

SRA Training Regulations 2011 Part 3 – CPD Regulations

Introduction to the Training Regulations Part 3 - CPD Regulations

Preamble

Authority: Made on 17 June 2011 by the Solicitors Regulation Authority Board under sections 2, 28, 79 and 80 of the Solicitors Act 1974, with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007

Date: These regulations came into force on 6 October 2011

Replacing: The Solicitors' Training Regulations 2009

Regulating: Solicitors and RELs and their post-qualification, or post registration, education and training requirements.

Overview

Outcomes-focused regulation concentrates on providing positive outcomes which when achieved will benefit and protect *clients* and the public.

These regulations govern the ongoing training of those practising as *solicitors* and *RELs*.

Education and training performs the underpinning, fundamental role in regulating *solicitors* – the creation and maintenance of competent and ethical practitioners. *We* regulate post-qualification training in order to give *solicitors* and *RELs* the tools they need to adhere to the *Principles*.

The Principles

These regulations form part of the Handbook, in which the 10 mandatory *Principles* are all-pervasive. They apply to all those *we* regulate and underpin all aspects of *practice*. Outcomes relevant to education and training are listed beneath the *Principles*.

You must:

1. uphold the rule of law and the proper administration of justice;
2. act with integrity;
3. not allow *your* independence to be compromised;
4. act in the best interests of each *client*;
5. provide a proper standard of service to *your clients*;
6. behave in a way that maintains the trust the public places in *you* and in the provision of legal services;

7. comply with **your** legal and regulatory obligations and deal with **your** regulators and ombudsmen in an open, timely and co-operative manner;
8. run **your** business or carry out **your** role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. run **your** business or carry out **your** role in the business in a way that encourages equality of opportunity and respect for diversity; and
10. protect **client money** and **assets**.

Outcome

The outcome which applies to these regulations is that:

O(TR1) **you** maintain competence through relevant ongoing training.

This outcome, and the regulations that flow from it, applies to **solicitors** admitted in England and Wales and **RELS**.

Part 1: Interpretation

Regulation 1: Interpretation and definitions

- 1.1 The SRA Handbook Glossary 2012 shall apply and, unless the context otherwise requires:
 - (a) all italicised terms shall be defined; and
 - (b) all terms within these regulations shall be interpreted;in accordance with the **Glossary**.

Regulation 2: Application of these regulations

- 2.1 These regulations apply to **your** obligations regarding **CPD**.
- 2.2 All **solicitors** and **RELS** are required to undertake **CPD**. Non-compliance could lead to disciplinary procedures and/or delays in the issue of **your** practising certificate.
- 2.3 These regulations do not apply to **RFLs**.

Part 2: Basic requirement

Regulation 3: Basic CPD requirement

- 3.1 **You** must:
 - (a) undertake 16 hours of **CPD** during each complete **CPD year** in legal **practice** or employment in England and Wales; or

- (b) consider and undertake the learning and development *you* deem necessary to ensure *your* ongoing competence and that *you* are in a position to provide a proper standard of service to *your clients*.

3.2 If *you* work *part-time* the requirements are reduced, in accordance with regulation 7.

Guidance note:

- (i) Any hours accrued over and above the 16 hours per year minimum cannot be carried over to the next *CPD year*.
- (ii) The SRA Competence Statement for *solicitors* sets out what *we* mean by "ongoing competence" in regulation 3.1(b).

Part 3: Requirements for new solicitors/RELS

Regulation 4: CPD requirement during the first three years of admission

- 4.1 If *you* qualified by undertaking the *QLTT* *you* are required to attend the Financial and Business Skills (but not required to attempt or pass the examination) and the Client Care and Professional Standards modules of the *PSC* during *your* first *CPD year*.
- 4.2 *You* are exempt from the requirement in regulation 4.1 to attend the two *PSC* modules if *you*:
 - (a) undertook the *LPC* and *PSC* prior to admission;
 - (b) sat the Professional Conduct and Accounts heads of the *QLTT*; or
 - (c) are transferring from Scotland via the *QLTT*.
- 4.3 Regulations 4.1 and 4.2 do not apply to those qualifying via the *QLTSR*.

Regulation 5: CPD requirement during the first months after admission

- 5.1 *You* must undertake one hour of *CPD* for each whole month in legal *practice* or employment between *your* admission and the start of the next full *CPD year*.

Regulation 6: CPD requirement during the first months after registration with the SRA pursuant to the Establishment Directive

- 6.1 If *you* are an *REL*, *you* must undertake one hour of *CPD* for each whole month in legal *practice* or employment between the date of initial registration and the start of the next full *CPD year*.

