



# Research Report



## Final evaluation of the Work-Based Learning (WBL) pilot

Prepared for: The Solicitors Regulation Authority

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# Final evaluation of the Work-Based Learning (WBL) pilot

**Prepared for: The Solicitors Regulation Authority**

**Prepared by: June Wiseman, Philip Roe & Elizabeth Davies – BMG Research**

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## Glossary of terms used in this report

SRA	Solicitors Regulation Authority
WBL	Work Based Learning which refers to the pilot scheme
Trainees	Individuals employed as trainees on a training contract
Paralegals	Individuals who are employed to do paralegal work
Candidates	All individuals whether employed by an organisation as a trainee or as a paralegal who are enrolled on the WBL pilot scheme to qualify as solicitors
Participants	Both professionals and candidates participating in the scheme unless otherwise stated e.g. candidate participants
Training contract/employer-assessed route	WBL route by which employers assessed their trainees against the WBL outcomes.
Training contract/externally assessed route	WBL route by which employers agreed that an external provider would assess their trainees against the WBL outcomes
Paralegal route	WBL route by which employers offer a work-based programme to those who do not have training contracts but whose legal work is commensurate with the work undertaken in a training contract. Assessment is provided by an external provider
Combined route	WBL route by which Northumbria University provides a law degree, LPC and assessment of WBL in two contexts: client facing experience in Northumbria University's Student Law Office, and a placement with an employer
Training contract routes	Refers to both the <i>training contract/employer-assessed route</i> and the <i>training contract/externally assessed route</i>

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## Executive summary

### The work-based learning pilot

The work-based learning pilot was introduced by the SRA in September 2008. The purpose of the pilot was to provide an alternative to the vocational (training contract) stage of training for trainee solicitors. The WBL pilot aimed to:

- explore a new option for a quality-assured, consistent and reliable method of assessment for solicitors to ensure practitioner competence; and
- respond to a perceived need to widen access to the profession and test a route to qualification that did not depend on the candidate having a training contract and which reduced barriers to accessing the profession.

The pilot has been delivered and assessed in a variety of ways including:

- the *training contract/employer-assessed route* - employers assessed their trainees against the WBL outcomes;
- the *training contract/externally assessed route* - employers agreed that an external provider would assess their trainees against the WBL outcomes. Assessed by Oxford Brookes University;
- the *paralegal route* - aimed at those who do not have training contracts but whose legal work is commensurate with the work undertaken in a training contract. Assessment is provided by an Nottingham Law School; and
- the *combined route* - single provider (Northumbria Law School) providing a law degree, LPC and assessment of WBL in two contexts: client facing experience in Northumbria University's Student Law Office, and a placement with an employer.

Candidates taking part in the WBL pilot have been required to complete a practical, assessed legal experience prior to qualification to ensure that they demonstrate the required standard of competence through the WBL outcomes in supportive legal environments. Portfolios are used to evidence their competency against the WBL outcomes including: the practical application of the law; professional communication; relationships with clients; the wider business environment in which he or she works; the delivery of business and client objectives, including the planning and managing of his or her own workload; teamwork and co-operation in line with the objectives of the organisation; his/her own professional abilities, their limits and their further development; and the application of the rules and principles of professional conduct in legal practice.

At the date of writing this report a total of 107 candidates have entered the pilot and 83 of these (78 per cent) have qualified as solicitors through it.

### Evaluation method

This final evaluation builds upon an interim evaluation of the WBL pilot undertaken by the Institute for Work Based Learning at Middlesex University in 2010 and explores in more detail the experiences of candidates from the *part-time paralegal and combined routes* who

had not completed at the time of the previous report. In particular, this evaluation was commissioned in order to address three key research areas, specifically:

- the outcome and experience of the part-time cohort at Nottingham Law School;
- further analysis of the structure and effectiveness of the *combined route* offered by Northumbria Law School; and
- an evaluation of the experience and subsequent destinations and/or outcomes of the recently qualified full-time cohort.

In order to meet the research aims and objectives a number of research elements were undertaken:

- in-depth interviews with the pilot leaders from Nottingham and Northumbria Law Schools, tutors from Nottingham Law School, and candidates and employers from the *paralegal and combined routes*; and
- telephone surveys of 54 candidates from across all WBL routes and 16 employers from the *paralegal and combined routes*.

## Findings

### Engagement and support

Overall research findings from consultations with employers and candidates showed a generally high level of engagement and support throughout the pilot. Findings indicate that:

- Candidates first found out about the WBL pilot through a variety of sources which varied depending on the route they had undertaken (e.g. candidates on the *combined route* had heard about it through their university tutor). In nearly all instances employers consulted had found out about the pilot through the candidates or in some instances through the assessment organisation.
- Candidates' motivations for engagement also varied depending on the route they had undertaken. Candidates that undertook the *training contract routes* mainly reported that they had taken part because their employer required them to, whilst candidates on the *paralegal and combined routes* reported that motivations included: to develop the skills or experience they need to become a solicitor or for career progression.
- A high number of candidates on the *paralegal route* had experienced barriers to becoming a solicitor. In nearly all instances these barriers tended to be either external issues such as the reduction in the number of training contracts available or personal issues such as in some cases they previously had not obtained the academic standards necessary (A grades at A-level or a 2:1 or above in their first degree) to compete successfully for a traditional training contract.
- The vast majority (98 per cent) of candidate survey respondents had accessed support from at least one of the range of sources available to them. The most frequently used forms of support were employers, tutors and printed or online materials.
- Support was accessed for a range of reasons but primarily related to identifying opportunities for exposure to relevant opportunities to meet the WBL pilot outcomes and support in how candidates could evidence their skills in their portfolio.

- The majority of candidates surveyed reported that the support they had accessed from their tutors, employers and the SRA had fully met their requirements.
- Two-thirds of the candidates surveyed reported that they had experienced an issue or challenge whilst taking part in the pilot. These issues and challenges primarily related to the overall workload and time involved.
- All employers consulted reported that they had received support from at least one source whilst taking part in the WBL pilot. However, employers surveyed ranged in their levels of satisfaction with the information and support they had received prior to commencing the pilot indicating in some cases further support may be required.

### **Development of skills and competencies**

Consultations with stakeholders identified that the WBL pilot had a range of impacts on the candidate's skills and competencies. In particular:

- Consultations with employers and tutors identified that there was generally a consensus that the eight competencies candidates were required to evidence were broadly the right ones. However, there was still some debate about the extent and number of these and some reported that they felt the overall number of competencies for candidates to evidence could be reduced or amalgamated.
- The majority of employers and candidates consulted reported they had been able to identify opportunities for the candidate's development. However, some outcomes and competencies such as advocacy, client relations, and business awareness and planning were generally more challenging to identify opportunities against as a result of organisational context.
- Overall, the majority of candidates surveyed reported that the WBL pilot had enabled them to develop their skills across the eight competency areas. In particular candidates interviewed in-depth reported that their self-awareness and development skills had improved as it encouraged them to reflect on their skills.
- Consultations with candidates and employers identified that some saw the pilot as a way to evidence candidate's existing skills but did not believe that it had actually enabled candidates to develop their skills. Survey findings show somewhat higher scores, across all eight competency areas, for the pilot's value in evidencing skills rather than for its value in developing skills.
- Candidates on the *paralegal route* considered themselves to have gained comparable experience to full-time candidates and did not think that the part-time nature of their participation had meant they had fewer opportunities to develop.
- Overall, candidates were generally satisfied with how the different elements of the WBL pilot supported their skill development including that it had enabled them to develop in a range of areas, develop the skills they need to become a solicitor, and acquire the experience they needed to become a solicitor.
- The majority of stakeholders consulted generally felt the *paralegal route* had enabled candidates to overcome barriers to entry to the profession they had previously experienced.
- The majority of candidates that had completed the WBL pilot were now employed as a solicitor. Some candidates interviewed in-depth that were not employed as a solicitor reported this was because they had never intended to change role on completion of the

pilot but had wanted recognition of their skills. The majority of candidates that had not yet completed the WBL pilot believed it would enable them to become admitted to the roll and obtain employment as a solicitor.

- The majority (81 per cent) of candidates that had successfully completed the pilot reported that their salary had increased since they had completed the WBL.
- In nearly all instances employers reported they felt candidates from the WBL pilot would hold the same skills and competencies as those who have been through the traditional training contract.

### **Future of work based learning**

Overall research findings from consultations with employers and candidates showed there was a high level of support for work-based learning with some key areas for modification should another similar WBL pathway be established in the future. It was of course to be expected that employer support would be high given that this was a relatively small self-selected group of participants involved in the pilot. Findings indicate that:

- The majority of candidates are very satisfied with the extent to which the WBL pilot has enabled them to meet their aims and objectives for taking part. In nearly all instances the employers and tutors interviewed in-depth also indicated that they were positive about their experience on the WBL pilot.
- Candidates who had undertaken *training contract routes* were less likely than other candidates to report that they would recommend the WBL pilot to individuals wanting to become qualified solicitors.
- Approximately one-fifth of candidates reported the pilot made them consider or talk about their personal development and progression and encouraged their self reflection skills.
- Tutors interviewed reported that a particular strength of the *paralegal route* was the flexibility it offered candidates as they could move between employers if they wanted to.
- The majority of evaluation participants suggested that the pilot would be improved by reducing the overall workload and paperwork involved for candidates and employers.
- Several employers reported that more could be done by the SRA and pilot providers in the future to engage with employers not yet involved in the WBL to communicate the aims and objectives and raise awareness of the pilot. In a few cases employers reported that more could have been done to communicate the role of the supervisor and what was expected of them.
- The majority of employers that took part in the telephone survey indicated that they would be willing to take part in a similar scheme in the future. Employers were of divided opinions on whether the pilot or the traditional training contract was the better approach. Some reported they believed the pilot to be a more rigorous, skills-focussed approach whilst others have concerns about the experience gained by candidates and their assessments.
- Interviews with employers show that in some instances employers tried (and succeeded) to integrate the work the candidates were undertaking with that of other 'traditional' trainees.
- Generally employers and tutors interviewed reported that there is a requirement and a place for both a WBL approach *and* the traditional training approach. Many employers felt that the WBL approach was crucial in order to widen access to the profession and

was particularly valuable to organisations that did not offer training contracts or could not offer training contracts in the current economic environment.

## Conclusions and discussion

With scope for adjustments and improvement, the WBL approach has met its overall objective to deliver an alternative route for qualification and it has been mainly well-received by participants. Key points and conclusions arising from this evaluation include:

- Employer support is reasonably high. There is no sense that employers gave trainees in work based routes any less support than those on traditional training contracts.
- The evidence on whether employers were sufficiently equipped and advised to provide support is ambiguous. On one hand, only one out of sixteen employers interviewed gave a score at the negative end of an offered 'sufficiency scale'. On the other hand, seven gave a neutral, mid-point score (of 3) and only one gave a 'completely sufficient' score. The data suggests that there may be scope for improvement in this area.
- Candidates were generally adequately or well supported through their WBL training.
- There is no major issue with candidates ensuring they obtained the necessary experience. However, it would be valuable if the WBL syllabus could find a more effective or consistent way of overcoming the inherent difficulty of supplying junior staff with experience in 'senior' tasks.
- Part-time candidates were at no specific disadvantage in terms of the WBL training process. They simply faced the pressures which apply to people who seek to study for a qualification whilst holding down a job.
- Differences in delivery mode between part-time and full-time candidates do not result in different standards of training and learning. Numbers of WBL trainees are still small but it appears that a WBL approach is robust and allows flexible delivery without dilution of standards.
- No apparent issues arise with the framework's ability to cope flexibly with a variety of contexts and situations in which trainees train and with consequent variety of their training experiences.
- There may be scope to extend WBL's capacity to accredit prior experience allowing assessors, in consultation with employers, to credit this without much further requirement on the candidate.
- Where candidates are in conditions supportive of their completion, WBL has a high success rate. However, in conditions where the overall number of trainee solicitors is decreasing there is inevitable constraint on the capacity of the sector to absorb WBL trainees.
- A wider roll-out of the pilot may benefit if the number of outcomes is streamlined with more emphasis placed on achieving against the eight broad outcomes in order to reduce the overall workload for candidates and employers.
- Whilst there is some debate around the WBL pilot's contribution to 'development of skills' versus 'evidencing of existing skills', the general thrust of this study is that the pilot produces people who are adequately skilled to enter the legal profession as a solicitor.
- Post-employment rate from the pilot appears high in its own right as does the overall salary increase and there appears to be no major concern that graduates of the programme are not generally acceptable to the sector.

- The pilot appears to show that it has made a contribution to lowering barriers to access to the legal profession for those candidates who took part. However, if the pilot was to be delivered in a similar way in the future there may be some concern that, in cases where paralegals become qualified but do not move up into a fully-qualified status position as a solicitor, the programme's impact is a little muted.
- At the present time, the sector is likely to see the WBL approach not as a competitor to, or replacement of, the traditional approach to the training of solicitors but as a variation which has specific value in specific circumstances and should be developed and promoted as such.



