supports the recommendations, as many of them assist with the TSG’s long – term objectives. For example, the TSG has always campaigned on behalf of our members to reduce the growing debt burden on entrants to the profession. Further, in recent years, the TSG has become concerned at the increasing exploitation of trainees during their training contract, resulting in poor supervision and greater harassment and stress, as evidenced by the number of calls to the helpline. Some of the TFRG recommendations aim to combat these growing problems.

A central assessment system along with removing the compulsory element of the “traditional” LPC should maintain standards. Currently, a two-tier system operates due to the varying cost of the LPC amongst the 34 different providers. This will be removed.

The introduction of a portfolio during the work based learning period will increase the overall quality of a training contract. By specifying the level of involvement a trainee should have, trainees will no longer face the grind of two years potentially spent filing and making the tea at client meetings with a client, rather than being actively involved in that meeting. Trainees will be assured that during their training they will receive a high level of supervision and carry out varied work on active cases.

The introduction of the day one outcomes, the irreducible minimum, would serve to ensure that standards are raised. Thorough assessment will ensure confidence throughout the profession and the public at large in the quality of the profession.

However, we have concerns regarding the new system. Whilst, many of the recommendations of the TFRG are excellent in principle, the TSG fear that practical implementation of the proposals as they stand will lead to uncertainty, increased debt, loss of protection for trainees, increased competition for training contracts, a multi-tier system with larger firms offering their own courses in

house whilst high street firms pay their trainees nothing and ultimately reduced access and diversity in the profession.

The training contract, as we know it, will cease to exist. Trainees will not be trainees, they will be employees. They will enjoy none of the current protections that the training contract affords. The indemnity would go and the dismissal terms at the end of the training contract, which have only recently come into existence, would be lost. Meanwhile the period of work based learning could continue indefinitely and be exploited by firms using trainees as cheap labour rather than signing their training contract off. Most seriously of all for TSG members, the minimum salary would no longer exist.

The loss of these protections leaves an awful lot to chance. It is in firms' interests to ensure trainees qualify, therefore the work based learning should last as long as necessary until the day one outcomes are satisfied. It would also hopefully be in firms' interests to allow their trainees to afford to dress like a professional and afford three square meals a day, whilst servicing a large level of debt acquired just to enter the profession. With some careful management this is just about possible on the current minimum salary for trainee solicitors. Anything less would be, certainly in the South East, virtually impossible to survive under.

The TSG would like to be able to put their faith in firms not exploiting the loss of these protections. Regrettably we have evidence from our own helpline that even with the current protections, firms go to great lengths to pay as little as possible to trainees whilst demanding the highest possible standards of performance and exploiting trainees to unacceptable levels. Thankfully, the majority of training experiences are not like this. However, a sizeable minority of trainees are in practices which simply should not be allowed to offer a training contract. It is naive to suggest that law firms, particularly in today's increasingly competitive legal market, will not exploit loopholes in the new system.

In 2002, the Bar Council introduced changes to the "Code of Conduct relating to pupillage funding and advertising requirements" and allowed pupil barristers to be paid a minimum salary. Currently this is £833.33 per month plus reasonable travel expenses and the costs of attendance at compulsory courses. The Bar Council introduced these changes in recognition of the fact that the lack of a minimum salary closed access to their profession for many and allowed the exploitation of pupil barristers.

Doctors who train and enter clinical practice are paid to a minimum standard. As a pre-registration house officer, junior doctors are paid a minimum of £19,703.

Teachers entering their newly qualified teacher training year after their PGCE are also paid above a minimum defined level. This is currently £19,023 outside London and £20,384 in London.

All we ask is that our members, the trainees and the future trainees, receive the same protections. Otherwise the legal profession will be seen as a second-class profession. Any benefits of the new training system would be offset against these considerable losses. Those who had considered entry to the legal profession, knowing that the level of debt was slightly more affordable, would be put off by the greater hardships encountered at the conclusion of the training process.

The TSG believe the solution is evolution rather than revolution. Let's look again at the current training regulations:

- the training requirements for a training principal could be implemented within the current framework;
- the regulations can reflect that examinations and assessments must be passed or the qualification gained, as opposed to the course merely being completed, thus allowing for the flexibility of alternative study paths and taking into account the value of other qualifications;
- portfolio assessments could still be introduced;
- the day one outcomes could be introduced;
- alternative study and training methods could be encouraged within the current system; and
- the same protections that are offered to those following the "traditional" route to qualification could be made available to those following alternative study and training methods.