Guidance note:

- (i) If *your* admission date or date of initial registration is 1 November, *you* will automatically enter into *your* first full *CPD year* and be required to complete 16 hours of *CPD*. This also applies in those

years where 1 November falls at the weekend and **you** are admitted or initially registered the following week.

Regulation 7: Part-time employment

- 7.1 Notwithstanding regulations 7.2 and 7.3 and regulation 16, if **you** work **part-time** in legal **practice** or employment, **your CPD** requirements are reduced such that **you** must complete one hour of **CPD** each year for every two hours worked per week.
- 7.2 If **you** work **part-time** in a newly admitted or newly registered period, regulations 5 and 6 apply to the period worked between **your** admission or registration and the start of the next full **CPD year**.
- 7.3 If **you** work an average of fewer than two hours per week, **you** are permitted to suspend the **CPD** requirements.
- 7.4 Details of **part-time** working hours, with starting and finishing dates, should be entered in **your CPD training record**.

Guidance note:

- (i) For example, a **solicitor** working 10 hours per week must complete five hours of **CPD** each year.
- (ii) It may be necessary for **you** to keep a record of hours worked to enable **you** to calculate the average number of hours worked per week over the course of a year.
- (iii) If **you** work a variable number of hours each week **you** should calculate the average number of hours worked per week during the **CPD year**, and then halve this amount to calculate **your CPD** requirement for the year.
- (iv) For example, a **solicitor** who works an average of seven hours per week has an annual **CPD** requirement of three and a half hours.
- (v) Part hours worked should be rounded to the nearest whole hour.

Part 4: Activities

Regulation 8: CPD activities

- 8.1 **CPD** activity should be at an appropriate level and contribute to **your** general professional skill and knowledge, in order to count towards meeting **your CPD** requirements.
- 8.2 The responsibility for meeting the **CPD** requirements falls on **you**, not **your** employer.

Guidance note to 8.1:

- (i) For the purposes of regulation 8, the following will be deemed to be **CPD** activities where they are relevant and beneficial to **your** area of work and/or **practice**:
- (a) structured training, coaching or mentoring sessions;
 - (b) live or recorded webinars;
 - (c) writing on law or **practice**, for example law books, journals, publications for **clients**, **client's** own publications, newspapers and magazines, online or in print;
 - (d) structured work shadowing schemes with clear aims and objectives and requiring feedback or reflection on the activity;
 - (e) research which relates to legal topics or has relevance to the **practice**/organisation which results in some form of written document, precedent, memorandum, questionnaire/survey etc;
 - (f) study for or production of a dissertation counting towards a qualification recognised by **us**;
 - (g) watching DVDs, webcasts, podcasts, television broadcasts or videotapes and/or listening to audio podcasts, radio broadcasts or audio tapes produced by learning and development providers;
 - (h) work towards the Qualification Credit Framework (QCF) awards relating to assessment, verification and/or quality assurance of competence-based assessment models (such as, for example, National Vocational Qualifications);
 - (i) participating in the development of specialist areas of law and **practice** by attending meetings of specialist committees and/or working parties of relevant professional or other competent bodies charged with such work;
 - (j) work towards the achievement of an National Vocational Qualifications in any business-related area and at any level;
 - (k) study towards professional qualifications.
- (ii) These activities can be completed face-to-face or by distance learning, where appropriate.
- (iii) Preparing and delivering these activities can count where appropriate, as well as attendance.
- (iv) Actual time may be claimed.

Regulation 9: Requirements for solicitors who have been RELs

- 9.1 If **you** are an **REL** and become admitted as a **solicitor** in England and Wales, regulations 3 and 5 shall apply as if **you** were a **solicitor** admitted on the date of initial registration and regulations 6 and 11 shall not apply.

Part 5: Records

Regulation 10: Obligation to keep a CPD training record

- 10.1 **You** must keep a record of all **CPD** undertaken to comply with these regulations.
- 10.2 **We** may request to see a copy of **your CPD training record** at any time, and if **we** do so **you** must produce **your** record upon demand.
- 10.3 **You** should keep **your CPD training record** on file for a period of at least six years.
- 10.4 **You** should enter the start and finish dates of any period of suspension, and the reasons for suspending, in **your CPD training record**.

Guidance note:

- (i) Details of activities and the number of hours undertaken should be entered on **your CPD training record**. It is advisable to enter all development activities even if **you** are unsure whether they can be claimed for **CPD** credit.