# 1 Introduction

## 1.1 The Work-Based Learning pilot

### 1.1.1 Overview of the Work-Based Learning pilot

1. The Work-Based Learning (WBL) pilot has been developed and managed by the Solicitors Regulation Authority (SRA) as an alternative to the vocational (training contract) stage of training for trainee solicitors.
2. The aims of the pilot were two-fold; *firstly*, it aimed to explore this new option for a quality-assured, consistent and reliable method of assessment for solicitors to ensure practitioner competence. This fell within the SRA's strategic aim to "*set, promote and secure in the public interest, standards of behaviour and professional performance necessary to ensure that clients receive a good service and that the rule of law is upheld*". *Secondly*, it sought to respond to a perceived need to widen access to the profession and test a route to qualification that did not depend on the candidate having a training contract and which reduced barriers to accessing the profession.
3. Traditionally, the work based element of solicitors' training has been provided by employers through a training contract. The training contract typically lasts 2 years with the trainee working at a law firm and requires that they cover at least three areas of work, and a mix of contentious and non-contentious work. As part of the training contract the Professional Skills Course (PSC) must be completed.
4. It should be noted that there is scope within the traditional training contract route for candidates' prior experience to be taken into account through the SRA's training regulations for 'time to count' or 'previous good service'. These regulations enable traditional training contract candidates to have their prior experience taken into account if they have been working for a firm as a paralegal. A candidate can have a maximum of six months removed from their two year training contract through through an agreement with their employing firm.<sup>1</sup> However, this recognition does not apply to WBL candidates.
5. The WBL pilot provided opportunities for candidates to develop, practise and demonstrate legal and professional skills in the workplace, including: reflecting on and improving performance; dealing with practical and ethical issues in a working, but supported environment; and exposure to a range of areas of legal practice and to contentious and non-contentious work.<sup>2</sup> Candidates were required to successfully acquire, develop, apply and evidence skills and knowledge relating to eight key learning outcomes. The learning outcomes were developed by the SRA to reflect the key skills newly qualified solicitors should be able to demonstrate and comprise:
  - the practical application of the law;
  - professional communication;
  - relationships with clients;
  - the wider business environment in which he or she works;

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<sup>1</sup> Further details can be found here: <http://www.sra.org.uk/training-contract/>

<sup>2</sup> SRA (2009). *Work-Based Learning pilot - handbook for all participants*.

- the delivery of business and client objectives, including the planning and managing of his or her own workload;
- teamwork and co-operation in line with the objectives of the organisation;
- his/her own professional abilities, their limits and their further development; and
- the application of the rules and principles of professional conduct in legal practice.

6. An overview of the WBL process is outlined overleaf.

The WBL pilot commenced in September 2008 and has been delivered and assessed in a variety of ways including:

- the *training contract/employer-assessed route* - employers assessed their trainees against the WBL outcomes. Employer assessors included Beachcrofts, Dickinson Dees, Freeth Cartwright, Hodge, Jones & Allen, Jones Day, and Leeds City Council;
- the *training contract/externally assessed route* - employers agreed that an external provider would assess their trainees against the WBL outcomes. Assessed by Oxford Brookes University;
- the *paralegal route* - aimed at those who do not have training contracts but whose legal work is commensurate with the work undertaken in a training contract. Assessment is provided by an external provider. Full-time candidates have completed their assessment and the findings are included in this summary report. Part-time candidates will be assessed during 2011 and 2012. Assessed by Nottingham Law School; and
- the *combined route* - single provider (Northumbria Law School) providing a law degree, LPC and assessment of WBL in two contexts: client facing experience in Northumbria University's Student Law Office (a pro bono clinic providing free legal advice to the local community), and a placement with an employer.

Under the WBL pilot, the SRA required candidates, both those in training contracts and paralegals, to complete a period of practical, assessed legal experience prior to qualification, with the aim of ensuring that each candidate should demonstrate the required standard of competence through the WBL outcomes in supportive legal environments.

A portfolio was chosen by both the internal and external assessment organisations as the method by which trainees would be able to demonstrate evidence of their competency against the WBL outcomes.

The basic nature of the current training system remained in that training was designed and delivered by autonomous organisations under the central regulations and guidance of the SRA. For candidates in paralegal roles in the WBL scheme, external assessment organisations designed and developed programmes under the new pilot framework which the SRA validated. The external assessment organisations performed the final assessment of competence for this group.<sup>3</sup>

7. At the date of writing this report a total of 107 candidates have entered the pilot and 83 of these (78 per cent) have qualified as solicitors through it. Further information on levels of take-up is included in Chapter 2 of this report.

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<sup>3</sup> Institute for work-based learning. (2010). *Evaluation: Work-based learning scheme pilot, cohort 1, 2008-2010*. Middlesex: Middlesex University.

### 1.1.2 Context for this evaluation

8. The legal services sector is experiencing a high level of change. Following the inception of the WBL there have been a variety of factors that have impacted on the overall aims and objectives of the pilot, on how the pilot has been received by employers and candidates, and on the context for this evaluation.

#### 1.1.2.1 Rationale for the WBL pilot

9. A number of key issues had been identified with regard to the traditional training contract approach for the vocational stage of the route to qualification for the legal profession. These were summarised in the interim evaluation as follows:
  - an individual who has successfully completed the first two stages of education and training is effectively unable to qualify as a solicitor if a training contract is not secured;
  - training contract standards are currently dependent on the employer organisation working to basic guidelines set by the SRA and are centred around exposure to set areas of law (seats);
  - there are no required criteria of assessment or objective measures of competence other than those administered by the individual organisations; and
  - training contracts are monitored on a random basis or when issues relating to practice standards arise for the public and for employees of individual organisations
10. The WBL pilot was therefore introduced in order to:
  - provide recognition that the existing system is vulnerable to individual interpretations of professional standards and individual assessments of whether a trainee is fit to practice;
  - provide recognition that the current system is vulnerable to excluding sectors of the population;
  - provide recognition of the need for a more robust and appropriate framework to support the SRA's regulatory obligations to attend to ethical issues of professional practice by
    - a. addressing standards to minimise risk to the public
    - b. exploring and challenging barriers to widening participation<sup>4</sup>

#### 1.1.2.2 Economic climate and widening access to the profession

11. As in most sectors the impact of the economic downturn has been felt in the legal services sector. There has been an overall reduction in the number of available training contracts during the pilot period. Law Society figures show that between 2009 and 2010 the number of training contracts offered by law firms fell by 18% with only 4,784 training contract places offered in 2010, compared to 5,809 in 2009.<sup>5</sup> Entry to the legal profession is traditionally highly competitive and this has been exacerbated by the economic climate. However, widening access to the profession continues to be a key issue for the legal sector as evidenced by the recent Legal Education and Training Review (LETR) discussion paper which argues that '*diversity in recruitment and retention*

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<sup>4</sup> Institute for work-based learning. (2010). *Evaluation: Work-based learning scheme pilot, cohort 1, 2008-2010*. Middlesex: Middlesex University.

<sup>5</sup> The Law Society (2011). *Trends in the solicitors' profession – annual statistical report 2010*. London: The Law Society

*strengthens the legal profession and enhances the services which it provides*.<sup>6</sup> The paper further explores how diversity can be increased either through standards to facilitate fair and open access to the profession, specific diversity targets or the reinforcement of good practice by periodic oversight of the composition of the profession, to satisfy regulators that there is no fundamental or inherent defect in selection processes. The WBL pilot offers the availability of an alternative route to qualification through the paralegal route would be appealing for the increased number of people who may not have been able to get a training contract for a variety of reasons and potentially offers a pathway through which access to the profession can be further widened.

### **1.1.2.3 The Legal Education and Training Review**

12. The legal sector is currently undergoing a review of its education and training structures and requirements. The LETR is a joint project of the SRA, the Bar Standards Board (BSB), and ILEX Professional Standards (IPS) and constitutes a *'fundamental, evidence-based review of education and training requirements across regulated and non-regulated legal services in England and Wales'*.<sup>7</sup> Reporting in December 2012 the review aims to ensure that future legal education and training will be effective and efficient in preparing legal service providers to meet the needs of consumers.
13. Crucially in the context of the aims of the WBL pilot, the review examines the fitness for purpose of the current legal education and training system in preparing lawyers for practice, will identify the scope for deregulation of existing training requirements, and will consider whether there is a case for bringing aspects of the non-regulated sector within a scheme of regulation. The experiences of those on the WBL pilot and this evaluation will feed into the review.

### **1.1.2.4 Interim evaluation**

14. An interim evaluation of the WBL pilot was undertaken by the Institute for Work Based Learning at Middlesex University in 2010. Several recommendations were made which we recognise may have been considered and addressed by the SRA and pilot assessment providers in the intervening period. Key recommendations from the report included:
  - further work setting out the skills and attributes for qualifying as a solicitor;
  - development of progressive steps of achievement linking the Legal Practice Course, the vocational stage and Day 1 competencies;
  - articulation of the learning outcomes necessary to show competence;
  - consideration of a credit system to assess incremental learning and to open the door to more flexible routes to qualification and transfer between professions;
  - retention and development of the portfolio as a learning journal;
  - training of key professionals in coaching and assessment within a WBL framework;
  - continuation of the bold moves in widening participation through exploring an accredited learning scheme for prior learning; and

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<sup>6</sup> LETR (2012). Discussion paper 02/2011: *Equality, diversity and social mobility issues affecting the education and training in the legal services sector*. LETR.

<sup>7</sup> The Legal Education and training review: <http://letr.org.uk/>

- addressing barriers to entry at secondary school level when choices of university, courses and future careers are still being formed.<sup>8</sup>

### 1.1.3 Evaluation aims and objectives

15. This final evaluation of the WBL pilot builds on the findings from the interim evaluation and explores in more detail the experiences of candidates from the *part-time paralegal and combined routes* who had not completed at the time of the previous report. In particular, this evaluation was commissioned in order to address three key research areas, specifically:
  - the outcome and experience of the part-time cohort at Nottingham Law School;
  - further analysis of the structure and effectiveness of the *combined route* offered by Northumbria Law School; and
  - an evaluation of the experience and subsequent destinations and/or outcomes of the recently qualified full-time cohort.
16. Further to this, the evaluation explored the following aspects of the WBL pilot:
  - the part-time cohort, their learning programme, review, support and assessment mechanisms, supporting documentation and policies, quality assurance processes, and relationships with candidates' employers (where applicable);
  - the strengths and weaknesses of the different approaches to WBL operated across the organisations taking part in the pilot, as well as any significant differences identified within the part-time cohort;
  - whether the WBL pilot has met its stated objectives in terms of demonstration of competence and removing barriers to access, whether participants have achieved the required competences of the training period and if there are any factors which affect or might affect achievement of the outcomes;
  - the feedback, opinions, and experience of all participants in the pilot and comparisons of these factors across WBL sites and cohorts;
  - risks and issues arising from WBL provision, including any disputes or problems between candidates, assessment providers and employers; and
  - identification of any improvements to the system, potential risks and policy/operational issues arising from the pilot.
17. In addition, the evaluation was asked to consider the following specific questions:
  - i. How much employer support was made available to candidates?
  - ii. Were employers sufficiently equipped and advised to provide support?
  - iii. How did the candidates ensure they obtained the necessary experience?
  - iv. Were part-time candidates able to gain sufficient/comparable experience to full-time candidates?
  - v. How does the WBL framework cope with the variable nature of experience obtained by the candidates in the context of assessment and monitoring?

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<sup>8</sup> Institute for work-based learning. (2010). *Evaluation: Work-based learning scheme pilot, cohort 1, 2008-2010*. Middlesex: Middlesex University.

- vi. Is the standard achieved consistent between the *part-time, full-time and combined routes*?
  - vii. How does/should the WBL framework address previous experience/learning?
18. Given the above aims and objectives of this research specified by and agreed on commission with the SRA, it is worth noting that evaluation is focused primarily on the delivery of the paralegal and combined route (as these elements had not been explored fully in the interim evaluation) with follow up on all participants as far as possible. It did not represent an evaluation of the whole pilot.

## 1.2 Method of evaluation

19. In order to meet the research aims and objectives a number of research elements were undertaken, these element were discussed and agreed with the SRA upon commissioning to ensure the evaluation focused primarily on the delivery of the paralegal and combined route. As such employers and tutors from the WBL training contract routes were not consulted as part of this evaluation and trainees from these routes were contacted for the quantitative telephone survey only:
- in-depth interviews with the pilot leaders from Nottingham and Northumbria Law Schools;
  - in-depth interviews with 4 tutors from Nottingham Law School;
  - a telephone survey of 54 candidates who had previously been or were currently involved in the pilot. This reflects a 68 per cent response rate;<sup>9</sup>
  - in-depth interviews with 5 part-time candidates from the *paralegal route*;
  - a semi-structured discussion (including a focus group) with 4 candidates from the *combined route*;
  - a telephone survey of 16 employers who had been involved in the pilot either through the *paralegal route* or the *combined route*; and
  - in-depth interviews with 5 employers who had been involved in the pilot either through the *paralegal route* or the *combined route*.

## 1.3 Respondent characteristics

20. An overview of the characteristics of respondents to the telephone surveys is provided below.

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<sup>9</sup> Contact details for 94 candidates were provided to BMG by the SRA. Due to individuals changing firms etc, in some instances these contacts were no longer accurate. As such BMG worked closely with the SRA to secure up to date contact details throughout the research process. However, not all contact details could be obtained within the fieldwork period leaving a total of 79 valid contacts. Where possible candidates were contacted up to 8 times at different times during the day to try and secure a telephone interview. Four candidates refused to take part whilst the remainder were not able to be reached or take part within the fieldwork period.

