



CPD & TRAINING FOR SOLICITORS:

A GUIDANCE NOTE FROM LOCKTON



COMPETENCE-BASED CPD

From 1st November 2015 Solicitors in England & Wales will be required to comply with a new 'competence' based CPD system, which removes the requirement to meet a minimum 16 hours CPD training per year.

While there is a risk that some solicitors may just view the removal of a compulsory minimum-hours requirement as justification for winding down in-house training, or cutting expenditure of time and money on external courses, properly implemented, the new regime should encourage a move away from a 'tick box' CPD culture to one based on relevance and effective learning.

Old CPD Regime	New CPD Regime
16 hours minimum per annum	No minimum or maximum hours
Accredited training requirement	No accredited training requirement
Short periods of study don't qualify for CPD points	All relevant study counts
No measurement of relevance	Link to training & development goals
Informal study not adequately recognised	Ongoing recording requiring reflection on learning points

As training provider Hannah Mackinlay comments in her incisive [blog](#) on the topic, the new CPD regime means that *"you need to get into a routine of doing this 'reflection, planning and research' AND RECORDING THAT YOU DID IT"*. This is probably the best reason to move to the new regime early, and get accustomed to the new approach before it becomes compulsory.

STRUCTURING A TRAINING PROGRAMME

Law firm managers and individual staff members both need to actively plan training needs. The plan should be designed to ensure that, for solicitors, they are able to meet the requirements of the new [Competence Statement](#) for solicitors.

This plan should also be responsive, and be reviewed half-yearly as a minimum.

Training plans should take into account:

- specific role requirements
- regulatory requirements/changes
- practice-area specific legal updates & hot topics
- individuals level of experience
- development and promotion plans
- Lexcel/CQS/ISO9001 Audit outcomes [if applicable]
- File Audit outcomes
- Claims and Complaint trends
- Appraisal feedback

Many law firms are excellent at ensuring that fee-earners receive regular training on legal updates, but fail to recognise the importance of substantive training for support-staff. There is also a tendency to leave soft-skill training to self-development, rather than through the provision of structured training.

As our claims statistics reveal ([see our latest PII Report](#)) many claims continue to arise out of administrative errors, or failures to communicate effectively and manage expectations.

In many firms, reception staff take and copy clients' AML documentation. Have they received relevant practical training?

Claims trends also emphasize the importance of training those with supervisory roles on how to supervise effectively.

EXTERNAL VS INTERNAL TRAINING

With the removal of any CPD accreditation, there is less obvious incentive to arrange formal structured training. Larger firms have tended to run substantial in-house training programmes, whereas smaller firms have tended to rely more heavily on external providers. These often come at a significant cost, or are thinly disguised advertorial!

One great positive of the new CPD regime is that hopefully, the majority of this advertorial CPD will fall away.

When structuring training at a firm-wide, or departmental level, you should consider what form the training should best take.

- What would be most effective (taking into account any time or cost constraints) (eg seminar, webinar, workshop, briefing note)
- Is there experience/capacity to conduct the training in-house?
- Are external trainers required (specialist knowledge; 'an independent voice')
- Could you send one person to an external event, and get them to share their insights at subsequent internal training

RELEVANT TRAINING RESOURCES FROM LOCKTON

At Lockton, we pride ourselves on providing relevant targeted [CPD events](#).

In addition to our [upcoming training events](#) we also have a growing back-catalogue of webinars (also accessible on our website, covering topics such as Environmental due diligence, Property claims, and Information Security).

Clients can also access our range of resources by logging into our secure portal- which includes guidance on topics such as:

- Conflicts of Interest (includes in-house workshop materials);
- Cloud provider due diligence;
- Practical Risk Mitigation plans for key practice areas;
- Risk Register guidance, and
- Business Continuity Planning

RECORDING YOUR TRAINING

From November, if you are not already doing it, you will need to ensure that solicitors in your firm are recording each element of their ongoing training by way of a CPD log. Attending a 4 hour conference on the intricacies of the new Data protection legislation in progress may be of little relevance to the competence of an Assistant in your Property department, whereas 15 minutes spent reading our summary of common property claims causes may be entirely relevant.

For firms that do not already have a suitable training log, we have produced a [simple template](#), which is free to download.

FURTHER INFORMATION & RESOURCES

The SRA are developing a [Continuing Competence Toolkit](#) which contains useful information regarding what the SRA will expect from firms and how to structure development plans, training records and reflective statements.

For more information on how Lockton can assist you with your training requirements, contact [Calum MacLean](#).