Part 6: Pre-qualification training

Regulation 11: CPD undertaken before admission

- 11.1 **You** are only entitled to count **CPD** undertaken between the expiry of **your** training contract and the day of admission for the purposes of regulation 5, if at the time of undertaking it:
- (a) an application for admission has been lodged with **us**, and
- (b) a **CPD training record** has been kept in accordance with regulation 10.

Part 7: Suspension of requirements

Regulation 12: Suspension of CPD requirement

- 12.1 If **you** do not work for any period in legal **practice** or employment in England and Wales, the application of these regulations may be suspended for that period.
- 12.2 **You** may suspend **your CPD** requirements in the following circumstances:
- (a) **you** are not working in legal **practice** or employment;
- (b) **you** are retired from **practice** as a **solicitor** or **REL**;

(c) **you** are working, on average, less than two hours a week in legal **practice** or employment.

12.3 Any training undertaken during the suspension will not count towards **your CPD** requirement upon **your** return to legal **practice** or employment.

12.4 It is not necessary to notify **us** of the intention to suspend the **CPD** requirements.

Guidance note to 12.2:

- (i) This would apply where **you** are in a role in which **you** are not required to give legal advice to:
 - (a) a member of the public;
 - (b) a company;
 - (c) an internal department;
 - (d) an officer or member of staff, or representative of **your** organisation.
- (ii) This applies regardless of whether the employment is paid or voluntary and whether or not a practising certificate is held.
- (iii) This also covers time when **you** are out of legal **practice** or employment, whether or not **you** hold a current practising certificate, due to unemployment, maternity/paternity leave, long-term illness and/or working abroad.
- (iv) If **you** are a retired **solicitor you** are eligible to suspend the **CPD** requirements, provided **you** do not **practise** or undertake legal work of any description, whether paid or unpaid. If **you** are a retired **solicitor** acting as a consultant, or who undertakes pro-bono or voluntary work of a legal nature **you** are not entitled to suspend the **CPD** requirements.

Guidance note to 12.4:

- (i) It is for **you** to decide whether or not **you** want to suspend **your CPD** requirements. Consideration of the following may be of assistance:
 - (a) the length of time **you** will be out of **practice** or legal employment;
 - (b) the amount of credit already accrued during the **CPD year** or first three years after admission in which the suspension would begin;

- (c) the availability of courses/access to training while out of *practice*;
- (d) *your* financial circumstances and whether *you* would be required to fund the training *yourself*.

Part 8: Returning to practice

Regulation 13: CPD requirements upon return to full-time or part-time legal practice or employment following a suspension during the newly admitted or registered period

13.1 Upon *your* return to full-time or *part-time* legal *practice* or employment, *your CPD* requirements will be dependent upon the length of time *you* have worked from the date of *your* admission to the roll or registration with *us*.

13.2 If *you* have:

- (a) suspended the requirements in the newly admitted or newly registered period; and
- (b) not worked at all from the date of admission or registration;

you must undertake one hour of *CPD* for each complete month from the date of *your* return, up to the end of the *CPD year*.

13.3 If *you*:

- (a) suspended the requirements in the newly admitted or newly registered period; but
- (b) worked following the date of *your* admission or registration;

you must undertake one hour for each month before and after the suspension if returning before the end of the *CPD year*.

13.4 If *you* have not completed all of *your CPD* requirement for the period before the suspension began *you* should make up any shortfall and undertake the requisite number of hours when *you* return to work. *We* may grant an extension of time if necessary.

Guidance note to 13.2:

- (i) If *you* have not worked at all from the date of *your* admission to the roll, or of registration with *us*, *you* will be treated as newly admitted on *your* return regardless of the length of the suspension.
- (ii) The newly admitted or registered period covers the first 12 months following the date of *your* admission or registration.

Guidance note to 13.3:

- (i) If **you** have completed all of **your CPD** requirement for the period before the suspension began **you** may, upon returning to work, choose one of the following options:
- (a) if **you** return on or before 1 May, undertake two hours for every complete month up to the end of the **CPD year**, up to a maximum of 16 hours, attending if **you** feel necessary due to the length of the suspension, the Financial and Business Skills (but **you** would not be required to attempt or pass the examination) and Client Care and Professional Standards modules of the **PSC**; or
 - (b) if **you** return after 1 May, undertake at least 12 hours, attending, if **you** feel necessary due to the length of the suspension, the Financial and Business Skills (but **you** would not be required to attempt or pass the examination) and Client Care and Professional Standards modules of the **PSC**.
- (ii) Either option would count as completion of the first **CPD year**.