### 1.3.1 Candidate survey

Gender	Number of respondents (Base=54)
Male	35%
Female	65%

**Table 1: Gender of candidate survey respondents**

Ethnicity	Number of respondents (Base=54)
White British	61%
White Other/Irish	6%
British	11%
Asian	17%
Black	2%
Dual Heritage	4%

**Table 2: Ethnicity of candidate survey respondents**

Disability	Number of respondents (Base=54)
None	83%
Not disclosed	13%
Learning disability	2%
Physical disability	2%

**Table 3: Respondents with disclosed disability status**

Route taken	Number of respondents (Base=54)
Combined route	6%
Paralegal route (Full-time)	26%
Paralegal route (Part-time)	13%
Training contract/employer-assessed route	45%
Training contract/externally assessed route	11%

**Table 4: WBL route taken of candidate survey respondents**



WBL status	Number of respondents (Base=54)
Currently undertaking the WBL pilot	17%
Successfully completed the WBL pilot	76%
Did not complete the WBL pilot	7%

**Table 5: WBL status of candidate survey respondents**

### 1.3.2 Employer survey

WBL route	Number of respondents (Base=16)
Paralegal route (full-time)	10
Paralegal route (part-time)	5
Combined route	1

**Table 6: Employer survey respondents**

## 1.4 Report structure

21. Following this introduction the report is structured as follows: Chapter 2 explores the overall structure of the WBL pilot, how it operates, and how it has been quality assured; Chapter 3 explores the level of engagement in the project and what support has been received by candidates and employers; Chapter 4 examines the skills and competencies developed by candidates over the course of the pilot; Chapter 5 explores overall satisfaction with the pilot and how it can be developed in the future; and finally Chapter 6 provides conclusions against the evaluation questions and provides overall discussion of the key findings and themes.

## 1.5 Analytical approach

22. This report provides analysis from all strands of the research and includes top-line frequency distributions from both the candidate and employer surveys. Where they are relevant, key findings from cross-tabulations are also included. However, it is important to note that, where these findings are reported, it is because they may indicate emerging issues or for completeness but that, due to the sample sizes (details of which are included in Appendix 1), they are not statistically significant.
23. Where qualitative data is reported this reflects the opinions of those who have participated in either the *paralegal* or *combined routes*.

## 1.6 Terminology used when reporting quantitative and qualitative findings

24. This report presents findings from both quantitative and qualitative methodologies and triangulates these to support findings. As such method-appropriate terminology is applied throughout when describing data.



25. Therefore quantitative data is described in statistical terms such as, majority, minority etc. Qualitative data is described in more open terms such as, nearly all, a few etc.

## 2 Establishment and delivery of the WBL pilot

### 2.1 Overview of key structures

26. The WBL pilot is delivered through four different routes as outlined in the previous chapter (some building on the traditional training contract model) and has included participation from a variety of assessor organisations.
27. A summary of the number of candidates who commenced each route and their outcomes (as known at present) is provided in the Table 7:

Route	Total number of candidates	Passed	Fail	Withdrew	Still undertaking pilot
<b>Training contract/ employer assessed route</b>	36	35	1	-	-
<b>Training contract/externally assessed route</b>	9	8	-	1	-
<b>Paralegal route – cohort 1</b>	35	30	1	2	2
<b>Paralegal route – cohort 2</b>	16	10	-	1	5
<b>Combined route</b>	11	-	-	6 <sup>10</sup>	5

Table 7: Candidate outcomes

28. Although there are differences between the four approaches to delivery, they share a common core. Thus, during their time on the pilot, candidates are expected to work with their employers and tutors to identify opportunities to develop against the eight key competencies outlined previously (showing progress under a total of 34 outcomes distributed under these headings). Candidates record their progress and provide examples of their work to substantiate this in their portfolio. Portfolios typically include work product documents; reflection sheets; notes from colleagues and clients or other documents the candidate has created; other records such as development plans, appraisal notes, and evidence of training attended; and wider documents/systems the candidate has created. Portfolio content is signed off by employers to confirm it as their own work and as meeting the standard required. The portfolios are subsequently provided to their assessor organisation which reviews the information to assess whether it shows progress and meets the criteria and standards required.
29. A total of 41 employer organisations were engaged within the programme either supporting their employees to undertake the WBL pilot or offering placements to those on the combined route. This included arrange of employer types and sizes including private practice firms (22), Local Government (6) and other organisations containing legal departments (13).

<sup>10</sup> 5 candidates on the combined route have not continued onto the 5th year of the programme as they have not managed to obtain a 15 month placement. These candidates will still graduate with an exempting qualifying law degree at the end of this year

## 2.2 Delivery, assessment and quality assurance

30. Both of the training contract WBL routes completed in 2010. The positions and views of candidates and employers who took part through these routes were described previously in the interim evaluation report. Candidates from these routes were re-contacted as part of the telephone survey in this final evaluation in order to identify the impact the pilot has had on them over a further period of time and their employment outcomes thus far. However, their employers and assessors were not contacted further as the SRA deemed their perspectives to have been reflected sufficiently in the interim evaluation.
31. Due to the emphasis in the evaluation aims and objectives on the experiences of the participants in the *paralegal and combined routes* (given these candidates had not all completed the programme at the time of the interim evaluation), in this section, we explore the arrangements for *paralegal and combined candidates* only, including how these are delivered, assessed, and quality-assured. .

### 2.2.1 Nottingham Law School

32. Nottingham Law School operates the WBL pilot's *paralegal route*. This route was designed to explore and develop a method for widening access to the profession which enabled people who were currently employed in the legal sector as paralegals or equivalent to qualify to become a solicitor.
33. The route provides a tutor/assessor who provides support to candidates and reviews their portfolio. Over the course of the pilot, tutors have up to five meetings with the candidates (depending on the length of time they are on the pilot). This includes an initial meeting with candidates and their employers to provide an outline of what is expected and required of them and then two review meetings per year over the 2 years of the course. Review meetings take place at the point when a candidate is ready to submit their portfolio for review of the materials included, and can provide help in identifying where further information can be added. It is intended that a full-time paralegal candidate would take approximately two years to complete the pilot whilst a part-time candidate would expect to take longer depending on how many hours they are contracted for.
34. The paralegal route offers both formative and summative assessments. Following meetings with candidates the tutors from Nottingham Law School provide a review of the candidate's progress based on 3 levels of assessment:
  - Level 1: which candidates will expect to reach after a few months;
  - Level 2: which candidates are expected to reach after the first year; and
  - Level 3: final pass level.
35. The summative assessment provides the final decision as to whether the candidate has achieved the level of skills and competency required from the WBL pilot. An initial grading is provided by the candidate's tutor; however, all results are quality assured at an assessors meeting that acts as an exam board for the route.
36. The programme lead at Nottingham Law School identified that these processes were important in order to ensure that all candidates achieved consistent levels of competency before they could complete the pilot. Further to this, one tutor reported that they felt the

WBL process is more rigorous than a training contract as it encourages more in the way of professional development, evaluation of skills, and self- assessment of work.

37. To date 40 candidates have successfully completed the paralegal route.

### **2.2.2 Northumbria Law School**

38. Northumbria Law School is responsible for the delivery of the *combined route*. The combined route aims to: *“develop students’ knowledge and understanding of legal principles through the exercise of a range of legal skills and clinical legal education methodology and to integrate the academic, professional and training stages of legal education”*.<sup>11</sup>
39. Work-based learning elements are embedded into the delivery of the degree course offered through two placements (lasting 3 months and 15 months) and a placement in Northumbria Law School’s Student Law Office. These elements are designed to reflect the candidate’s abilities and development needs at different points in their education.
40. As with the paralegal route, in total there are at least five meetings between the candidate and their WBL reviewer/assessor. These meetings review the candidate’s progress against agreed objectives and provide formative feedback. Final assessment is based on a competent/not competent assessment using both the portfolio and other feedback from individuals.
41. Final assessment is made by the WBL reviewer/assessor with the University exam board determining whether the candidate is awarded their final M Law (Solicitor) degree. The process is overseen and quality assured by the course lead who is in frequent communication with employers providing placements.
42. None of the candidates on the combined route have yet completed the programme due to the overall duration of this route (5 years) not being complete at the time of writing.

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<sup>11</sup> Northumbria University School of Law Work Based Learning handbook

## 3 Engagement and support

### 3.1 Introduction

43. The evaluation allowed a number of insights into the overall engagement and support provided to candidates and employers as well as their overall experience of the pilot. This section explores how candidates and employers first found out about the pilot; candidates' and employers' motivations for engaging with the pilot; any barriers candidates had previously experienced to accessing training to become a solicitor; the support candidates and employers received from different sources; and any issues or challenges candidates and employers had experienced whilst on the pilot.

### 3.2 Engagement with the pilot

#### 3.2.1 Awareness of the pilot

44. How candidates first found out about the WBL pilot varied depending on the route they had undertaken. Where candidates surveyed had undertaken a *training contract route* the majority had first heard of it through their employer. Where they had undertaken the *paralegal route* they had heard about it from a range of sources including through the SRA, by word of mouth, or through a direct invitation. Respondents on the *combined route* had all heard about the pilot through Northumbria Law School either through a tutor or as part of a lecture. Table 8 shows candidates' responses.

	Training contract routes (Base=30)	Paralegal route (Base=21)	Combined route (Base=3)
Through employer	28	2	-
Through university tutor	-	1	3
Referral from another course or project	1	-	-
Word of mouth	1	5	-
Direct invitation		4	
Through the SRA	1	8	
Other	1	6	1

**Table 8: How the candidates first found out about the WBL pilot**

Base definition: All survey respondents

Source: Telephone survey of candidates

45. Employers taking part in the *paralegal route* interviewed in our telephone survey had primarily found out about the WBL pilot through the candidate (11 employers). The majority of employers surveyed and many interviewed in-depth reported that the candidates tended to be very motivated and had brought them information about the pilot and had sought their support to take part.

*'Initially the candidates themselves ascertained the nature and extent of the scheme and presented it to management to see if it was something we could support; and it was something new and innovative and we thought it was something appropriate to do.'*

#### **Employer - paralegal route (full-time)**

46. Employers taking part through the *combined route* reported that they had either been contacted by Northumbria Law School directly to take part (as a result of strong links and partnership working) or they had been approached directly by candidates.

#### **3.2.2 Motivation for engagement**

47. Candidate survey respondents reported a range of factors behind their decision to engage with the WBL pilot. However, when asked for their main reason for engaging with the pilot, candidate survey respondents' reported their motivations varied depending on the route they were undertaking.
48. The majority of candidate survey respondents on the *training contract routes* reported that their main reason for taking part was that their employer had requested it (80 per cent).
49. Candidate survey respondents on the *paralegal route* had a more diverse range of motivations. Nearly one-quarter (24 per cent) reported that their main motivation was to develop the skills they need to become a solicitor, 14 per cent wanted to gain the relevant experience to become a solicitor, and 14 per cent wanted to progress in their career. Within this group there were no differences between the motivations of part-time and full-time candidates. Additionally, in-depth interviews with part-time *paralegal route* candidates identified further individual motivations for taking part, including: wanting to accredit their existing skills; and the ability to continue on the scheme if they changed firms.
50. Candidate survey respondents (only 3 individuals) taking part through the *combined route* reported that their main reasons for taking part in the WBL pilot were: to help remove barriers they had previously experienced to becoming a solicitor; they were attracted to a new route to becoming a solicitor; and to help them find a placement. Our focus group discussion with *combined route* candidates also highlighted that developing their skills and experience through placements was an important factor for them as they wanted to stand out from other recent graduates when they entered the job-market. In addition, they were also attracted to the possibility of qualifying a year earlier than they would do otherwise.
51. Table 9 shows candidate survey respondents' main motivations for taking part in the pilot based on the route they undertook.

	Training contract routes (Base=30)	Paralegal route (Base=21)	Combined route (Base=3)
To develop the skills I need to become a solicitor	-	24%	-
To gain the relevant experience I need to become a solicitor	-	14%	-
To help remove barriers I had previously experienced to becoming a solicitor	-	5%	33%
To improve or widen my career prospects	3%	5%	-
To help progress in my career	-	14%	-
My employer requested it	80%	5%	-
It was the only option available to me	13%	-	-
I was attracted to new route to train to be a solicitor	3%	19%	33%
Chance for my competence to be assessed through a standardised approach	-	5%	-
To become a solicitor in a shorter timeframe than on other routes	-	5%	-
To help me find a placement	-	-	33%
Other	-	14%	-

**Table 9: Candidate's main motivation for undertaking the WBL pilot (Base=variable)**

Base definition: All survey respondents

Source: Telephone survey of candidates

52. In-depth interviews with employers taking part through the *paralegal and combined routes* identified that either a strong commitment to continued professional development, or a general interest in participating in new programmes/approaches relating to training, was their motivation for supporting the candidates through the WBL pilot.

### 3.2.2.1 Barriers to qualification

53. Prior to finding out about the WBL pilot nearly four-in-ten (37 per cent) of candidate survey respondents reported that they had experienced barriers to becoming a solicitor. Further analysis shows that candidates on the *paralegal route*, in particular those on the full-time course, were more likely to report that they had experienced difficulties.<sup>12</sup>

<sup>12</sup> This finding would be expected as those who were/are employed as paralegals at the time of taking part in the pilot would suggest that they had not been successful in obtaining training contracts previously

- 79 per cent of full-time and 43 per cent of part-time candidates surveyed on the *paralegal route* had experienced barriers to becoming a solicitor;
- 33 per cent of candidates surveyed from the *combined route* had experienced barriers to becoming a solicitor; and
- 17 per cent of candidates surveyed on *training contract routes* had experienced barriers to becoming a solicitor.

54. When asked what these difficulties were, 14 of the 20 candidates that had reported facing barriers to becoming a solicitor reported that it was because they could not get a training contract. Additional issues included external challenges such as the reduction in the number of training contracts available which has been exacerbated by the economic climate.

*'There's not many training contracts available; they are few and far between'*

**Candidate - paralegal route (full-time)**

*'I have applied to about 200 firms to get a contract and it was very difficult'*

**Candidate - paralegal route (full-time)**

55. Further to this, three candidates surveyed specified they were unable to get a traditional training contract because they had not previously obtained the academic standards necessary (A-grades at A-level or a 2:1 or above in their first degree) to compete successfully for a traditional training contract. Within this highly competitive environment many of the paralegal candidates felt they were unable to compete with other candidates.

