

## **Work-based learning consultation**

### **Evaluation of findings of consultation issued in August 2010**

#### **1) Introduction**

1. At the beginning of August 2010, IPS sought to consult relevant stakeholders on ILEX's new model for work-based learning. This was with a view to forming some final judgments about the nature of the model and the practical implementation of the scheme as it moves forward to implementation in quarter one of 2011.
  
2. A wide variety of stakeholders were contacted to take part in the consultation. The following is a list of organisations and individuals contacted by both IPS and ILEX Awards:
  - The Solicitors' Regulation Authority
  - The Law Society
  - The Bar Standards Board
  - Council for Licensed Conveyancers
  - Association of Law Costs Draughtsmen
  - The International Property Regulation Board
  - The Legal Ombudsman
  - UK Centre for Legal Education
  - Legal Education and Training Group
  - Society of Asian Lawyers
  - Black Solicitors Network
  - Association of Muslim Lawyers
  - Lawyers with Disabilities Division
  - Association of Women Solicitors
  - Commonwealth Lawyers Association
  - Association of Commonwealth Magistrates & Judges
  - Association of Asian Women Lawyers
  - MIND
  - National Autistic Society
  - Minority Lawyers
  - Legal employers (ie both those participating through the earlier consultation and, more broadly, those contactable through ILEX's employer group – an additional 210 employers)
  - ILEX Members/Fellows (contacted through MyILEX)

- Senior ILEX assessors (ie ILEX's chairs of examinations and Professional Skills chief moderators)
  - All other ILEX assessors
  - ILEX accredited centres
3. The consultation was also posted to both IPS and ILEX websites and open responses encouraged in this way.
  4. The key principle behind consultation was to engage with a broad breadth of stakeholders, and to ensure that both legal and educational responses were forthcoming.

## 2) Responses

5. Overall, response rates were reasonable. After chasing original communications, and attempting to contact some stakeholders with a reduced set of questions, 26 formal responses to the consultation were received in total.
6. There was opinion expressed that the consultation was too long and that this was off-putting to some respondents. However, the extent to which this was a widespread view is far from certain.

## 3) Findings

7. The findings of the consultation are listed in question order. They are not reproduced wholly verbatim and there has been an attempt to collate themes across questions to draw out major issues and concerns.
8. Where appropriate and where the original comment most accurately captures the sense of a point, it is included verbatim.

### ***Question 1): Provide your comments on the definition of 'work of a legal nature'.***

9. Comments ranged from being supportive of the new definition to the feeling that whilst it was an attempt to tighten the idea of work of a legal nature, it raised more questions than it answered.

10. There was a view that it only reflected examples of what work of a legal nature might comprise. In this regard, and unlike the SRA's definition, it did not spell out clearly what work of a legal nature actually consists of. One definition stated: 'The key point is that the work should entail the provision of legal advice/representation by the employee directly to the client (which includes such work being supervised)'.
11. There was comment that the definition might be improved if it tracked the concept of 'legal activity' in Section 12 of the Legal Services Act 2007, and there was some thought given also to 'in-house' trainees whose colleagues are their clients. In this instance, 'taking instructions' might be more difficult to determine.
12. There was also comment that the chosen examples of the definition meant that certain types of legal activity had been excluded. The local authority 'internal client', the not-for-profit sector and the performance of legal activities in relation to a specific business project were all cited as examples of where there were potentially valid examples of legal work not covered by the definition.
13. The converse was also true, however, and there were some comments that the examples given made the definition of work of a legal nature too restrictive. Legal Secretaries were cited as an example of a group of individuals who would be potentially affected by this attempt to specify work of a legal nature.
14. Some respondents suggested that defining more clearly what legal work is not might actually assist in the definition of legal work. Others also suggested that the emphasis on 'start to finish' activity went against the grain of how some legal firms organise their work.

***Question 2): Do you agree that qualifying employment should be defined by reference to work-based learning outcomes? If not, please say why and indicate how you think qualifying employment should be defined.***

15. Generally, there was support for an outcomes-based approach, and there was little supporting comment over and above the basic agreement with the question.
16. There was one noteworthy view that stressed the importance, again, of ensuring that the definition of 'work of a legal nature' was made to better capture what is called for by the outcomes: 'It should not be assumed that

the definition as currently stated is sufficient to guarantee that the range or quality of work will allow the individual to satisfy the outcomes if, for example, he or she is employed exclusively in legal research.'

