



# Annual assessment of continuing competence 2024

31 July 2024

## About this report

Consumers of legal services expect their solicitor to be competent. It is vital that solicitors keep their knowledge and skills up to date throughout their career to provide good quality legal services and uphold confidence and trust in the legal profession.

Our role is to protect the public. Making sure that solicitors are competent when they first qualify, and remain competent throughout their career, is fundamental to our work. We do this by:

- Setting out the skills, knowledge and behaviours required of a competent solicitor in our [Statement of Solicitor Competence](https://guidance.sra.org.uk/solicitors/resources/continuing-competence/competence-statement/) [https://guidance.sra.org.uk/solicitors/resources/continuing-competence/competence-statement/] and assessing these at the point of entry to the profession through the [Solicitors Qualifying Examination](https://guidance.sra.org.uk/become-solicitor/admission/pathways-qualification/solicitors-qualifying-examination/) [https://guidance.sra.org.uk/become-solicitor/admission/pathways-qualification/solicitors-qualifying-examination/].
- Requiring solicitors in our [Code of Conduct for Solicitors](https://guidance.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) [https://guidance.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/] (also covering registered European lawyers and registered foreign lawyers) to maintain their competence. Firms we regulate are also required in our [Code of Conduct for Firms](https://guidance.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) [https://guidance.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/] to make sure solicitors they employ keep their knowledge and skills up to date.
- Requiring solicitors to declare to us that they have reflected on their practice and addressed any learning and development needs when they renew their annual practising certificate. Monitoring if solicitors and firms are meeting their competence obligations.

Our rules make it clear that solicitors have an individual responsibility to keep their knowledge and skills up to date. To do this, we expect them to regularly reflect on the quality of their practice. There is a strong public interest behind reflection as it drives meaningful learning and development. Regularly thinking about the challenges and quality of practice can help a solicitor to fully identify their learning and development needs. We expect solicitors to address any identified learning and development need.

We published our [first annual assessment of continuing competence](https://guidance.sra.org.uk/sra/research-publications/annual-assessment-continuing-competence-2023/) [https://guidance.sra.org.uk/sra/research-publications/annual-assessment-continuing-competence-2023/] in 2023. In it we outlined findings from our work to assure ourselves that solicitors are keeping their knowledge and skills up to date.

The report is designed to drive positive learning and development behaviour. It highlights good practice in how solicitors maintain their competence. It also highlights challenges that some solicitors face in doing this. We said we would publish an annual assessment of competence.

In this, our second assessment, we outline findings from our work to assure ourselves that solicitors are maintaining their competence over the last 12 months. We explain the steps we will take in response to our analysis and how we expect solicitors and firms to respond to our findings. Solicitors and firms should consider our findings and consider whether they present a risk to maintaining competence. We also provide an update on our ongoing work to enhance our approach to continuing competence.

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## **Headline findings**

We know through our work that most solicitors keep their knowledge and skills up to date. And we have evidence to show that most firms we regulate have robust systems and controls in place to make sure that solicitors they employ remain competent to deliver good quality legal services. We also saw some excellent examples of solicitors reflecting on their practice and evidencing their learning and development.

The public, clients and other stakeholders can make a report to us where they are concerned about a solicitor or firm. The reason for a report varies for example, it could be to do with an alleged delay in a matter or an alleged issue with the conduct or competence of a solicitor. Our Statement of Solicitor Competence defines what we expect of a competent solicitor throughout their career. Given the wide range of knowledge, skills, and behaviours it covers, it is likely that a lack of competence will manifest itself in some way in most reports made to us.