56. In-depth interviews with tutors, employers and candidates further supported the finding that candidates on the *paralegal route* have experienced a number of additional barriers to qualifying as solicitors. Other barriers that were identified by all stakeholder groups that candidates had experienced included: candidates not performing well in the traditional training contract recruitment process, having been made redundant from their previous role with a training contract, family commitments, health reasons and age.

*'I had children following completing the LPC so it wasn't practical at that time'*

**Candidate - paralegal route (part-time)**

*'I am a type 1 diabetic and my age (I am mid 30's)'*

**Candidate - paralegal route (part-time)**

### 3.3 Experience of the pilot

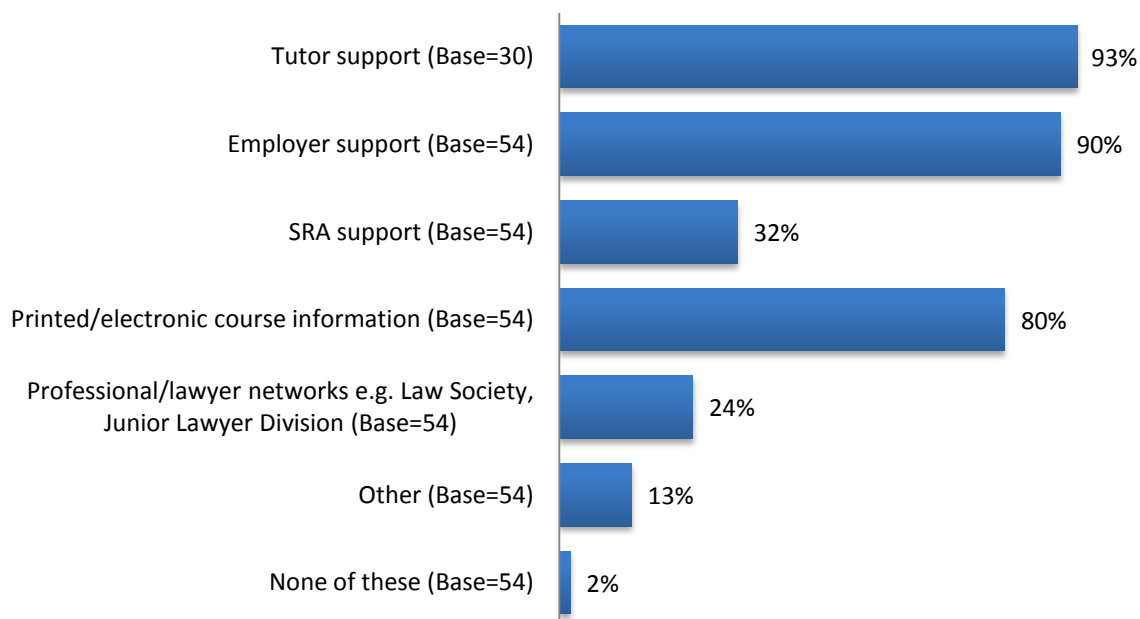
#### 3.3.1 Support received

57. Over the course of the pilot the majority (98 per cent) of candidate survey respondents had accessed support from at least one of the range of sources available to them. Figure 1 shows that respondents had accessed tutor support (93 per cent), employer support (90 per cent), and printed/electronic materials (80 per cent). Further to this, nearly one-



third (32 per cent) had accessed support from the SRA. Further analysis shows that candidate survey respondents on the *paralegal route* were more likely to access support from the SRA than were other types of candidate. Part-time *paralegal route* candidates were also more likely to access support from the SRA than full-time *paralegal route* candidates (71 per cent of part-time *paralegal route* candidates had accessed SRA support compared with 50 per cent of full-time *paralegal route* candidates).

**Figure 1: Information and support accessed by the candidate whilst undertaking the WBL pilot (Base=54)**



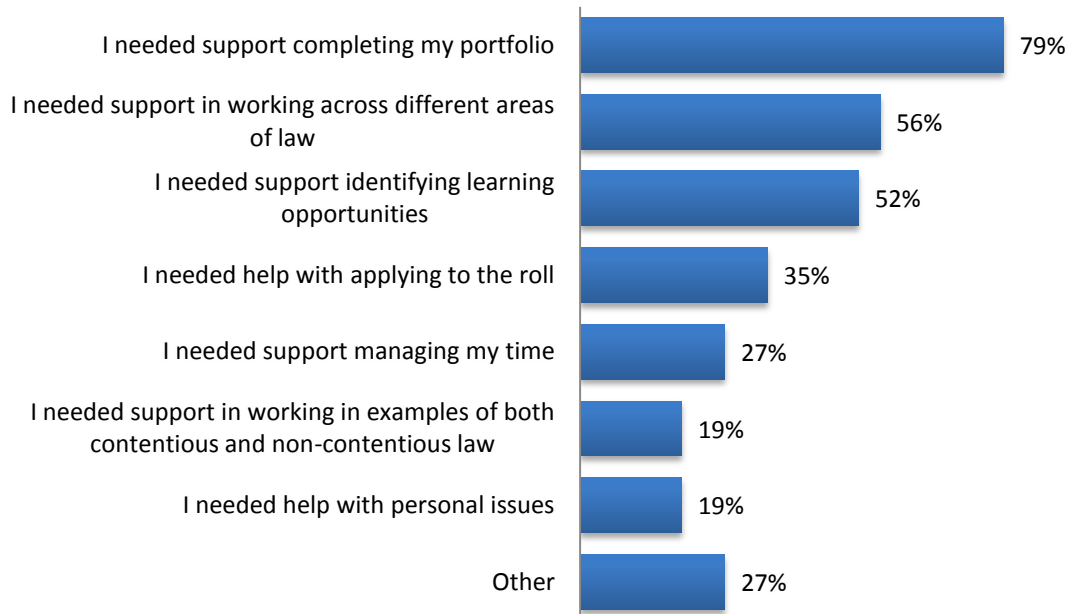
Base definition: All survey respondents eligible for different elements of support (base for *tutor support* is 30 as candidates on the *training contract/employer assessed route* did not have tutors)  
 Source: Telephone survey of candidates

### 3.3.1.1 Support in the workplace

58. Candidate survey respondents reported that support from employers was accessed for a range of reasons. Over three-quarters (79 per cent) of candidate survey respondents reported that they accessed employer support because '*I needed support completing my portfolio*'. Over one-half (56%) of the candidates surveyed had sought support from their employers because '*I needed support in working across different areas of the law*', and one-half of candidate surveyed (52%) needed support in identifying learning opportunities.
59. In-depth interviews with employers and candidates identified that this support frequently involved candidates working closely with their employers to identify opportunities and examples for work that would help address and demonstrate candidates' skills against the eight competency areas. Resolutions often involved candidates being given the opportunity to work on other cases or projects to ensure they developed these skills. In a few cases where opportunities to work in different areas of the law or opportunities to develop specific skills were not available, candidates arranged placements at other organisations. For example one candidate from a legal department that only dealt in

criminal law and rarely engaged with clients, undertook a placement in an external law firm which dealt in different areas of law which also offered more client facing opportunities.

**Figure 2: Reasons for which the candidate accessed employer support (Base=48)**



Base definition: Respondents that have accessed employer support

Source: Telephone survey of candidates

60. The survey of employers who have supported candidates on the *paralegal and combined* routes shows a range of areas where employers believe they had provided support to candidate. As with the candidate survey, key areas in which employers reported they have provided support included identifying learning opportunities; support to complete their portfolio; and support working in different areas of law. As Figure 3 shows, employers surveyed reported that they provided a high level of support across a range of areas.

**Figure 3: Ways in which the firm or legal department supported the candidate(s) during the WBL pilot (Base=16)**



Base definition: All survey respondents  
Source: Telephone survey of employers

61. In addition, many in-depth interviews with employers identified that further support was provided as standard in their organisations through regular meetings with supervisors and their human resources departments. For example, an employer on the combined WBL route which also offered traditional training contracts reported that candidates were able to access support from their training team in addition to further options for support.

*‘We have a training team. They are the main contact for the trainees. If they have any particular issues around settling, training contracts, that kind of thing. If they have questions about day-to-day issues and work that they do, that’s the supervisor. I meet with them and chat to see how things are doing, but they have various people they would speak to in terms of how things are working.’*

#### **Employer - combined route**

62. Candidates surveyed from the *training contract routes* reported the lowest amount of support time allocated by employers:

- 56 per cent of *training contract route* candidates surveyed reported that their employers spent less than one hour per week providing support to them;
- 47 per cent of *paralegal route* candidates surveyed reported that their employers spent 1-2 hours providing support to them; and
- 74 per cent of candidates surveyed from the *paralegal route* reported that on average they received at least 1-2 hours support per week from their employer.

63. Table 10 shows a more detailed breakdown of the amount of time allocated by employers to support candidates each week.

	Training contract routes (Base=27)	Paralegal route (Base=19)	Combined route (Base=2)
Less than 1 hour	56%	26%	-
1-2 hours	19%	47%	-
3-4 hours	7%	11%	50%
4-5 hours	-	5%	50%
More than 5 hours	4%	11%	-
Don't know	15%	-	-

**Table 10: Time allocated by employers to support candidates (Base=variable)**

Base definition: Respondents that have accessed employer support

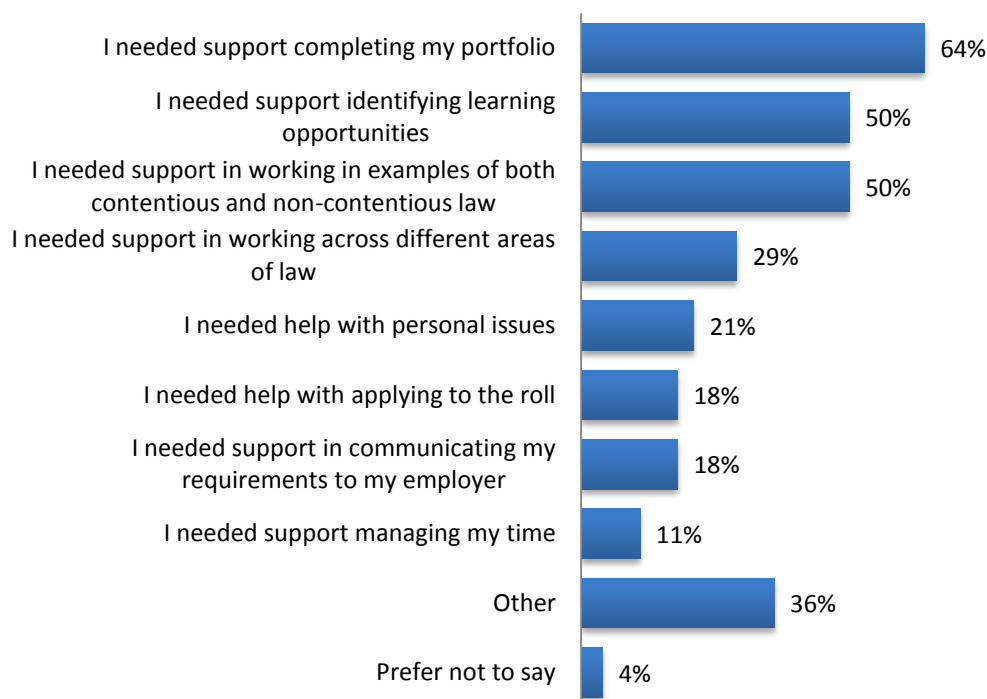
Source: Telephone survey of candidates

64. The majority (73 per cent) of respondents who had accessed employer support felt that it fully met their requirements and a further 23 per cent reported that the support partially met their requirements. Only four per cent of respondents that had accessed employer support stated that it had not met their requirements.
65. In-depth interviews with both employers and candidates identified that in nearly all cases candidates on the *paralegal route* (or in a few instances their employers) approached either their tutor or the SRA for further support where the employer was not able to provide this.

### 3.3.1.2 Support from tutors

66. Candidates reported that support from tutors was accessed for a range of reasons. *I needed support completing my portfolio* was the most frequently cited reason (64 per cent). In addition, one-half of respondents contacted tutors for support in identifying learning opportunities (50 per cent) and support in working in examples of contentious and non-contentious law (50 per cent). Figure 4 provides a full breakdown of the support respondents accessed from tutors.

**Figure 4: Candidates reasons for accessing tutor support (Base=28)**



Base definition: Respondents that have accessed tutor support  
Source: Telephone survey of candidates

67. When candidates surveyed were asked about the amount of time their tutor had spent supporting them, the majority (82 per cent) reported that they had received less than an hours support from their tutor in total for their queries over the full course of the pilot. However, the majority (79%) of candidates that had accessed tutor support reported that it fully met their requirements. A further 18 per cent reported the support partly met their requirements and only four per cent did not think the support met their requirements at all.
68. In nearly all instances tutors for the *paralegal route* who were interviewed in-depth reported that further support was provided during the assessment process with feedback being given during review meetings. This support included advice on where opportunities for further development could be identified and advice on how evidence could be used to best showcase the skills which candidates had developed.
69. One tutor at Nottingham Law School identified that these processes were important in order to ensure that all candidates achieved consistent levels of competency before they could complete the pilot. Further to this, another tutor reported that they felt the WBL process is more rigorous than a training contract as it encourages more in the way of professional development, evaluation of skills, and self- assessment of work.
70. In addition, interviews with tutors identified where candidates had been made redundant or were looking for new roles. In some instances, Nottingham and Northumbria Law Schools provided support when these candidates were approaching potential employers to explain the pilot to them. This support included making information about the WBL

pilot available for potential employers and identifying firms or legal departments that would support the candidate.