***Question 3): Do you agree with the seven categories of activities that we have included in the work-based learning outcomes? Please give reasons for your responses.***

17. Again, there was general support for the seven categories, but there were also some notable comments concerning the coverage of the outcomes and their balance.
18. The omission of the 'business environment' category used in the SRA's pilot outcomes was noted. There was also some doubt as to whether there were actually 7 'outcomes' or 40. That is, some respondents noticed that ILEX sometimes referred to the categories as 'outcomes'. It was felt that greater precision was needed in this respect.
19. One respondent also concluded that 'Whilst the draft outcomes bear a strong resemblance to those being tested for trainee solicitors, it is noted that the only "skill" included is legal research (and not writing, drafting, interviewing, negotiation etc).'
20. Another respondent questioned the 'equal' emphasis placed on all seven categories and questioned if category 1 (re the law and its application) was not the most important and should not, in some way, be prioritised over and above the others. There was also a questioning of whether the outcomes were not overly generic to the Legal Executive who was a specialist and for whom there were work-based competences specific to their area not covered in the seven categories identified.

***Question 4): What are your views on the activities set out under each of the main activities in the outcomes?***

21. This question drew out some strong discussion about the number of outcomes, their detailed expression and their demonstrability.
22. One respondent thought that the specificity and number of outcomes made for an onerous recording exercise for trainees. This was further complicated by the requirement for 3 diary entries per outcome which, for one respondent, was 'too detailed and prescriptive'. This becomes especially complex and potentially problematic once it is multiplied in relation to those

outcomes (such as 2.1) which have potentially multiple requirements, eg oral and written communication.

23. At the same time, there were also a number of views about just how straightforward it would be for trainees to demonstrate the outcomes as expressed.
24. For example, one respondent felt that the Category 1 outcomes around the practical application of the law and legal practice were too general, and that trainees would find some of these outcomes hard to meet given the often specialist nature of their roles. For eg, outcome '1.3 calls for identifying 'evidential' issues. If the ILEX member is doing conveyancing or writing wills this is very unlikely to arise. I can imagine some circumstances where it might happen but only rarely. Essentially, evidential issues are not in real terms relevant to non-contentious work but the process still expects them to be 'proved' at least 3 times.'
25. And again: 'The same applies to 1.4 which clearly can only sensibly apply to a contentious matter. 1.6 might be difficult to achieve 3 times in will writing and even in conveyancing.'
26. And again, but this time in relation to a later outcome: 'Similar issues arise with items 3.3 and 3.4 which are similarly aimed at litigation. A conveyancing transaction is most commonly at a fixed price with only 1 option (buy or sell) and so the issues at 3.4 simply don't arise and under 3.3 the needs, objectives and priorities are always the same; "complete yesterday"'
27. One respondent suggested that IPS/ILEX should test the extent to which trainees can actually meet the requirements of the outcomes. The same respondent stated that: 'Care should be taken not to include as outcomes, matters which do not occur or only fortuitously occur during an individual's employment: few (outcome 5.2) encounter "ethical dilemmas" properly so called, let alone have to deal with them. It is possible that many candidates, particularly perhaps those working in-house will not encounter "diversity, vulnerability and disadvantage issues" (outcome 2.8)'
28. The same respondent pondered whether the organisation of the outcomes in category 1 was correct (ie 'One identifies the issues before identifying the law and before applying law/procedure to the issue'). She also questioned whether 1.5 and 5.3 would not be better placed in the personal development category of outcomes. She questioned in places the consistency of the language between outcome and explanatory note and was critical of the

ability to 'assess' some of the outcomes because of the verbs used (ie 'understand'). In relation to category 6 (Self-awareness and development), the same respondent questioned whether trainees sometimes understood 'reflection' appropriately, and were sufficiently independent to review themselves without recourse to third party reviews, and plan for themselves in a way that is properly implementable.

***Question 5): What are your views on the explanatory notes to the outcomes?***

29. This question focussed mainly on the column of supporting notes alongside the outcomes. There were also comments, however, which focussed on the introductory sections of notes. One comment, in particular, noted the insistent language of point 2f), and considered this inappropriate given the informal nature of the relationship with the employer.

30. In relation to the explanatory notes themselves, and notwithstanding relevant points already mentioned as a part of Question 4) responses, one respondent commented on the fact that the column was used for both examples of how an outcome might be satisfied and for further interpretive guidance of the outcome itself. The respondent thought that the column could be sub-divided further to sift out these two types of information. Another respondent wondered whether the column could not itself be used to indicate the level/priority and, hence, the order in which the outcomes should be approached (ie 'foundation, intermediate, advanced').