However the security of the training regulations would have to be maintained. This would give confidence to the various stakeholders in the system: the course providers; the firms; and most of all the future law students and trainees.

The TSG will continue to work with the TFRG in an effort to ensure that the interests of our members are not overlooked amongst the raft of proposed changes. The TSG also request that any future consultation should look explicitly at the loss of some of these protections and ask: “How should the interests of future law students and trainees be protected?”

There is a great opportunity to introduce a training system for solicitors in England and Wales that will address many of the inequalities and inefficiencies presented by the current system. However, the TSG counsel caution against removing one set of barriers to entry to the profession only to replace them with another even more restrictive system.

## **Annex 1: Minimum salary petition**

The TSG have conducted an on-line petition, accessible through [www.tsg.org](http://www.tsg.org). Please see the screen prints below.

From 13 June 2005 to 5 July 2005 284 people have signed the petition.

We will keep the petition open as a continuous protest against the potential abolition of the minimum salary.



## TSG Minimum Salary Petition



At present there is a Minimum Salary that firms must pay their trainee solicitors. From August 2005 the Minimum Salary will be £16,450 in London and £14,720 elsewhere.

The Trainee Solicitors' Group of England and Wales (TSG) have worked hard to ensure this was put in place, and the TSG lobbies every year to increase this, so that it remains in line with inflation.

Without the Minimum Salary, firms would only be obliged to pay the national minimum wage to trainee solicitors. This is currently £4.85 per hour due to rise to £5.05 in October 2005. (This equates to less than £9,800 per annum).

The average trainee has at least £12,000 worth of debt.

The TSG fears that if the Minimum Salary was lost, due to the competition for training contracts and firms' financial pressures, many potential solicitors would not be able to afford to complete their training contract.

**Proposals made by the Law Society in the Training Framework Review** affect the **Minimum Salary**. If the proposals were to be passed as they are today, the Minimum Salary would go. The National TSG believes it is a bad thing for the profession.

The TFR is out for consultation at the moment and the National TSG is preparing a response. As part of the TSG response we would be grateful if you would help us represent your views in our response.

If your voice is not heard - then your protection may be lost in the future.

We kindly ask that you sign this petition, which we will present to the Law Society, to ask for the retention of the Minimum Salary.



We kindly ask that you sign this petition, which we will present to the Law Society, to ask for the retention of the Minimum Salary.

[Please add your name to the list and help us convince the Law Society to keep the Minimum Salary in place.](#)

*Your personal details will not be passed on to any third party, except for the Law Society to who this petition will be presented. The TSG will also not use them to contact you in any way whatsoever.*

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The TFR at present makes no provision for the retention of the minimum salary.

**I believe that the Minimum Salary must be kept!**

Please enter your name in the box

## **Annex 2: Results from the TSG survey**

Please see attached PDF file if viewing on-line.

## **Annex 3: Responses**

As part of our consultation we invited responses from all of our members. It was not possible to reproduce all of them in their entirety for the purpose of this response. Here are some representative responses, grouped by subject.

A full copy of all of the responses is available from the TSG on request. Please e-mail [policy@tsg.org](mailto:policy@tsg.org) for further details.

### General comments

“Passing the burden of educating onto a busy practice whose priority is profits and whose staff is not composed of teachers could cause chaos.”

“Leaving it up to firms to run the training process is foolish. The top firms will excel and produce top quality lawyers (as they already do). The problem is at the other end of the scale. Smaller firms hardly manage to provide adequate training as it is and trainees in these firms are often criticised for taking time off for study and exams towards the PSC. This end of the profession needs protection and heavy regulation. If this means that small law firms take less trainees this is not a bad thing if this removes from the industry training positions that are underpaid and do not provide adequate training with adequate support.”

“I feel that by not setting a period, such as is the way with training contracts, firms may take advantage of trainees by paying them minimum salary for a longer period than 2 years.”

“I think that the system needs to change. There would not be the problems there are today if the system was perfect. You need to have a sieve-like effect to make sure there are enough people for enough jobs. Being a lawyer is hard, so yes you should get compensated, but you should not just be able to say I want to be a solicitor and have it all paid for you, with no hard work on your part. Nothing is free. People have to work hard, whether in a job or at Uni. I don't think it is unfair to ask would-be solicitors to have high marks, nor is it unfair to have tests to determine who can go on. Some people will get in, some won't. That is natural selection. And it seems to have worked pretty well over the last few million years.”