71. The in-depth interviews with candidates highlighted that the support sought from tutors was different to that from employers. Tutors tended to be contacted for higher levels of support more related to the pilot criteria and processes when employers were unable to provide support on a specific query.
72. In addition, tutors also provided more pastoral support when communications between employers and candidates had broken down. In these instances tutors were needed to communicate the pilot requirements and act in an intermediary role.
73. In these ways tutors were able to report back any quality assurance issues to the course lead if they were concerned that the candidate was not being offered the appropriate development opportunities from their employer. Many tutors reported that if they were unable to address a specific query then they would seek further support from either the course lead at Nottingham Law School or from the SRA.
74. Initial feedback from the first cohort's tutors suggests that in some instances candidates were offered support as they were struggling to complete their portfolios in a way that best evidenced their skills. One tutor reported that the main support they provided was:

*'Developing their skills to do the assessment task itself, that was the main thing, because most of mine had no experience of portfolio learning.'*

**Tutor – Nottingham Law School**

75. Nottingham and Northumbria Law Schools have produced a variety of support documents to enable candidates to best reflect on and record their progress. This includes examples of the type of documents candidates may want to use to evidence their skills and how to write about these in order to best communicate the skills developed to the assessor.

*'The changes that we made were to be more prescriptive about how they presented the material. To give them more guidance about what they need to tell us. We've been fairly open because obviously we didn't know what we were going to get, and also because we've got people in so many different kinds of organisations.'*

**Tutor – Nottingham Law School**

### **3.3.1.3 Support from the SRA**

76. Over one-half (59 per cent) of the 32 per cent of all candidates who had accessed support from the SRA did so for support in completing their portfolio, in addition, nearly one quarter (24 per cent) accessed support from the SRA in working in examples of both contentious and non-contentious law.
77. In-depth interviews with tutors, candidates and employers identified that this support was sought because many organisations taking part found their day-to-day activities did not offer the candidates opportunities to demonstrate their competency in key areas (e.g. advocacy). In several instances tutors and employers worked with the SRA to identify

how competencies could be made more flexible to enable candidates to demonstrate their competence.

78. Other support accessed from the SRA included help applying for the roll (24 per cent) and help with personal issues (18 per cent).

Reason for accessing SRA support	n
I needed support completing my portfolio	10
I needed support in working in examples of both contentious and non-contentious law	4
I needed help with applying to the roll	4
I needed help with personal issues	3
I needed support identifying learning opportunities	2
I needed support in working across different areas of law	2
Other	3

**Table 11: Reasons why candidates accessed support from the SRA (Base=17)**

Base definition: Respondents that have accessed SRA support

Source: Telephone survey of candidates

79. The majority (12 candidates) of candidate survey respondents who had accessed SRA support felt it fully met their requirements. The remaining respondents (5 candidates) believed SRA support had partially met their requirements.

#### **3.3.1.4 Other support**

80. Candidate survey respondents also reported that they had frequently used the printed and electronic course information made available to them. In particular, the examples of evidence that may be used and how it should be written about and presented were reported by some of the candidates interviewed in-depth to be very helpful.

*‘Without them I would not have known what I was doing.’*

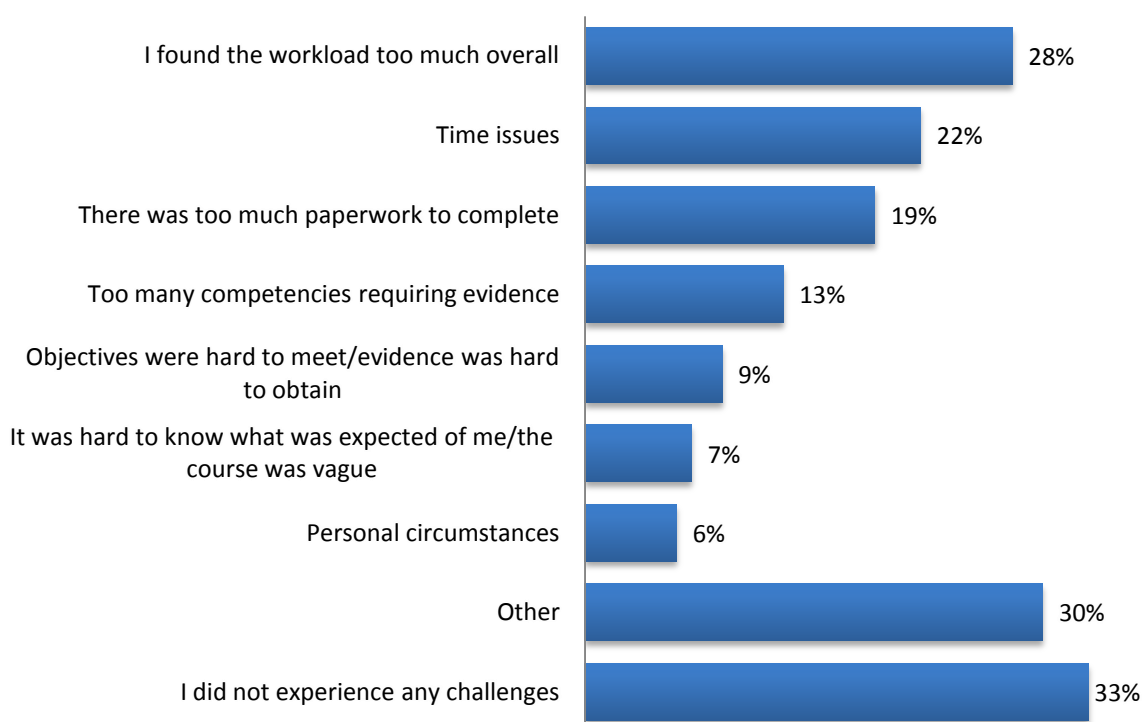
#### **Candidate - paralegal route (part-time)**

81. One candidate reported that they had also been able to access support from a colleague who had previously completed the WBL pilot. They had found this particularly helpful as they had been able to discuss the types of work that they could use to evidence competencies in their organisational context.

#### **3.3.2 Issues and challenges faced**

82. Over two-thirds (67 per cent) of the candidates surveyed had experienced an issue or challenge whilst they were taking part in the WBL pilot. Figure 5 provides an overview of the issues reported. In particular, the issues and challenges experienced related primarily to the overall volume of work required of candidates throughout the process, including finding the workload too much overall (including the amount of paperwork candidates had to complete and number of competencies candidates had to evidence) and time issues.

**Figure 5: Issues or challenges experienced by candidates on the pilot (Base=54)**



Base definition: All survey respondents  
Source: Telephone survey of candidates

83. Other issues identified by respondents included:

*'We are a small organisation, (only 2 employees) there are only 2 areas of Law that we deal with extensively but the pilot project covered 3 areas. In the end it would have meant recasting the organisation to meet the requirements of the pilot, which would have been impractical.'*

**Candidate - paralegal route (part-time)**

*'My employer initially was reluctant for me to be put onto the WBL pilot, then I was told I could go on the WBL pilot then my employer changed their mind. I had to do the work in my own time. I paid for the course myself and it was incredibly hard. I had to take days off to complete my portfolio.'*

**Candidate - paralegal route (part-time)**

*'The people that were supervising me were not experienced in the area that I work in. They were more High Street law firm orientated. They were not aware of the issues that I deal with day-to-day..'*

**Candidate - paralegal route (full-time)**



*'It was not quite clear what we had to do as it was brand new.'*

**Candidate - paralegal route (full-time)**

84. In-depth interviews with part-time candidates on the *paralegal route* further highlighted that time pressures had been a particular challenge for them as they were working to develop and evidence their competencies with less time available on a weekly basis. Some part-time candidates reported having had to remain at work outside of their normal working hours in order to complete their portfolios.

*'I had to work extra hours and stay behind to get everything done.'*

**Candidate - paralegal route (part-time)**

85. Several candidates on the *combined route* also faced challenges trying to identify organisations to support them on their 15 month placement. The focus group with candidates on this route identified that reasons for this could include less capacity being required by law firms and some law firms not having enough awareness of the pilot.
86. Nine of the 16 of employers surveyed also reported that they were aware of issues that their candidate(s) had faced during the pilot. The main issue reported by employers surveyed was the volume of work and time involved for candidates and the level of detail candidates were required to evidence in the competencies. Other issues reported by employers (on an individual basis) included:
- not knowing enough about what was expected of them and the candidate before they commenced the pilot;
  - difficulty in identifying opportunities for the candidate to develop and evidence the advocacy competency; and
  - the need for further clarification about the competencies and what they covered.
87. Approximately one-half (47 per cent) of candidate survey respondents who had experienced issues or challenges felt that these had been either fully or partially resolved. However, a further 43 per cent did not believe the issue or challenge they had faced had been resolved. In some instances candidates and employers interviewed in-depth noted that this may be expected given the pilot status of the WBL.

*'Certainly everything wasn't clear right at the beginning, but that is the nature of the pilot, it's new.'*

**Employer - paralegal route (full-time)**

**3.3.3 Support for employers**

88. All the employers interviewed reported that they had received support from at least one source whilst taking part in the WBL pilot. In nearly all of the cases this included an initial meeting with a representative from the pilot (usually from the assessor organisation but in some cases a representative from the SRA met with them). The purpose of these meetings tended to be to learn how the programme was run and the steps they needed to take to support the candidate.

89. Other sources of support provided to employers included paper-based information outlining their role

*‘which gave clear instructions on what I had to do in terms of supporting the candidate’*

**Employer - paralegal route (full-time)**

90. A few of the employers also reported meeting with or speaking to the candidate’s tutor during the course of the pilot. This tended to be where there was a particular challenge associated with a candidate’s organisational context and more support was needed in identifying opportunities to develop and evidence their skills and competencies.

*‘We ended up spending more time with them, with the supervisors, and with myself to make sure we reviewed each piece of work we gave them and viewed the outcomes from each piece of work - so it took a lot of time from an employer’s perspective.’*

**Employer - paralegal route (part time)**

91. Employers were asked how sufficient they found the information and support they were given prior to commencing the programme in enabling them to perform their role as supervisor. Respondents ranged in their levels of satisfaction with the information and support they had received indicating in some cases further support may be required. When asked how sufficient the information and support provided was, eight employers surveyed provided a response of either 3 or 4 on a scale of 1 to 5 (where 1 is not at all sufficient and 5 is completely sufficient). However, seven provided a more neutral response of 3.

<b>How sufficient was information and support provided to employers</b>	<b>n</b>
1 – Not at all sufficient	-
2	1
3	7
4	7
5 – Completely sufficient	1
Don’t know	-

**Table 12: How sufficient was the information and support provided to employers (Base=16)**

Base definition: All survey respondents

Source: Telephone survey of employers

## 4 Development of skills and competencies

### 4.1 Introduction

92. This section explores the extent to which candidates have developed their skills and competencies throughout the WBL pilot. It examines: the appropriateness of the WBL competencies; the extent to which candidates were able to develop and evidence their skills; how satisfied candidates were with the skills they developed and how the WBL pilot has impacted on their current or future employment plans.

### 4.2 Appropriateness of competencies

93. Consultations with employers and tutors identified that there was an overall consensus that the eight competencies candidates were required to evidence were in the most part the right ones and reflected the skills that solicitors would require to be 'first-day' ready; however, there was still some debate about the extent and number of these. As Table 13 shows, when asked the extent to which they believe the objectives candidates work towards are appropriate to demonstrate their competence as solicitors, 10 of the 16 employers of employers surveyed provided a response of 4 or above on a scale of 1 to 5 (where 1 is not appropriate and 5 is completely appropriate). However, a further five employers surveyed provided a response of 3 indicating there may be further thought required on some of these competencies.

Extent to which WBL competencies are the right ones	n
1 – Not at all appropriate	1
2	-
3	5
4	7
5 – Completely appropriate	3
Don't know	-

**Table 13: Extent to which WBL competencies are the right ones (Base=16)**

Base definition: All survey respondents

Source: Telephone survey of employers

94. Many employers indicated in qualitative interviews that they felt there were too many competencies for the candidates to evidence over the course of the pilot and some felt there was repetition amongst the criteria. One employer remarked that some of the competencies were focussed on candidates developing their skills against a lot of detailed outcomes rather than focussing on broader skills and as such they had found it difficult to identify where their organisation could address each of these. This perception was also shared by many of the candidates interviewed in-depth and they reported that they felt these could be streamlined further.

*‘When I was doing it I thought it was too long, with too many skills to evidence and some were very similar, but then my supervisor would explain why they weren’t similar...but I wished there were less skills to evidence.’*

**Candidate - paralegal WBL route (part-time)**

**4.3 Developing and evidencing competency areas**

95. Table 14 shows that the majority of employers reported that it had not been difficult to identify opportunities for candidates to develop their skills across the eight competency areas.

<b>Competency area</b>	<b>1 – Not difficult at all</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5 – Very difficult</b>	<b>Don’t know</b>
Application of legal expertise	3	7	3	1	1	1
Communication	7	6	-	1	1	1
Client relations	7	5	2	-	1	1
Business awareness	2	8	3	1	1	1
Workload management	4	6	2	2	1	1
Working with others	6	7	1	1	-	1
Self awareness and development	3	7	4	1	-	1
Professional conduct	6	6	3	-	-	1

**Table 14: Ease with which employers identified development opportunities for candidates (Base=16)**

Base definition: All survey respondents

Source: Telephone survey of employers

96. However, in-depth interviews with employers and open responses within the employer survey identified that some specific outcomes and competencies were more difficult to gain experience in such as advocacy, client relations, and business awareness and planning.