***Question 6): Are there any other outcomes that would benefit from explanation? Please explain which ones.***

31. Answers to this question were often interpreted more along the lines of outcomes that are perceived as 'unachievable'; for eg, 'Only to the extent of explaining how some are capable of being diarised in the way mandated. For example, 4.5 is in practice an inevitable constant of a full workload (although equally there are some people who religiously refuse to do more than 1 task at a time). I am afraid I do not understand how to diarise an ongoing requirement such as 4.4 nor conceptual issues such as 4.6 and 4.8.'

32. One individual used this question to state that whilst the performance of a task on three separate occasions was an important learning principle, if it could be undertaken in relation to the category itself and not in relation to the detailed learning outcome, then this would make the scheme more tenable and user friendly.

***Question 7): Do you have any other comments on the outcomes? If so, please provide them.***

33. There were just a few varied comments in relation to this 'mop up' question.
34. Firstly, one respondent used it to suggest that 'commercial awareness' and 'devising the strategy of a case' were not included in the outcomes.
35. Another respondent used this section to make a plea for simplifying the outcomes and leaving more room for interpretation. Their fear was that the number and the specificity made for a box ticking exercise over and above an assessment of whether an individual was competent sufficiently to be a FILEX.

***Question 8): Do you agree that members should work towards the work-based learning outcomes for a period of 3 years? Please give reasons for your responses.***

36. Respondents, generally, thought that 3 years was a sensible period of time served. There were few variations in relation to this response, and those that did chose to emphasise the need for a shorter period of time served or stress the importance of there being no time served at all.
37. For some, comparisons were made against the solicitors' training contract (and, specifically, its breadth) and, accordingly, 2 years was seen to be an appropriate minimum for some respondents.
38. One respondent commented that the logic of an outcomes-based approach meant that the time served dimension was not necessary. The respondent claimed that, given the generic nature of the outcomes, it should be possible for an experienced individual from another field to satisfy a majority of the outcomes immediately. A time-served dimension, hence, would cut across this opportunity to use the outcomes flexibly.
39. A couple of respondents indicated the need to move away from a 'daunting' five year time served model with one stating that ILEX had actually lost potential members and fellows because of this requirement.

***Question 9): Which of the three options at paragraph 11 should we adopt? Please give reasons for your responses.***

40. Whilst there was much discussion of this key question and all options had their supporters, on balance, it was clear from the respondents answering this question that the preferred option was option 2.
41. Respondents were, generally, keen to see a portion of any three year time served period completed after the completion of the academic stage of training, and there were a number of comments which cited the importance of this time as a period when the full range of academic understanding can be genuinely built upon and developed.
42. There were some respondents who felt that the more flexible option 1 would be the quickest way to propel trainees through the system and could see the virtue in having this model. Equally, there were those who felt that option 3 gave ILEX greater security in respect of its training route.
43. There were, however, views (often from the advocates of these options) that option 1 sacrificed security in learning at the expense of speed: 'Option 1 is attractive in that it offers flexibility and could help those who are trying to balance study, work and family pressures. On the other hand it might encourage candidates to 'go for broke' via this high-pressure option. This route would tend to diminish the amount of time spent reflecting on practical learning.'
44. And, similarly, with option 3, there was a view that two years post-academic qualification, was too rigid and was a 'green light' to a glut of waiver applications: 'Option 3 seems rather old-fashioned in its thinking; from what I understand of the work required in the diary, it is mainstream activity all of which would be covered within a year – thus 2-3 years seems too much.' And: 'Option 3 is a very discouraging option in my opinion. It would mean that 3 of their 4 years studying would not "count" even if they had been fulfilling the learning outcomes during this time. It would lead to a high volume of people applying for exemptions from the post-academic stage – leading to yet more paper work, time and an unclear framework.'
45. In this respect, option 2 was both the most popular answer to this question and, psychologically, where it was not necessarily the preferred response, it was the response which was considered by many as their second preference, least problematic.

***Question 10): What are your views on the guidance notes to the diary?***

46. There were many comments that the guidance notes were clear and relatively straightforward to use. There were a few comments that indicated that others found them less clear and that employers would not read them.
47. There were some comments that the notes were inconsistent in places and one respondent focussed upon whether the diary itself (and not the notes) was potentially complicated by the Data Protection Act in relation to entries being written about client information.