Guidance note to 13.4:

- (i) In determining whether **you** have completed **your** requirements **you** may count the following circumstances as a complete **CPD year**:
- (a) accrual of at least 12 hours of **CPD** and attendance, where appropriate, at a compulsory course or the Financial and Business Skills (but not the examination) and Client Care and Professional Standards modules of the **PSC**, whichever was applicable at the time before the suspension began;
 - (b) accrual of at least 12 hours of **CPD** and attendance, where appropriate, at a compulsory course or the Financial and Business Skills (but not the examination) and Client Care and Professional Standards modules of the **PSC** between the date of **your** return and the end of the **CPD year**; or
 - (c) accrual of a total of 12 hours during the period before the suspension began added to the amount required from the date of **your** return to the end of the **CPD year**, plus, where appropriate attendance at a compulsory course or the Financial and Business Skills (but not the examination) and Client Care and Professional Standards modules of the **PSC**.

Regulation 14: CPD requirements upon return to full-time legal practice or employment following a suspension at any time from the end of your first CPD year or onwards

14.1 If *you* have suspended the requirements at any time from the end of *your* first *CPD year* or onwards, and return to work full-time *you* will be required to complete two hours of *CPD* for every complete month from the date of *your* return until the end of that *CPD year*, up to a required maximum of 16 hours.

Guidance note:

- (i) The table below can be used to calculate *your CPD* requirement for the remainder of the *CPD year*.
- (ii) If *you* return to work on for example 5 December, *your CPD* requirements will start from 1 January, the first full month following *your* return. If *you* return to work between 2 October and 31 October, *your CPD* requirements will start at the commencement of the new *CPD year*.

Return date	<i>CPD</i> hours
1 November	16
1 December	16
1 January	16
1 February	16
1 March	16
1 April	14
1 May	12
1 June	10
1 July	8
1 August	6
1 September	4

1 October	2
2 October - 31 October	0

Regulation 15: CPD requirements upon return to part-time legal practice or employment following a suspension at any time from the end of your first CPD year or onwards

- 15.1 If *you* have suspended the requirements at any time from the end of *your* first *CPD year* or onwards, and *you* return to work *part-time*, *you* will be required to complete one hour of *CPD* per year, for every two hours worked weekly.
- 15.2 If *you* return to *part-time* legal *practice* or employment after 1 March *you* should calculate *your* annual *CPD* requirement based on the number of hours worked per week, and undertake one-eighth of the annual requirement for each complete month from the date of *your* return to the end of that *CPD year*.

Guidance note: For example,

- (i) if *you* work 20 hours a week *you* are required to undertake 10 hours of *CPD* per *CPD year*.
- (ii) if *you* return to work on 1 April, and *you* are working 20 hours a week, *you* would be required to undertake eight and three quarter hours of *CPD* up until the end of the *CPD year*.

Part 9: Applications and waivers

Regulation 16: CPD questions on the practising certificate application form

- 16.1 *You* will be required to confirm whether or not *you* have complied with the *CPD* requirements during the past full *CPD year* when applying for *your* practising certificate.

Guidance note:

- (i) When applying for a practising certificate in 2011 for example, the question relates to *your CPD* position as at 31 October 2010. If *you* are making an application for the first time and have not completed a full *CPD year*, the "not applicable" box on the form should be ticked. Likewise, if *you* are subject to the requirement but were out of *practice* during the year, and have suspended the requirements, *you* should tick the "not applicable" box on the form.

Regulation 17: Waivers of CPD monitoring requirements

- 17.1 There are no exemptions from the *CPD* scheme but general waivers apply in relation to *CPD* monitoring as follows:

- (a) *solicitors/REs* in *firms* and organisations with Lexcel/Investors in People accreditation have a waiver from routine monitoring of **CPD training records**;
- (b) *solicitors/REs* in *firms* holding a Legal Aid franchise have a waiver from routine monitoring of **CPD training records**; and
- (c) *solicitors/REs* in *firms* and organisations holding ISO 9000 accreditation have a waiver from routine monitoring of **CPD training records**;

17.2 Even where any of the above waivers are applicable to *you* or *your firm*, the number of **CPD** hours to be completed will not be affected, and *you* are still required to maintain *your* personal **CPD training record** to assist *you* with planning *your* **CPD** activity.

17.3 In any particular case *we* have the power to waive in writing any of the provisions of these regulations and to revoke such waivers.

Regulation 18: Repeal of these regulations

18.1 These regulations will be repealed on 1 November 2016.