*‘Advocacy was a difficulty as the requirements were quite stringent and it was challenging to do in our organisational context.’*

**Employer - paralegal route (full-time)**

*I think commercial awareness is one they tend to struggle on but that’s something we’re taking steps to improve as a firm.’*

**Employer - combined route**

97. Some employers interviewed in-depth reported that these areas were often more challenging to provide opportunities in as a result of organisational context (e.g. the organisation does not have clients in the UK with whom candidates can meet).
98. Overall, the majority of candidates surveyed, reported that the WBL pilot had enabled them to develop their skills across the eight competency areas. When asked about this, over one-half provided responses of 4 or 5 on a scale of 1 to 5 (where 1 is not at all and 5 is completely) on each of the eight competencies. In particular, respondents felt they had developed their self-awareness and development (66 per cent of respondents provided a response of 4 or 5) and their professional conduct (62 per cent of respondents provided a response of 4 or 5).
99. Further to this, in-depth interviews with candidates identified that the pilot was particularly helpful with regards to self-awareness and development as it clearly demonstrated the skills candidates had and were developing in a way that was clear to them.

*'One of the reasons is you know the outcome you are going for...I knew what I was learning and that made the difference.'*

#### **Candidate - paralegal WBL route (part-time)**

100. However, Table 15 also shows that an area in which survey respondents were less able to develop their skills was client relations (28 per cent of respondents provided a response of 1 or 2). This finding was supported by interviews with tutors, employers and candidates, some of whom, in each case, reported that some law firms and legal departments do not allow trainees of any kind to engage directly with clients often restricting this responsibility to more senior staff. As reported previously, organisational context and distribution of responsibilities also made it difficult in some instances for candidates to gain experience of advocacy. Some candidate and employer respondents reported that candidates took on pro bono cases in order to have an opportunity to develop their client relations and advocacy skills as law firms' and legal departments' policies were sometimes more flexible in these instances.

<b>Competency area</b>	<b>1 – Not at all</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5 – Fully</b>	<b>Don't know</b>
Application of legal expertise	10%	10%	20%	24%	32%	4%
Communication	14%	8%	20%	20%	34%	4%
Client relations	14%	14%	18%	18%	32%	4%
Business awareness	12%	12%	20%	26%	26%	4%
Workload management	16%	8%	18%	20%	34%	4%
Working with others	14%	10%	16%	20%	36%	4%
Self awareness and development	10%	6%	14%	28%	38%	4%
Professional conduct	12%	10%	12%	22%	40%	4%

**Table 15: Extent to which the WBL pilot has enabled candidates to develop their skills in specific competency areas (Base=50)**

Base definition: Respondents that have completed the WBL pilot

Source: Telephone survey of candidates

101. In-depth interviews with some candidates and employers identified that some saw the pilot as a way to evidence candidate's existing skills but did not believe that it had actually enabled candidates to develop their skills. In some instances, candidates and employers reported that candidates would have developed the required skills through the work they were undertaking anyway but that the pilot offered them a way to demonstrate and 'accredit' these skills.
102. The survey of candidates also supports this. A comparison of Figure 15 (following) with Figure 14 (above) shows somewhat higher scores, across all eight competency areas, for the pilot's value in evidencing skills rather than for its value in developing skills.

Competency area	1 – Not at all	2	3	4	5 – Fully	Don't know
Application of legal expertise	2%	6%	12%	36%	40%	4%
Communication	2%	12%	10%	36%	36%	4%
Client relations	6%	10%	16%	28%	36%	4%
Business awareness	2%	18%	12%	38%	26%	4%
Workload management	2%	12%	12%	30%	40%	4%
Working with others	4%	10%	14%	34%	34%	4%
Self awareness and development	4%	6%	10%	36%	40%	4%
Professional conduct	2%	12%	14%	32%	36%	4%

**Table 16: Extent to which the candidate was able to evidence development within the existing framework (Base=50)**

Base definition: Respondents that have completed the WBL pilot

Source: Telephone survey of candidates

103. Table 16 shows that, on a scale of 1 to 5 (where 1 is 'not at all' and 5 is 'fully'), respondents found that they were most able to evidence:

- application of legal expertise (76 per cent of respondents provided a response of 4 or 5);
- self-awareness and development (76 per cent of respondents provided a response of 4 or 5); and
- communication (72 per cent of respondents reported 4 or 5).

104. Respondents felt they were less able to evidence:

- business awareness (20 per cent of respondents provided a response of 1 or 2); and
- client relations (16 per cent of candidates provided a response of 1 or 2) competencies.

105. In-depth interviews with candidates and tutors further identified that in many organisations there was little or no opportunity for them to develop their business awareness as general business planning was something primarily done by senior staff. However, in a few instances employers had arranged for candidates to meet with their business manager to discuss business planning and one organisation had implemented a weekly meeting for candidates (alongside their traditional trainees).

*'I think commercial awareness is one they tend to struggle on but that's something we're taking steps to improve as a firm. New students will find that is greatly improved.'*

**Employer - combined route**

106. The three candidates surveyed that were taking part in the *combined route* indicated that they were satisfied with how the three WBL elements (3 month placement, student law office placement and 15 month placement) had enabled them to develop their skills across the 8 competencies. Despite relatively small sample sizes in this subgroup it is worth noting that in one instance the candidate had developed their business awareness skills less at the first placement and the student law office placement. In addition, across all three elements it was indicated that in one instance the candidate had developed their self awareness less than other competencies.
107. In-depth interviews with part-time candidates on the *paralegal route* identified that they considered themselves to have gained comparable experience to full-time candidates and did not think that the part-time nature of their participation had meant they had less opportunities to develop.

#### 4.4 Satisfaction with the skills developed

108. Overall, candidates were satisfied with how the different elements of the WBL pilot supported their skill development. Respondents to the candidate survey were asked how satisfied they were that the project had enabled them to develop in a range of areas on a scale of 1 to 5 (where 1 is 'not at all satisfied' and 5 is 'very satisfied'). Nearly two-thirds (62 per cent) provided a response of 4 or 5 that the pilot enabled them to develop the *skills* they need to become a solicitor. The project was also satisfactory to candidates surveyed in helping them acquire the *experience* they needed to become a solicitor, over one-half of candidates (60 per cent) provided a response of 4 or 5. However, nearly one-half reported that they were not satisfied that the WBL enabled them to be supported in finding *employment as a solicitor* (42 per cent of respondents provided a response of 1 or 2).

How satisfied are you that the WBL pilot has enabled you to...?	1 – Not at all satisfied	2	3	4	5 – Fully satisfied	Don't know
Develop the skills I need to become a solicitor (Base=50)	12%	12%	10%	24%	38%	4%
Acquire the relevant experience I need to become a solicitor (Base=50)	14%	10%	12%	28%	32%	4%
Be supported in finding employment as a solicitor? (Base=50)	30%	12%	18%	18%	18%	4%
Remove the barriers I experienced to accessing training to become a solicitor (Base=16)	13%	6%	6%	6%	69%	-

**Table 17: Satisfaction with the WBL pilot (Base=variable)**  
 Base definition: Respondents that have completed the WBL pilot  
 Source: Telephone survey of candidates



109. Candidates surveyed who had previously experienced *barriers* to the profession and had completed the pilot tended to be highly satisfied that the pilot had enabled them to overcome these barriers (75 per cent of candidates provided a response of 4 or 5).
110. Further to this, nearly all of the candidates, tutors and employers interviewed in-depth emphasised that the paralegal WBL route was crucial in enabling the candidates to qualify as, without a training contract, no other route would be available to them.

*'Without it neither of my candidates would have a route to qualify.'*

**Tutor - paralegal route**

*'It meant that I'm going to be able to qualify without having to move into a more traditional role. Without it I wouldn't have qualified.'*

**Candidate - paralegal WBL route (part-time)**

*'The pilot gives those graduates who wouldn't otherwise have the opportunity to do a training contract - not because of a lack of merit on their part but because of the sheer number of candidates applying for a limited number of training contracts - those people can take advantage of the scheme to qualify when they are undertaking work which is suitable for them to evidence the required professional competencies.'*

**Employer - paralegal route (full-time)**

#### **4.5 Future/current employment plans**

111. Following their participation in the WBL pilot, the majority (65 per cent) of candidates surveyed who had successfully completed the pilot reported that they were currently employed as a solicitor either at the same organisation in which they undertook the WBL or in a new organisation. A further 9 per cent continued to be employed in the same role they were in when they undertook the WBL pilot and while 7 per cent were undertaking a different paralegal role in the same organisation. Additionally, 4 per cent were employed in other roles in new organisations and a minority (4 per cent) were not currently in employment. Candidates who had not yet completed the pilot mainly intended to be employed as a solicitor either at their current or a different organisation (3) or intended to stay in their current role (2).
112. Further analysis of the candidate survey shows that candidates who were either currently unemployed or in the same role they were in whilst they were undertaking the WBL pilot all took the full-time *paralegal route*. Where candidates interviewed in-depth are still in the same role, in-depth interviews with part-time *paralegal route* candidates suggested this may be because they had never intended to change role on completion of the pilot but had wanted recognition of their skills and the possibility of future benefits as a result of their qualification. For example one candidate advised that whilst they did not intend to leave their present employment, they felt the qualification was useful to have in case they ever did leave.

<b>Current employment status of candidate's who have completed the WBL pilot</b>	<b>n</b>
I am employed as a solicitor at the organisation I undertook the WBL pilot with	20
I am employed as a solicitor at a new organisation	14
I am employed in the same role I was in when undertaking the WBL pilot	4
I am employed in the same organisation undertaking a different paralegal role	3
I am employed in a different organisation undertaking a different role	2
I am unemployed	2

**Table 18: Candidate's current employment status (Base=45)**

Base definition: Respondents that have successfully completed the WBL pilot

Source: Telephone survey of candidates

113. One-half (51 per cent) of candidates surveyed who have successfully completed the WBL pilot reported that the pilot had impacted on their current employment plans. One-third (33 per cent) reported it had impacted on their plans in that it enabled them to qualify as a solicitor. One-third (33 per cent) reported that it had had an impact in that it has enabled them to clearly demonstrate their skills, and 27 per cent thought it had enabled them to develop the skills they required to become a solicitor.

**Figure 6: How has taking part in the WBL pilot impacted on your current employment plans? (Base=45)**



Base definition: Respondents that have completed the WBL pilot and were successful

Source: Telephone survey of candidates

114. Nearly all (7 out of 9) of the respondents who had not yet completed the WBL pilot (but expect to) reported that the pilot had impacted on their current employment plans. Two-

thirds of candidates (6 out of 9) reported it had impacted on their plans as it enabled them to qualify as a solicitor. Two-thirds (6 out of 9) reported that it had enabled them to develop the skills they required to become a solicitor and 5 out of 9 thought it had an impact as it had enabled them to clearly demonstrate their skills.

How candidates think WBL has impacted on their future employment plans	n
It will enable me to qualify as a solicitor	6
It will enable me to develop the skills required to be a solicitor	6
It will enable me to clearly demonstrate my skills	5
It will enable me to overcome barriers I faced to becoming a solicitor	4
It will give me an edge when seeking opportunities	4
Other	3
Don't know	2

**Table 19: How candidates think WBL pilot has impacted on their future employment plans (Base=9)**

Base definition: Respondents that have not yet successfully completed the WBL pilot but expect to

Source: Telephone survey of candidates

115. Some part-time candidates on the *paralegal route* interviewed in-depth believed that taking part in the pilot means that they will stand out from other applicants when applying for jobs as a solicitor in the future. In particular, they will have a portfolio evidencing their skills that can be produced if necessary and employers can be shown that their work has been rigorously reviewed in a way that not all solicitors who have qualified on the traditional training contract can evidence.

*'Just doing work based learning makes me a different person as rather than doing a training contract I've been compiling a portfolio and Nottingham University has reviewed my work.'*

#### **Candidate - paralegal WBL route (part-time)**

116. The majority (81 per cent) of candidates that had successfully completed the pilot reported that their salary had increased since they had completed the WBL. However, further analysis indicates that candidates that took part in the *paralegal route* were less likely to report an increase in salary (46 per cent of candidates on the *paralegal route* report they had not received an increase in salary compared with 7 per cent<sup>13</sup> of *training contract route* candidates). However, this may be related to previously reported findings that some candidates on the *paralegal route* did not intend to change roles when they commenced the WBL.
117. Employers interviewed in-depth did not identify any particular advantages or disadvantages to employing people who had qualified through the WBL pilot as opposed to the traditional training contract approach. In nearly all instances they felt they would hold the same skills and competencies as those who have been through the traditional

<sup>13</sup> This figure comprises candidates assessed through a local authority

contract. However, one employer suggested that it would be beneficial to know that candidates would have a range of skills and competencies.

118. Candidates surveyed were also asked what wider impacts they had had as a result of taking part in the pilot (in an open response question). Respondents who had undertaken *training contract routes* were less likely to have reported any wider impacts developed (67 per cent did not report any wider impacts compared with 21 per cent of all other candidates). However, respondents on the *paralegal and combined routes* reported more impacts including that it has open up more avenues and opportunities in their career (6 out of 24) and that they had gained more experience of their future role (4 out of 24).

## 5 Future of work-based learning

### 5.1 Introduction

119. This section examines the overall perception of the WBL pilot and employers' and candidates' views on how the pilot can be developed. It explores participants' satisfaction with the pilot; perceived strengths and weaknesses of the approach; and areas for further development, including the WBL competencies and employer engagement.

### 5.2 Satisfaction with pilot

#### 5.2.1 Overall satisfaction

120. Overall, candidates are very satisfied with the extent to which the WBL pilot has enabled them to meet their aims and objectives for taking part. When asked if the pilot had met their aims and objectives, on a scale of 1 to 5 (where 1 is 'not at all' and 5 is 'completely'), the majority of candidates (78 per cent) provided responses of 4 or 5.