***Question 11): Do you agree that we should include guidance for employers and members? Please give reasons for your responses.***

48. There was general support for the idea of guidance for both employers and employees, and there was a general view that the guidance included was appropriate. There were a few respondents that thought the guidance 'time-consuming' and there were some suggestions about how the guidance could be better organised.
49. One respondent also sought to identify what the guidance did not focus upon; ie, what happens to the trainee who has not managed to demonstrate an outcome successfully before they move on to a different aspect of work? How are they managed? Also, what about the trainee achieving an outcome relatively early in the process – what certainty has ILEX got that the trainee is still proficient in this area by the end of the process?

***Question 12): What are your views on the level of input we expect from employers?***

50. Whilst there was, on balance, the view that the level of input from employers was not inappropriate, there were a number of opinions around different aspects of the question, with respondents focussing on the nature of input expected, the need to incentivise employers to increase input into the scheme and the need for a clearer, objective standard to underpin employer judgments.
51. A few respondents felt that employer input was 'too much' and that there could possibly be 'discrimination' issues in respect of self-funding trainees. Others suspected that the soft requirement for employers to participate was not strong enough to guarantee ILEX the kind or level of participation necessary, and some questioned whether employees would necessarily be

confident or robust enough to potentially 'fail' a colleague in relation work activities performed in the service of the scheme.

52. One respondent made some suggestions around how ILEX might be able to develop and deliver the scheme more effectively for employers. She suggested that: 'ILEX could give a label of excellence to employers who have given their full support to the trainee for the duration of the 3 years and the trainee has accomplished his/her training to a high standard. This label of excellence could consist of letters to be added to the name of the employer and/or a logo on the letterhead of the firm. This recognition will not only be beneficial to the employers' reputation but also to ILEX as a serious institution.'

53. She also suggested that, in relation to the question of a possible discrimination between the treatment of trainees by different employers, 'ILEX could introduce a mentoring system under which the unsupported trainee would be allocated a mentor found by the Institute. The mentoring could be done by professionals in activity or retired and long distance. Once the mentoring is in place, ILEX involvement will be minimal.'

54. One respondent questioned whether the scheme could function appropriately if there was not some attempt on the part of ILEX to define an expected standard in relation to what constitutes a satisfactory outcome for trainees. On a related note, another respondent, whilst accepting the basic employer-centred concept of the scheme, wondered how the standard of the scheme will be administered from a process point of view, ie from the point of view of a sample check to see if trainees and employers are interacting with the scheme in the way expected – 'without this the employer could just sign off anything'.

***Question 13): We intend that employers judge the quality and standard of the member's work based upon their own view of what is competent, professional and business-like? Should we rely on this 'measure' or be looking to implement a more formal, objective standard?***

55. As one might expect, there was, again, much discussion in relation to this question. Much of the discussion focussed upon the importance of ILEX having an objective standard in the first instance to ensure that employers could 'assess' in an appropriate way. A number of the respondents 'spotted' that ILEX was essentially still eschewing a centrally-driven objective standard in favour of an employer-centred model and focussed their responses around this: 'There will inevitably be a wide range in what employers judge to be

'competent, professional and business-like'. This variation will depend upon age, capability, the nature of the practice, etc. It is unfair on candidates to leave matters to chance in this way.'

56. This kind of response had a number of variations: more than one respondent felt that ILEX had been too vague in relation to the level of the employer 'sign off' responsibilities. Another felt that leaving it to the employer and their own professional standard ran the risk of everything getting signed off as the employer would not want to be seen to be accepting that their staff were not performing at a level that reflected poorly on the business.

57. A few respondents recognised the potential difficulties to be faced by ILEX in trying to implement anything like an objective standard in relation to the achievement of the outcomes: 'yes – if the employer is able to validate the candidates work then yes I think they should. Trying to find another standard would be difficult to implement. The key is to ensure that the employer's standard is good enough in the first place.... ILEX may need a system in place to IV this...' Here, the respondent suggests that in the absence of a full blown objective standard that ILEX might need to have some recourse to quality assuring the employer and tackling the issue in another way. Another respondent puts it as follows: 'I believe that employers are competent to complete this work, however external regulation is a necessity.'

58. Another respondent says: 'I am not sure that ILEX needs to implement a more formal, objective standard but it certainly needs to define the criteria employers should use and give some 'worked examples' to illustrate these criteria.' This response focuses not upon standard or system, but on building a clearer sense, up front, of how the employer might make the judgments they are called upon to make.