We have analysed the total number of reports we received from 1 January 2022 to 31 December 2023 to help us identify competence risks and challenges across the profession. The total number of reports includes all reasons why the report was made. We have also considered findings from our work over the last 12 months, including:

- Findings from our [training record reviews](https://guidance.sra.org.uk/sra/research-publications/immigration-asylum-training-records-review/) [https://guidance.sra.org.uk/sra/research-publications/immigration-asylum-training-records-review/] and thematic inspections into [immigration and asylum](https://guidance.sra.org.uk/sra/research-publications/thematic-review-asylum-legal-services/) [https://guidance.sra.org.uk/sra/research-publications/thematic-review-asylum-legal-services/], and probate services. Our probate thematic inspection will be published shortly.
- Findings from our thematic review of how solicitors understand how professional obligations apply to their role, and the specific risks associated with their area of practice.
- Feedback from stakeholders and representative organisations we have engaged with through the course of our work.
- Information from our wider regulatory activities including our horizon scanning programme to explore emerging and future developments in the legal services market.

Our analysis has helped us identify certain areas of law where there has been an increase in the total number of reports received over the last 12 months. It has also helped us identify common challenges some solicitors face in meeting their obligation to maintain their competence.

The number of total reports we received increased from 10,090 in 2022 to 11,174 in 2023. Our analysis shows that for this period there a decrease in the total number of reports received for some areas of law. Neighbour Dispute, Immigration, and Residential Conveyancing exhibited the highest percentage decreases.

However, there was also an increase in the number of total reports we received in some areas of law compared with the previous year. Using this data, and information from our wider work, we identified Family and Landlord and Tenant law as areas where we want to explore in more detail if and how solicitors practising in these areas are maintaining their competence.

We have also identified wider challenges some solicitors face in meeting their obligation to maintain their competence. Many of these we found in our 2023 annual assessment of competence, however, some we have not previously identified. This included some solicitors only focusing their learning and development on maintaining technical legal knowledge.



We also found through our work that some solicitors could not provide us with assurances that they were taking steps to keep their knowledge and skills up to date. We also found that some solicitors were not aware of their professional obligations or risks relating to their area of practice.

### **How we make sure solicitors and firms maintain competence**

Our rules clearly set out that solicitors must keep their knowledge and skills up to date and that firms make sure that solicitors they employ are maintaining their competence. We use a range of tools to help us identify if these obligations are being met. These include:

- Carrying out thematic reviews and inspections where we have competence concerns about an area of practice or a type of practice setting. Over the last 12 months we have focussed these on the areas of practice we highlighted in our 2023 annual assessment of competence – residential conveyancing, probate, and immigration. This is as well as looking at the extent to which solicitors are aware of and uphold their professional obligations.
- A rolling programme of inspections to check on the extent to which firms are complying with anti-money laundering regulations.
- Carrying out specific checks on training and supervision arrangements in firms to understand the steps they take to assure themselves that the solicitors they employ are maintaining their competence. We assess how effective these are. We outline more about this below.
- Reviewing training records to understand:
  - whether solicitors are carrying out learning and developing
  - the types of learning and development
  - whether solicitors are meeting our expectations, for example, whether they are demonstrating that they are regularly reflecting on their practice.
- Monitoring developments and emerging competence risks through our horizon scanning programme. We provide examples of where we have done this below.
- Spot checks on the declarations made by solicitors when renewing their practising certificate. We did this most recently for declarations made by solicitors when renewing their 2023 practising certificate.

We act where we have concerns that a solicitor or firm is not meeting our requirements. The nature of our engagement and the sanctions we impose will depend on the seriousness of the issue and any aggravating or mitigating factors.

We can:

- Intervene to influence behaviour where we have concerns about potential or emerging competence-related issues.
- Publish guidance, warning notices and other resources to clarify our expected standard. We also write to solicitors and firms to remind them of their competence obligations.
- Act where we have established that a solicitor or firm is not meeting their Code of Conduct competence obligations, including:
  - requiring that training, remediation, or supervision arrangements are put in place
  - imposing interim conditions or controls to prevent a solicitor or firm from providing certain services.

### **Our approach to continuing competence**

We are constantly reviewing and evolving our approach to making sure that solicitors maintain their competence. This includes considering whether our continuing competence regulation continues to drive the learning and development behaviours

we expect to see, helps solicitors meet our requirements and addresses competence risks we have identified. How we respond, the tools we use and where we focus our activity can change depending on the outcome of this work.