Extent to which candidate's aims and objectives have been met	%
1 – Not at all	4%
2	2%
3	12%
4	18%
5 – Completely	60%
Prefer not to say	4%

**Table 20: Extent to which candidates aims and objectives have been met by the WBL pilot (Base=50)**

Base definition: Respondents that have successfully completed the WBL pilot

Source: Telephone survey of candidates

121. Further to this, nearly all of the employers and tutors interviewed in depth also indicated that they were positive about their experience on the WBL pilot. In a few instances where tutors did not have a successful experience with candidates this was often related to the level of engagement by the candidates themselves. One tutor reported that they had to chase their candidates to complete tasks and arrange appointment times which negatively impacted on their (the tutor's) overall experience of the pilot.

122. In addition, nearly two-thirds (63 per cent) of candidates surveyed reported that they would recommend the WBL route to individuals wanting to become qualified solicitors. One-quarter (24 per cent) reported that they would not recommend the WBL route and 13 per cent did not know. Further analysis shows that respondents that had undertaken the *training contract routes* were less likely to recommend the WBL route than other respondents (47 per cent reported they would recommend it compared with 83 per cent of candidates that had undertaken the *paralegal or combined routes*).

123. Employers interviewed in-depth who indicated they had not had a positive experience of the programme tended to suggest that this was due to the process of completing paperwork to evidence their experiences and skills taking too much time both for the

candidate and the employer. Several employers and candidates reported that reducing or amalgamating the overall number of competencies would lead to a reduction in the time taken to complete the evidencing process.

### 5.2.2 Strengths of the pilot

124. Candidates surveyed were also asked what they believed to be the strengths of the WBL pilot (in an open response question). Nearly one-fifth of candidate surveyed (17 per cent) reported that it had made them consider or talk about their personal development and progression and encouraged their self reflection skills. Other strengths reported by candidates surveyed included that it was a well structured and organised course (9 per cent), that it had provided them with an opportunity to qualify as a solicitor (9 per cent), and that the portfolio provided them with evidence of work they had undertaken and skills they had developed (9 per cent).
125. In-depth interviews with employers, tutors, and candidates also identified a variety of strengths for those taking part through the *paralegal and combined routes*.
126. Employers surveyed reported that one of the primary advantages of the *paralegal and combined routes* was that it had clearly helped to remove the barriers some participants had faced to becoming a solicitor. When asked the extent to which they believed the WBL pilot had removed barriers to accessing training to be a solicitor, over half (9 out of 16) of employers who took part in the telephone survey provided a response of 4 or 5 on a scale of 1 to 5.

Extent to which the WBL pilot has reduced candidate's barriers to participation	n
1 – Not at all	1
2	-
3	5
4	7
5 – Fully	2
Prefer not to say	1

**Table 21: Extent to which the WBL pilot has reduced candidate's barriers to participation (Base=16)**

Base definition: All survey respondents

Source: Telephone survey of employers

127. Tutors reported that a particular strength of the paralegal approach tutors was the flexibility it offered candidates. Tutors reported that candidates were able to move between employers if they wanted to (either as a result of candidates' redundancy or in order to develop the skills required). One tutor at Nottingham Law School also reported a case where a candidate had moved jobs 3 times during the course of their programme to ensure they gained the relevant experience.
128. One candidate emphasised that as the WBL pilot was competency based they felt more able to request specific opportunities for development from their employer to ensure they could evidence these.

*'If I'd been on a normal training contract perhaps I wouldn't have been able to be quite so outspoken.'*

**Candidate - paralegal WBL route (part-time)**

129. Several employers and tutors interviewed in-depth indicated that, by ensuring candidates were responsible for their own development, they were more engaged in the process and more proactive in ensuring they identified opportunities for development against the competencies. Further to this, some employers and candidates interviewed in-depth reported that the structure of the WBL pilot gave them clear objectives as to what they needed to achieve and to what standard. By doing this, they reported it enabled the employer and tutor to clearly see the progress being made and enabled candidates to recognise the skills they developed, thus making the process more rigorous overall:

*'I think the greater responsibility placed on trainees themselves to identify and to source out opportunities...they have a huge personal involvement and drive in order to achieve success and they require considerable dedication and commitment to ensure they meet their criteria...so I think that structured environment is much better.'*

**Employer - paralegal route (full time)**

*'It has really provided a framework to identify strengths, weaknesses, skills and competencies rather than just doing a job and just getting on with it.'*

**Employer - paralegal route (part time)**

*'One of the reasons is you know the outcome you are going for...I knew what I was learning and that made the difference.'*

**Candidate - paralegal WBL route (part-time)**

130. Candidates from the *combined route* who took part in group interviews reported that a key strength of this route was that it offered them an opportunity to gain relevant work experience skills (both on placements and in the Student Law Office) whilst undertaking their degree. These candidates were also very aware that the current economic climate had led to higher levels of competition for training contracts and as a result felt that the pilot would enable them to stand out from other trainees in the future.

### **5.2.3 Weaknesses of the pilot**

131. The main weaknesses identified by employers and candidates primarily related to the workload required to successfully complete the WBL pilot. In particular, candidates and employers interviewed in depth cited too much paperwork as a result of too many competencies to evidence. This led to some employers reporting that the framework was primarily a case of 'ticking boxes'.

132. Further to this, as reported previously, in some instances employers and candidates found identifying opportunities for development against the competencies challenging. This meant that in some organisational contexts candidates were not able to easily

access opportunities for development in their normal work and as such were being reassigned which had capacity implications for employers

*'It was challenging because these people already had jobs to do that we needed them to do so it was difficult depending on where they were and their skill sets to give them other work in order to ensure they're fully supported.'*

**Employer - paralegal route (part time)**

133. Some employers also reported that the WBL pilot was more reliant on tutors assessments', rather than their own, in contrast to the traditional training contract route and, as such, they felt they had less input into the process. These employers perceived this as a weakness since they felt that they had a closer view on individual candidate's development and may have had more awareness and understanding of candidates' skills than the tutors.

### 5.3 Future development of the pilot

#### 5.3.1 Approach

134. Overall, candidates, employers and tutors consulted during the research process were positive about the paralegal and combined approaches to the WBL pilot. Specific suggestions for improvement included making the pilot more accessible electronically. Some tutors and candidates suggested it may be easier to submit their portfolio electronically via a secure portal rather than submitting a hard-copy version to their tutor. However, there were concerns about how this could affect client confidentiality which would need to be addressed before implementing such a system. However, some candidates questioned the necessity of the electronic approach as some activities, such as redacting, would still need to be undertaken in hard copy so electronic submissions would not make much difference to them.
135. Some candidates interviewed in-depth also questioned the order of the meetings with their tutors. These candidates suggested that having a submission meeting with their tutor before their tutor had had the opportunity to mark their portfolio was not necessarily as helpful as it could have been. The candidates suggested a feedback meeting would have been more helpful so that feedback is given once the tutor has seen the portfolio and had the opportunity to mark it.
136. Candidates and employers also felt that the WBL framework should be made more flexible to include candidates' previous relevant experience. In some instances candidates had a wealth of senior experience from previous roles (particularly where they were older candidates who had recently changed career) such experience may be transferable to the competency areas, for example business awareness. One candidate suggested that this might be assessed by their employer as they would see on a day-to-day basis how these skills were transferred.

*'I feel they should give more credit to the appraisal of the firm.'*

**Candidate - paralegal WBL route [part-time]**



### 5.3.2 Competencies

137. The majority of evaluation participants suggested that the pilot would be improved by reducing the overall workload and paperwork involved for candidates and employers. In several instances it was suggested that this could be reduced by further streamlining the competencies candidates are expected to develop to reflect broader skills areas as opposed to many specific outcomes each of which needs to be evidenced.

*'There are possibly too many individual outcomes; these could be less with more broad outcomes.'*

#### Candidate - paralegal WBL route (part-time)

138. One tutor also reported that, by reducing the overall workload for employers, more may be encouraged to engage with the pilot.
139. Candidates surveyed were asked how they thought the WBL approach could be improved in the future (open response question). The most frequently cited improvement was that there needed to be clearer guidance about what needed to be achieved against the outcomes and about the outcomes themselves (13 per cent).

### 5.3.3 Engagement

140. Overall, there was a sense from employers that more could be done by the SRA and pilot providers in the future to engage with employers not yet involved in the WBL pilot. This engagement would be twofold, firstly, it was reported by some employers that more could be done to communicate the aims and objectives of the pilot so more organisations would be aware of the opportunity, in particular those who may not be able to offer training contracts. In addition, it would ensure employers are more aware of the WBL approach if candidates apply for roles with them in the future. One employer suggested that this may help to alleviate any sense of hierarchy in the existing system (with WBL candidates potentially seen as secondary to traditional trainees) which may need to be addressed before the pilot goes further.
141. Secondly, some of the employers consulted who were involved in the *combined route* suggested it was important that more employers in that geographical area became involved in the pilot to enable a larger number of available placements. This necessity has been made further apparent by the fact that five of the combined WBL route candidates have left the pilot as they were unable to secure the necessary 15 month placement. The reasons for this did not become wholly clear within this evaluation as no employers who had been approached but refused to take part in the pilot were able to take part in in-depth interviews. However, indicatively this may be related to employers not knowing enough about this type of approach, employers not having sufficient capacity to take on a trainee, or potential employers not being convinced of trainees having the sufficient skill-set having not yet formally completed their full degree.
142. In a few cases employers reported that more could have been done to communicate the role of the supervisor and what was expected to them. Further to this, an employer advised that it would have been useful if there was more contact from the SRA as a quality assurance measure.

**Employer - paralegal route (part-time)**

143. Candidates surveyed also reported that WBL needs to be more tailored for the employer's organisational context (7 per cent).

**5.4 Future role of work-based learning**

144. The majority of employers taking part in the telephone survey indicated that they would be willing to take part in a similar scheme in the future, with only 2 indicating that they would not take part.

145. When asked how the pilot compared with the traditional training contract method, employers were of divided opinions as Figure 20 shows, with employers holding a range of views on whether the pilot or the traditional training contract was the better approach.

<b>How the WBL pilot compares with the traditional training contract</b>	<b>N</b>
The WBL pilot is much better than the traditional approach	3
The WBL pilot is slightly better than the traditional approach	3
There is no difference	2
The traditional approach is slightly better than the WBL pilot	3
The traditional approach is much better than the WBL pilot	3
Prefer not to say	2

**Table 22: How the WBL pilot compares with the traditional training contract (Base=16)**

Base definition: All survey respondents

Source: Telephone survey of employers

146. Employers who felt the WBL pilot was better than the traditional approach mainly reported that this was because they believed it to be a more rigorous, skills-focussed approach.

*'I think there seems to be much more scrutiny and they cover much more'*

**Employer - paralegal route (full-time)**

147. Other employers who felt the WBL pilot was better than the traditional approach reported that this was because that it was a more flexible approach which enabled non-traditional candidates to qualify as solicitors.

148. Employers who believed the traditional approach was better than the WBL pilot reported that they had concerns about the experience gained by candidates and about how they were assessed. One employer reported that they felt the WBL framework was about ticking boxes and it would have been better if the candidate had spent time learning more about the Law itself. Further to this, another employer reported that they were not

sure how confident they would be that the candidates are getting the full exposure and experience in the environment they are in for becoming a solicitor.

149. In addition some employers felt the WBL was too labour intensive for the candidate and was a 'box-ticking exercise'

*'I think from the candidate's perspective I know that there was a lot of paperwork involved in order to evidence completion of the various objectives and if there's any way to reduce that workload I think that would very much help. I would say that is the main disadvantage between a traditional training contract and the WBL.'*

**Employer - paralegal route (full-time)**

150. One employer also questioned the suitability of the candidates taking part in the WBL pilot and indicated that they may not be suitable as they would not be able to get through the normal training contract recruitment process and therefore may not have the same level of skills as others. However, to counter this perception, another employer had requested work based learning candidates take part in their assessments for trainees.

*'Last summer, to prove the work-based learning programme could stand up to the same level as our trainees, we put both the candidates through the assessment that we held in August. What we needed to do, for a new programme, is establish credibility. So we put them through the assessment to see how they would fare against the candidates if they'd be coming in for a training contract via the conventional route.'*

**Employer - combined route**

151. This employer reported that the results from the assessment were mixed. One of the two work based learning candidates that took part scored amongst the highest marks of all the potential trainees; however, the other work based learning candidate did not do very well. Further to this, in-depth interviews with employers show that in some instances employers tried to integrate the work the candidates were undertaking with that of other 'traditional' trainees they had. However, it is identified that this was not always possible, depending on individual organisational policies relating to CPD and training. The potential range of their abilities and needs was also acknowledged by the employers interviewed in-depth; however, some reported that, where possible, they try to treat them in a similar way to other trainees.

*'What we said to our supervisors from the start, was these individuals are still studying so bear that in mind, but treat them the way you would treat a trainee. For the programme to stand up, we need to be able to stand up next to trainees. We treat them like trainees and integrate them with the trainees. That's important, for us to be an inclusive environment'*

**Employer – combined route**

152. However, there was a positive sense amongst employers and tutors interviewed that there is a requirement and a place for both a WBL approach and the traditional training approach. Many employers felt that the WBL approach was crucial in order to widen access to the profession and allow paralegals or others who had not been able to secure

a training contract to build up their experience and qualify. In addition, it was felt that this approach was particularly valuable to organisations that did not offer training contracts or could not offer training contracts in the current economic environment as it gave candidates an opportunity to qualify as a solicitor. However, due to the long-standing nature of the training contract, one employer suggested that it would be difficult to envisage a system where the WBL approach was the only route to qualification.

