



# THE NEW CPD TRAINING REGIME

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A friend of mine who was not entirely sympathetic to the legal profession once suggested to me that our collective motto should be “*Rules R Us*”.

In fairness, she had a point. We like things to be right and we like to know where we stand. Rules are rules. We can then set about working out the exceptional circumstances when they will not apply, when extenuating circumstances might be worthy of consideration etc etc. When the SRA introduced “*outcomes*” to the Code of Conduct in the SRA Handbook, there were those who received the greater flexibility that they seemed to offer with some enthusiasm, but the majority seemed to dislike what they saw as the likely uncertainty of a regime that left too much to judgement and which lacked precision.

Much the same range of reactions have accompanied the reforms now approved by the SRA Board to the CPD regime. We have had a professional requirement to undertake a set number of hours of CPD for the last 30 years. The scheme was introduced in 1985 (then just for the first three years after admission on grounds, presumably, that by then one would be trained for life). Since that time the requirement for points has been replaced by hours and the scheme has been extended to all in practice, but the scheme is now reckoned to have had its day and will now be phased out.

So what will replace it? The SRA has announced that from 1 April 2015 solicitors will be able to tailor their own CPD more closely to their own specific needs. This initial step is on a voluntary basis before the new flexible CPD system becomes mandatory in November 2016.

There is no guidance as yet for the April 2015 start date. The SRA has promised that a “*supporting toolkit*” and a “*competence statement*” will be published in Spring 2015 but with less than 4 weeks before 1 April time is tight for firms wishing to adopt this new CPD arrangement. There is little that can be done in advance and for the time being firms are in the dark.

Interestingly, over 50% of the respondents to the SRA consultation did not vote in favour of the change to a more flexible system. The majority preferred to maintain the hours-based status quo but with more emphasis on specific practice areas. However, the majority view has been ignored by the SRA



and by the Legal Services Board which recently approved the change.

The concerns expressed in the consultation included the fear that firms would slash their training budgets and younger fee earners in the firm would lose out on training and personal development. The SRA's answer to this was that each individual solicitor is responsible for his or her own CPD and it was down to the individual.

Whilst this is a real worry for the future development of our profession, particularly

for those engaged in the less prosperous areas of legal services, the key issue is monitoring and enforcement. What gets measured tends to get done. Firms and individuals will be required to make an annual declaration that they have participated in appropriate CPD during the previous 12 months. It is unlikely that anyone will answer in the negative to that question.

Apart from that firms are on their own to do as they please and develop their own training programmes or not as the case may be. The chances of inadequate or non-existent CPD programmes being discovered by the SRA are virtually nil unless the problem has been specifically drawn to the SRA's attention, for example by a client complaint or a complaint by a disgruntled former employee.

It remains to be seen whether an individualised approach to training, based on self-reflection and a personal assessment of training needs, will best service the public interest. How will a vulnerable client know whether or not his or her solicitor has updated their legal knowledge? Whilst the current system is not perfect, it does at least provide a check and balance that can be measured and provides a stick rather than a carrot for the profession. The current requirement defines the minimum requirement and many undertake much more by way of self-development. Without this, will CPD become an optional extra for many firms? Quite possibly for those who need it most.



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