We have delivered a programme of work over the last 12 months to further enhance our approach, which we describe below.

### **Updated resources**

We identified in our 2023 assessment of competence that some solicitors found it difficult to reflect on their practice. This was because they did not fully understand how to reflect or found it difficult to incorporate reflection into their day to day work.

We have updated our [continuing competence resources](https://guidance.sra.org.uk/solicitors/resources/continuing-competence/reflect-identify/) [https://guidance.sra.org.uk/solicitors/resources/continuing-competence/reflect-identify/] to help solicitors to comply with their competence requirement. This includes practical tips and new tools to help solicitors reflect on their practice and prioritise their learning and development needs.

We will work with solicitors and firms to understand if these updated resources have made it easier for some solicitors to reflect. We will also gather views on whether there are any other issues relating to maintaining competence we can provide support on.

### **Increased communication**

We contacted all immigration and asylum and residential conveyancing firms following findings in our 2023 annual assessment. We did this because our data highlighted that these areas of law were more likely to receive a report. We reminded them of relevant warning notices and guidance, their obligation to supervise and that solicitors they employ need to maintain their competence. We made our communication shorter, targeted, and focussed to help firms and solicitors understand the key messages and access the information more easily.

### **Wider focus on reports we assess**

In addition to investigating the most serious cases reported to us, we have strengthened how we follow up on competence-related reports made to us that did not meet our threshold for enforcement.

Since autumn 2023, we have assessed more than 200 reports of this type. We have engaged with more than 20 firms and required them to make a declaration to us that they will ensure and maintain the competence of their employee(s). We are monitoring these firms to understand if they meeting this declaration. We outline this approach in our updated competence topic guide which we will publish shortly.

### **Proactive thematic work**

Understanding if the root cause of an alleged lack of competence is more widespread within a firm is key to our work. We now use findings from our ongoing work to proactively engage with a firm where we have a competence concern. We engage to understand how they make sure that the solicitors they employ are competent.

Over the last 12 months, we have engaged with a small number of firms. This work is ongoing, and where we identified that a firm is not meeting our standards, we will work with them to bring them into compliance. We will take enforcement action against those who fail to respond to our engagement activity.

## Clarifying our expectations

We recognise that some practice risks across the profession may in part be driven by a lack of competence. We have responded to these risks by clearly outlining our expectations, a solicitor's obligations and how they can comply with them. For example, we have issued warning notices in relation to [deficiencies in client accounts](https://guidance.sra.org.uk/solicitors/guidance/money-missing-client-account/) [https://guidance.sra.org.uk/solicitors/guidance/money-missing-client-account/] and [strategic lawsuits against public participation](https://guidance.sra.org.uk/solicitors/guidance/slapps-warning-notice/) [https://guidance.sra.org.uk/solicitors/guidance/slapps-warning-notice/].

Similarly, we have also taken steps to address risks associated with a potential lack of competence in high-volume financial services claims and general claims management, for example, a lack of supervision arrangements in place. In May 2024, we issued a [warning notice](https://guidance.sra.org.uk/solicitors/guidance/high-volume-financial-service-claims/) [https://guidance.sra.org.uk/solicitors/guidance/high-volume-financial-service-claims/] and [guidance](https://guidance.sra.org.uk/solicitors/guidance/claims-management-activity/) [https://guidance.sra.org.uk/solicitors/guidance/claims-management-activity/] to clearly explain a solicitors regulatory and professional obligations, the importance of effective supervision and key risks when providing these services.

We know this is an area of ongoing concern and will continue to monitor it closely. We will also carry out a thematic inspection in this area to develop our understanding of the work being undertaken by solicitors in the high-volume claims market and its associated risks.

This work will assess firms compliance with our warning notice on high-volume financial services claims and guidance on broader claims management activity. We will share good practice we identify to help solicitors and firms working in high-volume claims maintain their competence.

## Monitoring the declaration made by solicitors and how we follow up

We have enhanced our monitoring of the competence declaration made by solicitors when they renew their practising certificate. This enables us to obtain more assurances that they are complying with our requirements to maintain their competence.

