

THE NEW STYLE LEGAL PRACTICE COURSE

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Where do you see yourself working once you leave university? If you are contemplating a career as a solicitor you will need to embark on the new style Legal Practice Course¹ (the LPC) to be unveiled by the majority of LPC providers in September 2009 and all providers from 2010. If you are already a practitioner who may want to recruit trainees over the next few years you too will need to think about the ways in which the changes will impact on your recruitment plans.

So What's New?

We are told that entry to the Bar is getting tougher,² but is entry to the LPC getting any easier? The answer to this, like so much in life, is not simple, but both 'Yes' and 'No'. It is getting easier in the sense that students will be able to complete their LPC studies over a longer period of time (five years in place of the current three year period) should that suit their personal circumstances. The programme of study may be attempted in a number of stages over a five year period: it will be possible to take a break part way through one's studies and /or to undertake certain subjects and assessments over an extended period of time, perhaps in tandem with work whether in legal practice or not. However, it is certainly not getting any easier in terms of rigour and challenge and students will need, as now, a minimum of a 2.2 degree in addition to commitment to the course and determination to succeed. The LPC has set high standards for some time and with the continued close monitoring of the provision of LPCs across England and Wales by the Solicitors Regulation Authority (SRA) no one expects it to get any easier in terms of rigour.³ As the business of

¹ The SRA Training Regulations 1990 as amended, contain the details on the training requirements and in particular the academic stage of qualification and are available from the SRA website at www.sra.org.uk.

² 'Training just got harder for would-be barristers (but easier for solicitors),' *The Times*, 15 October 2008.

³ The SRA will continue to monitor authorised providers and validated courses primarily through SRA appointed and trained external examiners with an enhanced scrutinizing role. Although the assessment regulations are drafted by each provider these must follow SRA guidance and so basic

being a lawyer gets no easier, so the entry hurdles in terms of ability and aptitude are not being relaxed. As now, students will be permitted a maximum of three attempts at each assessment. Failure on third attempt will mean that the entire programme must be re-commenced if the student intends to proceed.

The key approach to the new style LPC is concerned with flexibility. This flexibility is made manifest broadly in three aspects of the programme of study: structure, course content, and delivery. The SRA also wishes to encourage innovation; in its own words:

The SRA recognises that students have different preferences and priorities about the way in which they study; also that providers can respond to and lead innovations in teaching and learning. The SRA aims to achieve a balance between ensuring, on the one hand, that all diligent students following a validated course have an opportunity to achieve and demonstrate the learning outcomes and, on the other, that innovation resulting in good quality courses and opportunities for a diverse cohort of students is not stifled.⁴

Structural Flexibility

The LPC will, from September 2009,⁵ divide into two sections: Stage 1 and Stage 2, and in approximate study time in the ratio 80:20. We will also move to a position of allocating what is called 'notional study hours' to each stage and to the discrete aspects within each stage. The total number of notional study hours is set at 1,400 (1,100 as to Stage 1 and 300 as to Stage 2). This is more than the average student will have experienced in a typical undergraduate law degree for each year of study but similar to what one can expect on most CPE/GDL⁶ programmes of study. These figures equate in simple terms to an average

requirements will be the same across all providers. The current pass mark of 50% is retained alongside a maximum of three attempts at each assessment point. It will not, as now, be possible to compensate a marginal failure in one area with strength elsewhere.

⁴ SRA 'Information for Providers of Legal Practice Courses,' Education and Training Unit, para 2.11, April 2008.

⁵ This is so for those LPC providers who seek authorisation and validation to conduct the new style LPC this year. All providers intending to run the course from 2010 must be authorised. The University of Plymouth made its submission in August 2008. The SRA has indicated that the decision on that submission will be announced in line with decisions for all other providers who submitted at this stage by the end of December 2008. Until that time all providers offer their courses subject to SRA validation and authorisation.

⁶ Common Professional Examination or General Diploma in Law is the conversion course from a non-law degree to a position equivalent to those holding a qualifying law degree; for further detail see the

working week (class contact time and in private study combined of 40 hours). Students will be able to elect to study the entire programme, as now, over one year; in fact the typical programme of Stage 1 and Stage 2 combined is likely to span a 10 month period. Thus, the typical LPC will remain an intensive programme of study throughout which students will need to adopt a disciplined approach to their studies; it will be hard to combine the full-time course with part-time work whether or not concerned with the practice of law. To do that students will need to enrol on one of the part-time courses that will remain as available as an alternative model. These part-time programmes are likely, as now, to span a two-year period. It will also be possible for an LPC provider to seek authorisation and validation to run a course that combines the undergraduate or academic stage of training with the LPC in an integrated or combined Exempting law degree. There are yet more options.