“Just beware not to dumb down. I think in some areas the level of rationalising and legal reasoning is quite weak. The profession shouldn't be elitist but neither should the public expect anything but high standards from intelligent (not necessarily academic) people. Professional courses need to teach people to think, rather than regurgitate”

“Scrapping the LPC and training contract for a more uncontrolled difficult to manage set of practical assessments will cause uncertainty in the profession, it will reduce the standard of qualified solicitors and barristers in the legal profession and therefore essentially the quality of client care. The Law Society will have less control of the standard of their legal professionals. This undermines trainees who have achieved academic success through traditional exams and training contracts- it is this route which trains good lawyers. Does the Law Society really want to open the floodgates for professional negligence claims?”

“If it ain't broke don't fix it.”

“Commercial/practical realities determine suitability to work in a particular firm not regulatory requirements - the bottom line is if you can't do the job your employer won't give you one on qualification irrespective of what an external assessor says. “

“I feel that the new system will take away the academic and elite access to a training contract “

“I doubt the TSG's voice will be listened to.”

“Training contracts are also useful for job security - whether or not trainees are offered a job on qualification they know that by taking a training contract offer they will have a job for 2 years - and this allows for the possibility of planning debt repayments” “A major concern is the differing levels and standards that may be difficult to quantify as to when a trainee is ready. At present everyone spends the same amount of time training, which I believe, is right. There will be added problems if certain trainees start qualifying earlier for various reasons. Perhaps their supervisor likes them better! This proposed change will lower the standard of the legal profession.”

“The training contract I am about to complete has been a total joke; an excuse for relatively cheap labour, and little more. The training has amounted to nothing more than the PSC, and learning via experience. Its soul destroying. TSG/YSG/Law Society must try to help the more isolated trainees!”

### LPC

“Problems with the LPC: effectively LPC providers currently have a monopoly on providing courses. I think that this has resulted in an abuse of that position by over charging and providing a very low quality service.”

“I am mature law graduate who finds entry into the profession impossible due to the traditional criteria law firms employ. I returned to education later in my life and feel the current training scheme requires a complete overhaul to take into account diverse backgrounds. As it stands I cannot get a job as a paralegal as the LPC is required or 1 year's experience. I cannot afford to pay for the LPC and I will never be given a training contract because of my late start and general educational background (as told by countless agencies and firms). The current system is dominated by 'Magic Circle' law firms a more equal system needs to be in place from an EU perspective and for the 21st century.”

“I also question education providers' abilities to design courses, and I don't see that they can be a great deal different to what they are now, if the learning is to be of any use in practice. Who's going to pay for the courses to be re-designed? Fundamentally, it'll end up being the student. Who's going to regulate the quality of the teaching provided, and how can this quality be measured when all the courses are different, and potentially have no minimum standard?”

“Greater thought should be given to bringing the academic stage closer to the practical aspects of the training contract. Greater emphasis should be placed on the more practical skills required by a solicitor maybe by introducing them at degree level.”

“Whilst I think that the LPC was beneficial and not a total waste of money I don't think that it has fully equipped me for the position of trainee. I do not think that further qualifications are necessary post qualification. If the LPC was more detailed it would equip trainees for the job without the need for further assessment.”

“There will be no incentive to students to study law at university if these changes go ahead - this is a brain drain. Students will be able to cherry pick 'easier' courses and won't even have to learn the building blocks of law on the GDL. Law must remain an academic subject. Students who want to become doctors have no choice, why should lawyers?”

“The new training regime should allow previous courses/experience to be taken into account when assessing what modules need to be completed on any LPC type course and when assessing how long any training contract should be.”

## PSC

“So far I have found the PSC a total waste of time. “

“I believe that the PSC is a repeat of either learning objectives on the LPC or what you do on a day to day basis in any event at work, and is a waste of time. “

“If firms have to pay for the equivalent of the PSC, and the external assessment of the portfolio, then they will be discouraged from taking on trainees, making training even harder to find. There might be more people doing the academic training for the profession, but there'll be even more of a bottleneck than there already is, when it comes to gaining the training in practice that is required in order to qualify.”

## Training supervisors and appraisals

“The Law Society wants to off load the regulation of training on to the solicitors when recently there has been much criticism about the low standards of some firms. Before solicitors can take on the role the Law Society needs to its job properly and make sure their solicitors are up to scratch first otherwise the whole legal profession will fall into decline.”