We identified 240 solicitors from the 2023 practising certificate renewals who provided information that did not fully assure us that they were doing this. We contacted these solicitors, and as a result, we are investigating six solicitors who did not assure us they were maintaining their competence.

We said in our 2023 annual assessment of competence that we would review the declaration solicitors make to confirm they are keeping their knowledge and skills up to date when they renew their practising certificate. We focussed our review on how we can use the declaration to drive the learning and development behaviours we expect and address the challenges in maintaining competence we have identified through our work.

We have decided to change the declaration. We want to use the declaration to:

- drive the behaviours we expect from solicitors in relation to their learning and development
- clarify that a solicitor has responsibility to keep their knowledge and skills up to date and be competent
- reinforce the importance of a solicitor understanding and applying their professional obligations.

When solicitors renew their practising certificate in 2024, they will need to confirm that they:



- are up to date with any legal, ethical, and regulatory obligations relevant to their role
- have reflected on their practice and addressed any identified learning and development needs
- are competent to perform their role.

We have also clarified in the information given to solicitors when renewing their practising certificate and the practising circumstances which require a solicitor to meet their competence obligation. For example, if a solicitor is practising overseas, and their practice predominantly relates to England and Wales as set out in rule 1.3 of our Overseas and Cross-border Practice Rules.

This is an important regulatory declaration. We will place a condition on the practising certificate of a solicitor to prevent them from practising unsupervised if they do not confirm to us that they have met the requirements of the new declaration. A solicitor will need to provide evidence, which we will assess, that they have maintained their competence and understand their legal, ethical, and regulatory obligations before we remove this condition.

### **Areas of law where we will focus our activity over the next 12 months**

We have used our data to identify specific areas of law where there has been an increase in the total number of reports made to us over the last 12 months. We have also used wider information we hold and potential consumer vulnerability and detriment that may arise because of a lack of competence to shape our thinking.

We have identified two areas of law where we want to focus our activity to understand if and how solicitors are maintaining their competence and take action where they are not.

#### **Family law**

There was a 25% increase in the total number of reports we received in 2023 when compared to 2022. We analysed these reports to identify prevalent competence risks and themes.

We found that a third of reports that related to a lack of competence referred to a solicitor's lack of knowledge of family law or process and mistakes about the application of law to a client's matter. A small number of reports referred to some solicitors in this area acting where there was a conflict of interest. This is also an area of law about which the Legal Ombudsman often receives a high number of complaints.

Family law is a high-risk area of legal practice. The consequences of a lack of competence by a solicitor can be potentially life changing. Consumers accessing services such as divorce, domestic abuse and child custody arrangements are often more vulnerable because the legal issues involved can be complex, emotional and highly stressful.

#### **Landlord and tenant law**

There was also a high percentage increase (49%) in the total number of reports received relating to landlord and tenant law. Again, we looked at those reports that alleged a lack of competence for this area of law. Just over half of the reports referred to a lack of a solicitor's knowledge of the law and process. Stakeholders have also



said to us that some solicitors provide poor advice to clients on ground rent costs and on the difference between leasehold and freehold.

Consumers (including landlords) may feel vulnerable when it comes to landlord and tenant disputes, for example about broken tenancy terms, rent increases or the threat of an unfair eviction.

### **Our next steps**

We will now target our efforts at understanding if family and landlord and tenant solicitors are keeping their knowledge and skills and understanding of their legal, ethical, and regulatory obligations up to date.

We also want to understand more about firms' supervision arrangements and how they make sure that solicitors they employ are maintaining their competence. And we want to understand more about the consumer impact of a lack of competence in these areas.