Driven by the objective of increasing flexibility and widening access to the profession, the SRA will now permit students to opt for Stage 1 and to disengage from study at the conclusion of that Stage with the intention of resuming their studies in Stage 2 at a later time, and perhaps over an extended period of time. The basic requirement is that the entire programme of study for Stages 1 and 2 are completed within a five year period. Students may also decide to undertake Stage 1 at one LPC provider but to undertake Stage 2 at one or more other provider(s) and so it will be possible, if not common, for students to study with up to four different LPC providers. However, it will not be possible to undertake Stage 1 in this piecemeal fashion, that is, with more than a single provider. The structural changes permit flexibility as to when and where one undertakes the LPC.⁷ These changes may be attractive to those students who are self-funding and who may need, for that reason or because of other personal circumstances, to undertake the LPC over an extended period of

SRA Training Regulations, 1990, reg. 7. 'Unless they are studying on an Exempting Law Degree or an Integrated Course students must satisfactorily complete the academic stage of training before they can start an LPC. This ensures they have the underpinning legal knowledge on which the LPC is built' SRA, 'Information for providers of Legal Practice Courses', Education and Training Unit, para 2.5, April 2008.

⁷ LPC providers do not need to hold degree awarding powers and there may be some practice organisations who themselves seek authorisation and validation to offer part if not all of the LPC. It is thought that this might be attractive in relation to Stage 2 – the vocational electives so that these meet the direct and particular needs of the organisation.

time. Many of these will be looking for para-legal or related work when not undertaking their LPC studies.⁸

Flexibility in Content

The main subjects to form the programme of study remain largely unchanged. The SRA through one or more working parties has done some work on streamlining the learning outcomes for much of the content and to assist with the transition to work-based learning. Stage 1 continues to represent the essentials of most practitioners' work and thus forms the basic requirement for all trainees; the outcomes effectively set the parameters for all providers in terms of minimum requirements. This Stage of study consists of a wide range of subject areas spanning the three key areas of work or 'Core' and associated aspects of practice. The 'Core' consists of the main areas of practice work: Business Law and Practice (to include Business Accounts and key aspects of Insolvency Law), Litigation⁹, and Property Law and Practice. To these are added study of the rules of professional conduct and regulation, solicitors' accounts rules, taxation, wills and administration of estates, and the five key skills of advocacy, drafting, interviewing and advising, practical legal research, and writing. The LPC remains thus a healthy, if demanding, mix of knowledge of the substance of English law and the ability to apply this to assist clients. Students will develop or acquire a number of skills.¹⁰

⁸ There are concerns in some quarters about the level of salary likely to be paid to students in this situation; it is hoped that students who would have been otherwise prevented from undertaking LPC studies will be able to do so on this extended model.

⁹ Providers will be able if they so choose to offer only Civil Litigation or Criminal Litigation and if both specific areas are to be offered to decide on the proportions of time and depth for each. The University of Plymouth proposes to continue teaching both aspects of Litigation but Civil will take the lion's share of notional study time and contact time in the proportion 60:40. This decision has been made in the interests of ensuring that all of our students have a basic grounding in all aspects of Litigation.

¹⁰ The overarching aims are thus fully compatible with this institution's policies on skills and widening participation. *'The primary aim of our collective endeavours is the development of people. Through our teaching and their learning we aim to produce people who have knowledge and understanding and the ability to apply it, and who are equipped with the necessary skills, attitudes and confidence to play a constructive role in society throughout their lives'*; Skills Plus Strategy. Skills tuition already takes place at the University of Plymouth and so law and GDL students will have a foundational knowledge of and ability in many of these skills.

The SRA continues to set learning outcomes for each aspect of Stage 1 to which providers may expand and add specifics to meet their regional and other particular desired outcomes. In this way the SRA learning outcomes set what is known as the 'irreducible minimum' so that less than this is not possible. Flexibility in course content terms is seen in the ability of LPC providers to tailor the particulars of their programme to their particular market, and furthermore the ability to form collaborative ventures such that the delivery and assessment is provided by more than one organisation working in tandem.¹¹ Most providers will be working to ensure that their own outcomes meet the needs of their regional markets. The focus for the University of Plymouth thus will be on the demands and needs of firms with practice to the west of Bristol.