## 6 Conclusions

153. This final section summarises key findings, draws conclusions, and identifies ways in which the WBL routes to qualification as a solicitor might be developed. It does so under a series of headings. Some of these headings reflect particular questions in the specification of the study (as set out in the introductory chapter) which were subsidiary to its main aims and objectives. Others reflect the study's findings and conclusions in relation to those main objectives.

### **How much employer support was made available to candidates?**

154. Evidence from the survey of candidates has identified that in most instances there has been a great deal of support from employers for candidates. 90 per cent of candidates who responded to the survey had accessed support from their employers for a range of reasons. Often the employer would be the candidate's first point of contact for any queries relating to their development. Nearly three-quarters (74 per cent) of candidates on the *paralegal route* reported that on average they received at least 1-2 hours support per week from their employer. The majority (73 per cent) of respondents who had accessed employer support felt it fully met their requirements. A further 23% of candidates said it partially met their needs. Employers, too, reported giving their trainee solicitors support of a wide range of types.

155. **Conclusion:** Employer support is at a reasonably high level. There is no sense that employers are not giving trainees in work based routes any less support than those on traditional training contracts. The figure of 23% of candidates who said employer support was only 'partial' may imply that selection of trainee placements may need a little more attention (should that option be available in difficult trading conditions for many practices); but equally it may simply reflect the exigencies of busy practices and/or that, in some cases, trainee expectations were a little unrealistic

### **Were employers sufficiently equipped and advised to provide support?**

156. All employers interviewed during the fieldwork period reported that they had received support from at least one source whilst taking part in the WBL pilot.

157. Support for employers on the *paralegal and combined routes* was provided primarily by the assessor organisation. Core support included initial meetings and provision of paper-based/electronic information and, where relevant, employers engaged in further meetings or discussions with tutors. Additional support was also provided by the SRA in instances where tutors were not able to fully respond to queries.

158. When asked how sufficient the information and support provided was, the majority of employers surveyed (14 out of 16) provided a response of either 3 or 4 on a scale of 1 to 5 (where 1 is not at all sufficient and 5 is completely sufficient).

159. **Conclusion:** The evidence on this issue is a little ambiguous. On one hand, only one out of sixteen employers interviewed gave a score at the negative end of an offered 'sufficiency scale'. On the other hand, seven gave a neutral, mid-point score (of 3) and only one gave a 'completely sufficient' score. The data suggests that there may be scope for improvement in this area.

### **General access to support by candidates**

160. As above, employers were mainly supportive of their trainees. More generally, there was a high level of candidate engagement with all of the forms of support available to them, including that from their employers, tutors, electronic and paper-based materials. Queries primarily related to accessing support to identification of learning opportunities, to completion of their portfolios, and to finding opportunities to work in both contentious and non-contentious law.
161. In many instances access to support accessed was tiered. Candidates tended to approach their employer most frequently for day-to-day queries; where this support does not address their query, candidates approached their tutor; and subsequently the SRA if they have not got a solution by then.
162. In the majority of instances, candidates reported that they were satisfied with the support they received.
163. **Conclusion:** Candidates were generally adequately or well supported through their WBL training.

### **How did the candidates ensure they obtained the necessary experience?**

164. Findings from the in-depth research identified that candidates worked closely with both their employers and tutors to identify opportunities to gain the necessary experience within their day-to-day activities. Where these opportunities did not arise within their normal assigned workload candidates often would be assigned to other departments and areas of work. In extreme cases where organisations could not offer sufficient development opportunities the candidate identified either a secondment or new employment opportunity that would provide them with this.
165. However, there were suggestions that there could be some difficulties in providing sufficient experience in the areas of advocacy, client relations, and business awareness and planning. The obvious reasons for this was that these are sensitive areas of activity with an obvious downside for the host practice from a weak trainee performance and/or that they are the natural preserve of senior staff or partners. However, it should be noted that these challenges are no different to those faced by traditional trainees.
166. **Conclusion:** There is no major issue here but it would be valuable if the WBL syllabus could somehow find a more effective or consistent way of overcoming the inherent difficulty of supplying junior staff with experience in 'senior' tasks.

### **Were part-time candidates able to gain sufficient/comparable experience to full-time candidates?**

167. Consultations with part-time candidates identified that they considered themselves to have gained comparable experience to full-time candidates and did not think this would have made any difference to their opportunities or overall outcomes. However, in-depth interviewees reported that the part-time nature of their participation had led to time and workload being more of a challenge for them.
168. **Conclusion:** Part-time candidates were at no specific disadvantage in terms of the WBL training process itself. They simply face the pressures which frequently apply to people who, at any level, seek to study for a qualification whilst holding down a job.

### **Is the standard achieved consistent between the part-time, full-time and combined routes?**

169. Emerging findings indicate that part-time and full-time candidates are achieving to an equal standard. Survey findings show that respondents believe they are developing and evidencing the required skills to a similar extent. Further to this, in-depth interviews with part-time candidates, employers and tutors do not highlight any concerns that they are not developing to the same extent and they feel their experiences have been comparable. To date no candidates have completed the *combined route* and, therefore, comparisons cannot yet be made on final outcomes, but there is no suggestion from discussions with *combined route* candidates that experiences and development is not on a par with that of trainees.
170. **Conclusion:** Differences in delivery mode do not result in different standards of training and learning. Numbers of WBL trainees are still small but it appears that a WBL approach is robust and allows flexible delivery without dilution of standards.

### **How does the WBL framework cope with the variable nature of experience obtained by the candidates in the context of assessment and monitoring?**

171. The frameworks for assessment established by Nottingham and Northumbria Law Schools have clear criteria with which assessors are able to measure progress against the key competencies. Overall, aspects of the candidate's work that can be used for demonstrating competence are reviewed and agreed with assessors in their review meetings so assessors can ensure these are consistent. Where examples of experience have been queried (for example, what constitutes advocacy in the context of the pilot) the SRA have been contacted to ensure they are confident the experience accepted is of a sufficient level.
172. Overall quality assurance is further provided through assessors meetings at Nottingham Law School and through the course lead in Northumbria Law School.
173. **Conclusion:** No apparent issues arise with the framework's ability to cope flexibly with variety of contexts and situations in which trainees train and with consequent variety of their training experiences.

### **How does/should the WBL framework address previous experience/learning?**

174. Instances were identified in the study of candidates who felt that their prior experience was insufficiently recognised. Many candidates on the *paralegal route* have had several years' experience in the legal sector and, in some instances, high-level experience in other sectors. The current work based learning framework does not formally recognise this experience which is anomalous given that the traditional training contract does enable this recognition of experience through the 'Time to Count' scheme which allows trainees to have their contracts reduced by up to 6 months based on their previous experience. There is support from tutors and candidates for recognition of candidates' previous experience and learning.
175. **Conclusion:** There may be scope to extend WBL's capacity to accredit prior experience allowing assessors (potentially drawing on elements of the 'Time to Count' scheme), in consultation with employers, to credit this without much further requirement on the



candidate. Some key competencies, such as business awareness, communication, and team work skills, may be particularly suitable for 'prior experience' accreditation.

### **Engagement and success rates**

176. Employer engagement with the pilot has been reasonable given economic conditions and the fact that the WBL approach is a relatively new development introduced as an alternative to a traditional training method with a long history. However, the combined route has suffered from some candidates not being able to secure a 15 month placement which has led to five candidates on the combined route not being able to continued onto the 5th year of the programme.
177. Unsurprisingly, given limited opportunities for legal training and high demand for such training, there was no difficulty in engaging candidates.
178. There has also been a high success rate on the pilot. Over three-quarters (78 per cent) of candidates that have entered the pilot have gone on to complete it successfully. In addition, there has been a relatively low level of drop-out and to date only two candidates have failed. However, nearly one-half (5) of the candidates taking part in the *combined route* have left the programme as a result of not being able to secure a 15 month placement.
179. **Conclusion:** Where candidates are in conditions supportive of their completion, WBL has a high success rate. However, in conditions where the overall number of legal trainees is decreasing there is inevitable constraint on the capacity of the sector to absorb WBL trainees. It is obviously not a positive outcome that some trainees should fail to complete because, part way through their training, no placement is available to them (as with the *combined route* candidates above). There may need to be some caution exercised in development of the WBL routes in order to ensure that employer commitments are sufficient to support a full training programme for all entrants.

### **Appropriateness of competencies**

180. There is a high consensus that the competencies candidates are asked to develop (application of legal expertise, communication, client relations, business awareness, workload management, working with others, self awareness and development and professional conduct) are the right ones for the sector, provide candidates with the same comparable skills to those on traditional training contracts, and are those that the candidate will need to be 'first-day' ready. Employers did not report any further competencies need to be added to the the WBL framework or any overall competencies should be removed.
181. However, in many instances employers, candidates, and tutors reported that the overall number of specific outcomes within each competency that candidates need to demonstrate is too high, which creates a workload that is too large for the candidate, and in some instances are hard to evidence given the nature of the employer's organisational context.
182. The workload and time involved evidencing specific outcomes, was the main challenge highlighted by both employers and candidates taking part in the pilot (in particular part-time candidates on the *paralegal route*).



183. **Conclusion:** A wider roll-out of the pilot may benefit if the number of outcomes is streamlined with more emphasis placed on achieving against the eight broad outcomes in order to reduce the overall workload on candidates.

#### **Development and evidencing of competencies**

184. Candidates mainly reported that they had been able to develop and evidence their skills against the eight competencies. Responses in the candidates' survey and in in-depth interviews with employers, candidates, and tutors suggest that, in many instances, participants distinguish between the extent to which the pilot has enabled them to *develop* skills and the extent to which it enables them to *evidence* skills. There was a suggestion that, in some cases, the WBL approach did more of the latter than the former.
185. **Conclusion:** There has been a long-running academic debate in the UK and elsewhere about the merits of competence-based methods of training and certification versus approaches which have a stronger emphasis on formal teaching and examination of knowledge. As in this case, two frequent critiques of the competences approach are that, as earlier, there is too much 'box ticking' against detailed lists of competence and, as here, that WBL approaches depend less on formal instruction and more on recognition of capability, irrespective of how and where that capability has been acquired. The debate has not been resolved in its much wider context and is not resolved in this relatively narrow context of the initial professional development of solicitors. The simpler point is perhaps not to be too concerned about the relativity of the WBL pilot's contribution to 'development' versus 'evidencing' but to ask whether the approach produces people who are adequately skilled to enter the legal profession as a solicitor. The general thrust of the study and of conclusions in this chapter is that it does so.

#### **Impact on employment**

186. Findings from this evaluation clearly show that participation in the WBL has had a positive impact on respondents' employment status. Following their participation in the WBL, the majority (65 per cent) of survey respondents who successfully completed the pilot reported that they are currently employed as a solicitor either at the same organisation they undertook the WBL in or in a new organisation. The majority (81 per cent) of respondents also reported that their salary had increased since they had completed the WBL. In a few instances candidates (interviewed in-depth) who have remained in the role they were in when they undertook the pilot reported that they were not looking for a new role as a solicitor but wanted recognition of their skills within the context of their current role.
187. **Conclusion:** There is no benchmark data (such as the employment rate following traditional, non-WBL training contracts for solicitors) available to this study but the post-employment rate from the pilot appears high in its own right as does the overall salary increase and there appears to be no major concern that graduates of the programme are not generally acceptable to the sector.

#### **Satisfaction with the WBL pilot and reduction to barriers**

188. Overall satisfaction with the WBL pilot was reasonably high amongst all stakeholder groups, particularly amongst candidates. When asked if the pilot had met their aims and objectives for taking part, on a scale of 1 to 5 (where 1 is not at all and 5 is completely),

the majority of candidates (78 per cent) provided responses of 4 or 5. Further to this nearly two-thirds (63 per cent) of candidates surveyed reported that they would recommend the WBL route to individuals wanting to become qualified solicitors.

189. The pilot (in particular the *paralegal route*) was identified as being particularly beneficial in helping to remove the barriers which candidates had previously faced to becoming a solicitor. However, some concerns were raised that not all candidates in the future may be appropriate given they may not have gone through traditional trainee recruitment processes.
190. **Conclusion:** The pilot appears to show that (with the above caveat as to trainee recruitment in future) it has made a contribution to lowering barriers to access to the legal profession though, of course, not yet on a large scale (and there may be some further concern that, in cases where paralegals become qualified but do not move up into a fully-qualified status position as a solicitor, the programme's impact is a little muted).

### **Support for WBL**

191. There is support for the WBL approach to exist as a separate route from nearly all of the employers interviewed who have engaged with the pilot through the *paralegal and combined routes*, and most would be willing to consider taking part again in the future. Research findings indicate that in nearly all instances employers would be happy for the WBL approach to run in parallel to traditional training contracts. However, they do not see it as a replacement for this approach. A key strength of WBL in this context was that it identified clear development objectives and competencies which the candidate could develop and be measured against. There was some concern, however, that the associated workload was a disincentive for employers to take part.
192. Specifically, several employers suggested that the WBL approach was particularly beneficial in particular circumstances, those being organisations that do not offer training contracts such as small law firms and local authorities.
193. **Conclusion:** With scope as above for adjustments and improvement, the WBL approach has met its overall objective to deliver an alternative route for qualification. It has been mainly well-received by participants (particularly on the *paralegal route*), many aspects of its delivery have been efficient, and it has delivered employed solicitors into the country's legal practices. However, at the present time, the sector is likely to see the WBL approach not as a competitor to, or replacement of, the traditional approach to the training of solicitors but as a variation which has specific value in specific circumstances and should be developed and promoted as such.

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