To do this, we will:

- Carry out thematic inspections on a sample of family law solicitors and landlord and tenant solicitors and firms. We will assess whether solicitors are meeting their obligations to keep their knowledge and skills up to date, including their professional obligations. We will also review supervision arrangements within these firms. We will publish our findings and next steps by the end of 2025.
- Review a sample of training records of family law solicitors and landlord and tenant solicitors. We will focus on understanding if solicitors are reflecting on their practice and carrying out learning and development. We will publish our findings and next steps by the end of 2025.
- Engage with stakeholders, representative groups and consumer bodies operating in these areas to further understand the impact on consumers of a lack of competence. We will complete this by the end of 2024.

We will also write to all firms providing these services to remind them of their obligations. These are to make sure that solicitors they employ maintain their competence by keeping their knowledge and skills and understanding of their legal, ethical, and regulatory obligations up to date. Our communication will contain practical tips on maintaining competence and clear and accessible links to our resources. We will do this by the end of 2024.

Our work will help us better understand the extent to which solicitors providing these services are maintaining their competence. We will use our findings to consider if there is a need for further action or regulation in relation to these areas of law.

We will take enforcement action where we identify, through our inspections or training record reviews, a solicitor who is not meeting their competence requirements. We will adopt a similar approach for firms who do not have appropriate supervision arrangements in place.

### **Wider challenges solicitors and firms face in meeting their obligation to maintain their competence**

We have also identified wider challenges some solicitors and firms face in maintaining their competence and meeting our requirements. Solicitors and firms should consider whether the challenges identified are relevant to them and, if so, take steps to address them.

### **Knowledge and application of professional obligations**



We require solicitors to act honestly and with integrity, in accordance with legal and regulatory requirements. To do this, a solicitor needs to identify, understand, and apply relevant SRA principles, rules of professional conduct and any guidance or warning notices we have issued that relate to their work.

### **What we found**

We considered a range of information to understand the extent to which solicitors meet this requirement. This includes findings from:

- our professional obligation thematic review
- a survey of solicitors on awareness of a range of our resources and guidance,
- our training record reviews
- wider data we hold.

We found examples of good awareness and application of our resources, guidance, and warning notices to support their learning and development. Many training records of immigration and asylum solicitors we reviewed had used our immigration guidance and warning notice to support their learning and development.

Our thematic review into professional obligations highlighted that most individuals we interviewed recognised that professional knowledge and skills comprised of legal, ethical, and regulatory considerations. We found that some firms offered training on professional obligations. We also found that many solicitors relied heavily on their compliance officer for legal practice (COLP) and compliance teams within their firms to access the material we publish.

However, we also found evidence of behaviours relating to professional obligations that could contribute to a solicitor's lack of competence, including:

- A lack of awareness and application of professional obligations, our warning notices and guidance amongst some solicitors. They have told us that this was because it was difficult to access this information within their firm or from our website. They also told us that they preferred us to email where there may be information relevant to them.
- Some solicitors failing to regularly reflect on their professional obligations and ethical competence when considering how they maintain their competence.

### **What we will do next**

A solicitor has a responsibility to provide ethical and competent practice, irrespective of their role or the environment or organisation in which they work. We want to drive compliance in this area, and we are keen to explore what more we can do.

We have already taken steps to do this, including:

- Updating our continuing competence resources to support solicitors to reflect on whether their understanding of any relevant legal, ethical, and regulatory obligations is up to date. And help them to address any identified learning and development needs.
- Requiring that solicitors confirm that they have kept their legal, ethical, and regulatory obligations relevant to their role up to date when renewing their practising certificate. We monitor these declarations and will restrict a solicitor's practice if we have concerns about their competence based on the information provided when they make this declaration.
- Increasing our focus on assessing the extent to which solicitors reflect and carry out learning and development in relation to their professional obligations when we carry out our thematic inspections and training records reviews. Where we



identify that a solicitor is not meeting our standards, we will work with them to bring them into compliance. We will take enforcement action against those who fail to respond to our engagement activity.

- Developing guidance for in-house solicitors to help them understand and apply their professional obligations. We are currently seeking views on this guidance.