Stage 2 contains the vocational electives. LPC providers are charged with the duty of devising specific learning outcomes for each of their intended subjects offered to students. Focus on the regional market will be particularly relevant for Stage 2. It will be possible to offer one or more Stage 2 electives to part-time students such as those already working within a practice and who wish to develop their expertise in particular areas. Stage 2 subjects on offer will be relevant to those wishing to re-train or to return to practice after a career break, even if these students do not need to attain an LPC qualification. In this sense Stage 2 will have an important potential role in terms of continuing professional development, or CPD as it is known. Most providers will be offering a range of subject areas and for the University of Plymouth the current proposals are to offer a broad range of subjects relevant to the South West with a view to expansion and/ or amendment to ensure the range offered meets market need.¹² Providers such as the University of Plymouth will be anxious to engage local practitioners in the design and review of course stages.¹³

¹¹ This increased flexibility may be relevant for those providers who wish to work with certain practice organisations to provide training specific to the needs of that particular practice organisation.

¹² The subjects proposed for the University of Plymouth from September 2009 are Commercial Law and Practice, Commercial Leases, Employment Law, Family Law, Housing and Welfare Benefits, Insurance Law and Practice, Private Acquisitions, and Private Client.

¹³ We are grateful to those practitioners who responded to the survey undertaken by us during the early part of 2008. The results of that survey informed and assisted the submission made to the SRA by the University of Plymouth. We would be happy to hear from these and any other individuals or organisations able to assist us with the detailed design work currently underway.

Flexibility in Delivery

There will also be a greater degree of flexibility in terms of course delivery, that is, in the teaching methods and approaches taken. The SRA has set a minimum amount of contact time, equating to 10% of the total study time; and has also set a minimum for the Core, Stage 1 subjects, of 60% of the Stage 1 study time.¹⁴ So there may be more variation across providers in terms of the amount of time spent in class with a specialist tutor and differences in the amount of time dedicated to each aspect of the Stage 1 subjects. There may also be greater variation between providers than before in terms of the number of students in each class.

For the University of Plymouth one of the key themes for teaching and learning is to break down the barriers to learning by the distances travelled by our students to the campus, and the time and money spent in doing so. However, we have charted over the years¹⁵ the strong correlation that exists for our students between attendance in classes as delivered by a specialist tutor and success on the LPC. We also take the view that small group work proves to be the most successful, if more costly, method of delivery for much of the course. Viewing all these factors together the proposals for the University of Plymouth are designed to meet the needs of each particular subject. We propose that large group sessions, of a maximum of 80 students, will be retained where we consider it necessary and desirable to assist students to learn.¹⁶ Where actual class contact time in a traditional lecture setting is not necessary and desirable the delivery will be by way of podcasts accessible through the intranet.¹⁷ This will enable students to learn wherever and whenever they wish; it will enable students to repeat material as many times as they need and will avoid the problems for those students who for reasons of ill health or other personal circumstance are unable to

¹⁴ Minimum times are also set for Skills (15%) and for Professional Conduct and Regulation at (8%).

¹⁵ The LPC at the University of Plymouth began its life at the University of Exeter in 1994 and the course with the majority of the professionally qualified staff transferred to the University of Plymouth in 2006. This was thus a mature course with a new home from 2006 but one that continues to seek to serve the South West.

¹⁶ Primarily in the areas of study that are novel if not daunting to most students, for example solicitors' and business' accounts.

¹⁷ Sharepoint being the intranet for the University is already used to a considerable extent as a learning tool and forms one part of our teaching and learning policy that seeks to combine the advantages of face-to-face class tuition and IT resources.

travel to the campus.¹⁸ This will reduce the number of days of physical presence required on campus to 2-3 per week in place of the current 3-4 days. We will retain a significant amount of actual class contact time predominantly through small working units of groups of up to 14 students. This provides a different staff:student ratio than is commonly experienced at HE and reflects the demands of a professional programme of study. We are likely to teach in smaller groups than most of the larger LPC providers; our class contact time overall will be appreciably higher than the SRA minimum and higher than some other providers. Differences in the method of delivery between providers are likely to become apparent by 2009/2010 and this may be one of the issues prospective students should consider carefully before making a choice of provider. It is likely that some providers will offer distance-learning packages with a reduced contact time and increased use of IT as a teaching and learning tool, again perhaps at a reduced price.

So, in short there are more factors to consider than ever before when choosing the LPC that best suits one's own personal preferences of learning style and approach, and that best accommodates one's own personal circumstances. More thought is required than ever before both by students and for LPC providers.¹⁹

¹⁸ Podcasting and webcasting are becoming more widely used at HE and the University of Plymouth has already gained knowledge and expertise in this form of delivery, for example for some Health Studies programmes where students are on work-placement for significant parts of their programme.

¹⁹ We would be delighted to hear from any practitioners with an interest in the development of law and the LPC at the University of Plymouth able to offer input on course content and focus. Please email maggie.hemsworth@plymouth.ac.uk