“Focus should be put on the quality of the supervisor. Only then can you critically influence the trainees. At the moment supervisors are the luck of the draw.”

“I think the fewer appraisals the better. Appraisals are often based on the thoughts of one person (the appraiser) which are often not a true and accurate reflection of the work done. There ought to be a framework put in place whereby the appraised person could ask for their appraisal to be reviewed/appealed if they disagree with the outcome. This framework should be easy and straightforward to do. This would also avoid any potential personality clashes from getting in the way of a review. 4 appraisals a year is far too much. If there are then also mid seat reviews the trainee will be in the position where they are potentially reviewed every 6 weeks. This would be ridiculous.”

## Minimum salary

“The minimum salary needs to be protected, I am certain my salary would be reduced if the minimum did not exist. I am already struggling to pay back my loan for my LPC fees on my salary; any further reduction would be disastrous. “

“As a mature student, I would not be able to afford to qualify if the minimum salary requirements for trainees were removed.”

“If there is no prescribed length of training contract, what is to prevent firms from keeping an individual at trainee level so that they do not have to face the increased salary that would normally result from qualification.”

“I hope that this review will take into account that a number of firms do not command huge fees as corporate firms and thus this has a knock on effect on the levels of sponsorship and salaries available to potential trainees. The Law Society should charge lower income firms less for providing training and encourage legal aid and high street firms to offer higher salaries. The minimum salary levels at the moment are ridiculous and would put most sensible people off doing any form of legal aid or high street law, which is very very sad!

“What kind of idiot thought that agreeing, even in principle, that giving away the minimum salary for trainees was a good idea? Do any of you people work in the high street?”

“At the moment, more than 50% of my LPC colleagues do not have training contracts, myself included. This is not owing to a lack of academic achievement either: many of us have 2:1 degrees at top universities. It seems to me that I have paid more than £10,000 (CPE + LPC) for a near useless qualification, and now have the added disadvantage of trying to explain to potential employers outside the legal profession why I have not qualified as a solicitor. The system is in dire need of reform. The Law Society requirements effectively prohibit many employers from offering training. Furthermore, if the choice is between being paid less than minimum salary or not being qualified, I would gladly work for no pay to get the qualification I deserve.”

“The number of potential trainees still far exceeds the number of training contracts on offer so firms already have a distinct advantage in being in a position where they can exploit their trainees or effectively use them as cheap labour. A minimum salary should be rigorously defended.”

“An unqualified labourer can earn more than this with no experience.”

“I agree with the TSG that the min wage must be maintained and I would go further and argue that it should be raised to around £20,000 (outside London). Firms can afford this; graduates who have completed sometimes two post grad courses are worth this when compared with other similarly qualified people. And the argument that at first trainees are more trouble than they are worth does not cut the mustard since this is the case when any person starts a new job and most employers just accept their duty to train up without the fuss.”

“Although I feel that the minimum salary should be kept there could be a provision for the trainee to waiver it, I for one would work for free if I was given the chance at qualifying. I am aware of how hard it is to get a training contract and would be willing to do anything to qualify.”

“Minimum salary is not in line with other professions such as teachers and doctors who earn in excess of trainee solicitors when they start their careers, and trainee solicitors have more debt! This would really discourage people from starting in the profession and make it more exclusive than it is already. I think that as a profession it would be a disgrace if new entrants were only paid the minimum salary.”

### Portfolios and assessments

“Currently trainees are required to keep a training record. I feel that this is time consuming and adds to the pressures of trainee life. If we are required to keep a portfolio, which will be assessed externally, I feel that this will just add more pressure, complication and stress to the job.”

“Although I am in support of the work-based learning approach I do not like, and indeed am strongly opposed to, the idea that trainees should undertake a final assessment at the end of "training contract" period. The assessments and portfolio should be sufficient to demonstrate that the trainee is competent to qualify. A final hurdle seems futile.”

“An internal appraisal, even if regulated externally is not an accurate enough way of assessment to ensure a minimum standard. It will lack consistency and won't help employers' to be assured of a certain standard.”

“Keeping a "portfolio" of work is appropriate at GCSE level, or for people doing hairdressing NVQs, but not for trainee solicitors! For those working in city firms, the concept of compulsory "duty solicitor qualification" is ludicrous.”

“Having a portfolio alongside work would be difficult to manage unless allowances were made in the workplace, trainees could easily become over worked, poorly paid and extremely stressed.”