A priority over the next 12 months will be to take forward work to promote a culture in which professional obligation considerations are front of mind for solicitors and firms. Informing and educating is key. We will:

- Publish good practice examples of how solicitors and firms understand and apply our guidance and warning notices relevant to upholding professional obligations.
- Work with stakeholders, particularly those that represent small and medium firms, to explain the importance of upholding professional obligations. And explore ways with them to encourage greater awareness and use of our resources, guidance and warning notices.
- Explore with compliance organisations if and how we can help solicitors keep their professional obligations up to date.
- Explore how we can improve how solicitors can find guidance, resources, and warning notices we issue on our website. This will also involve how we can better tailor this information to smaller firms and in-house solicitors. We will also explore if we can use our communication channels, for example, SRA Update to better share and raise awareness of our information relating to upholding professional obligations.

COLPs play an important role in raising awareness of, disseminating, and encouraging use of our resources, warning notices and guidance. Given this, we want to better understand the approaches and challenges they face in doing this and how we can better support them. We will engage with COLPs to get their views and their feedback. We are undertaking a thematic review looking at how compliance officers carry out their roles. This will inform our thinking on how we can better communicate our information effectively and how we can drive compliance with our requirements.

As part of our work over the next 12 months, we will also explore how we can encourage and support solicitors to report concerns about the ethical behaviour of solicitors to us.

Solicitors upholding their professional obligations is fundamental to trust and confidence in legal services. In addition to the actions outlined, we also begin a full review of our continuing competence approach relating to upholding professional obligations to understand if we can strengthen our approach.

We will look at whether the current obligations regarding professional obligations drive the learning and development behaviours we expect to see. We will also consider if we can improve how we obtain assurances that solicitors are meeting their requirements. We will also explore whether there is a need for us to be more prescriptive of the ethical training we expect of solicitors. We will publish our findings in 2025.

## **Challenges in recording reflection**

Solicitors should regularly reflect on their practice. This involves thinking about their actions, identifying their strengths and weaknesses, and considering areas for improvement. Reflection is key to identifying all learning and development needs. It also involves thinking about whether they are competent in all aspects of their role.

Recording reflection demonstrates to us that a solicitor has taken the necessary steps to keep their knowledge and skills up to date. A failure to do this raises concerns to us

that not all learning and development needs are being identified and addressed.

### **What we found**

We reviewed learning and development evidence held by solicitors as part of our thematic inspections and training record reviews. We found good practice examples of solicitors documenting reflection, which included:

- evidencing clearly that reflection was ongoing
- comprehensively describing how reflection had been carried out and as a result why learning and development was required.

However, we could not be certain from much of the evidence we reviewed whether decisions about the learning and development carried out by a large number of solicitors had been informed by the reflection on their practice.

A significant proportion of the evidence provided by solicitors we reviewed simply listed the learning and development activity carried out and the date it was completed. This does not provide us with appropriate assurances that they are taking the steps needed to maintain their competence, for example, by fully reflecting on their practice.

### **What we will do next**

We have already updated our [resources](https://guidance.sra.org.uk/solicitors/resources/continuing-competence/reflect-identify/) [https://guidance.sra.org.uk/solicitors/resources/continuing-competence/reflect-identify/] to help solicitors better understand and document their reflection. This includes examples of good reflective activity and tools to structure and record reflection.

We will continue to develop these resources to support solicitors to reflect and document their activity. By the end of 2025, we will:

- Engage with solicitors and firms to further explore the challenges they face in reflecting and how they can address this. This will enable us to develop how we support solicitors and firms going forward.
- Review the extent to which solicitors document reflection through our training record reviews and thematic inspections.
- Publish good practice case studies to demonstrate how solicitors and firms reflect and record their reflection across a variety of practice settings, for example, sole practitioners, small firms and in-house solicitors.
- Explore if and how we can work with organisations who provide services for solicitors and firms to record learning and development to see if we can encourage better evidencing of reflection.
- Use our ongoing communications to promote our resources and remind solicitors and firms about the importance of reflection in maintaining competence.

We will use the findings from this work to explore if further regulation is required to make sure that solicitors fully reflect on their practice.

### **Variable quality in how solicitors evidence maintaining their competence**

Evidencing learning and development demonstrates to us that a solicitor has taken steps to keep their knowledge and skills up to date. It can help a solicitor track their learning progress and can be used to support performance management for example, annual appraisals. For firms, this information can also be used to help identify wider skills gaps across their organisation.

## What we found

We know that most solicitors can evidence that they are maintaining their competence. We found some excellent examples of this. We came across some firms and solicitors using a bespoke version of our Statement of Solicitor competence to identify and record learning and development. We also found bespoke templates that clearly captured reflection, identified learning and development needs and how and when the need was addressed. We also noted that a number of solicitors used our [learning and development template](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sra.org.uk%2Fglobalassets%2Fdocuments%2Fsolicitors%2Fcpd%2Fdevelopment-record.doc%3Fversion%3D4926f9&wdOrigin=BROWSELINK1) [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sra.org.uk%2Fglobalassets%2Fdocuments%2Fsolicitors%2Fcpd%2Fdevelopment-record.doc%3Fversion%3D4926f9&wdOrigin=BROWSELINK1] to evidence that they were maintaining their competence.

However, for some solicitors, it was difficult to establish if and how they were maintaining their competence. A small number of solicitors could not provide any evidence that they were keeping their knowledge and skills up to date.

## What we will do next

We are contacting those solicitors from our thematic and training record reviews who did not provide any evidence they had maintained their competence or who simply listed learning and development activity. We will seek an explanation on how they are keeping their skills and knowledge up to date. We will also contact their firms to understand how they ensure the competence of their solicitors. We will consider regulatory action if we identify that solicitors are not meeting our requirements.

We committed in our 2023 annual assessment of competence to publish guidance during 2024 on what we expect to see in a solicitor's training record and determine whether a keeping a training record is mandatory.

Given our findings, and the need for solicitors to maintain their competence, our view is that all solicitors should be able to provide us with evidence that they are keeping their knowledge and skills up to date. We will consult in early 2025 on proposals to require that solicitors keep evidence of their learning and development. As part of this consultation, we will include guidance of what this evidence could look like.

In addition to our training record template, our updated reflection guidance also includes two new templates to record and prioritise learning and development needs. We encourage solicitors and firms to consider their existing approaches to recording learning and development to see if captures the key components of our learning and development template, including:

- Reflection on practice and identification of learning and development needs.
- Planning and completion of learning and development activity.
- Evaluation of the effectiveness of learning and development activity undertaken.

## Narrow focus on learning and development

Our Statement of Solicitor Competence sets out the knowledge, skills, and behaviours a solicitor must demonstrate, both when they qualify and throughout their careers. It covers ethics, professionalism and judgment, technical legal practice, working with other people and managing work. Solicitors can use it to help identify learning and development needs.

## What we found

Our work over the last 12 months has highlighted that almost all solicitors we engaged with carried out some learning and development. We know that many completed multiple learning and development activities relating to several areas of the Statement of Solicitor Competence. For example, just under half of the immigration and asylum solicitor training record we reviewed had undertaken more than 10 learning and development activities during 2022.

However, we found that some solicitors had a narrow focus to their learning and development. Learning and development was concentrated on maintaining technical legal practice rather than other areas of the Statement of Solicitor Competence that may be relevant to performing their role competently.

### **What we will do next**

Maintaining technical legal knowledge is clearly an important aspect of maintaining competence. However, solicitors should reflect on all aspects of the Statement of Solicitor Competence appropriate to their role when assessing whether they have any learning and development needs.

We have already updated our resources to support solicitors to reflect on all their learning and development needs. We will also remind solicitors of the need to do this through our ongoing communications. We will continue to build these resources with practical tips and good practice over the next 12 months.

We will take steps to drive this learning and development behaviour among all solicitors. We will review the findings from our ongoing training record reviews and thematic inspections to assess the extent to which solicitors are completing learning and development that fully reflect their role. We will consider whether further intervention is required to make sure solicitors are fully reflecting on all aspects of their role.