***Question 14): What are your views on the headings for the diary?***

59. The diary polarised opinion. Whilst the educationalists saw little to be offended by, others thought the document unwieldy. One respondent disliked the one page per entry model, another thought that the document could be wholly re-organised (and promptly informed us how to achieve this) and another thought that the diary (even though the trainee is exhorted to provide 'illustrative' responses) would not attract sufficiently graphic entries to enable ILEX to closely scrutinise the process of diary recording.

60. Again, a couple of respondents questioned whether the diary would not contravene client confidentiality especially where trainees were moving between employers.

***Question 15): Do you agree that members should meet each outcome on at least three occasions and through a variety of activities wherever possible? Please give reasons for your responses.***

61. Whilst there was notable opposition to this idea, especially in the context of its use with a set of very detailed learning outcomes (where the requirement multiplies extravagantly), the concept of meeting the outcome on three occasions, in itself, as a postulate of consistency and transferability of skill was quite well-received.

***Question 16): What is your view of the purpose and design of the outcomes checklist grid?***

62. Again, whilst there was notable opposition to the grid, there was strong support for it given the nature of the system under discussion and the need to have an authoritative recording document for trainee and employer alike. Some of the stated opposition to the grid turned upon opposition more generally in relation to the scheme itself: 'I disagree with it because I disagree that each criteria has to be met. As stated previously, the tasks should be able to be evidenced showing how the overall outcome was met based on the type of criteria expected within.'

***Question 17): Do you agree that a member should be able to seek a waiver from the requirement to complete two years work-based learning outcomes after completion of the academic qualification? Please give reasons for your responses.***

63. The answer to this question was largely supportive of the right to a waiver in the right circumstances. This is premised, however, on the question which assumes a two year post-qualification period. A couple of respondents identified, for example, that should the period of post-qualification time served be shortened to, say, a single year, then the idea of a waiver could be removed from the system.

***Question 18): Do you have any other comments on the waiver proposals?***

64. There were no comments of note for this question.

***Question 19): What are your views on the transitional timescales? Do they work or not?***

65. There were some views which supported the transitional arrangements as they stand and the question remained unanswered in a number of responses.

66. Comments received in relation to this question were as follows: 'I'm not sure they do as they seem to prevent someone achieving Graduate level now gaining Fellowship under the current scheme and it is not clear to what extent that time will 'count'. It seems to me there has to be at least 2 clear years between the start of the WBL scheme and it becoming mandatory to cater for new Graduates.' And: 'I believe they exclude many people who might like to qualify for Fellowship but who are career changers, may have been made redundant, have taken time out for illness/caring commitments etc may find the traditional timescale too long. I also believe that acceptance of membership to the Fellowship Grade should be on work-based competence/knowledge rather than the passage of time.'

67. One comment, interestingly, thought there was not sufficient time between the consultation and the proposals for ILEX to properly evaluate its way forward.

***Question 20): Do you have any other views on the proposed implementation arrangements?***

68. This was treated by many as the opportunity to 'have their say again' or to round off the argument already advanced in their other responses. Invariably, responses to this question were diverse and few seem to have spotted that the question was intended as a supplementary question to question 19).

69. Again, a couple of respondents questioned the wisdom of an early introduction of any new WBL scheme (one referred to the timelines as 'ambitious'). An employer thought that any next step in relation to implementation ought to be to allow a period of trial, and they volunteered themselves as a potential trial employer if ILEX chose to move in that direction.

70. There was also one interesting comment made which counselled ILEX to think about the trainees 'failing' aspects of the scheme and to reinforce any guidance with rulings around the possible claims for 'compensatory' achievements in light of the fact that the trainee may have performed well in

other areas of the scheme. This was an area not covered in the current draft scheme handbook.

## **Responses not following the consultation format**

Solicitors' Regulation Authority (SRA)

71. The SRA responded to the consultation on 13 October after discussing the consultation at their Education and Training Committee on 21 September.

72. Their response makes 3 points:

- The first point directly relates to the continuation of the ILEX/SRA exemption from the training contract for Fellows.

They state their intention to review their work-based learning pilot against a backdrop of a 'wider and fundamental review of the solicitors' qualification process which will address such issues as the most appropriate way to ensure that entrants to the profession attain the necessary standards of competence.'

Given this, they state their intention to judge ILEX's move to an outcomes-based model against the status quo of the current exemption policy (and not the direction of travel on work-based learning now subject to review). The key implication of this is that if ILEX seeks to reduce the time-served component of their approach (ie 5 years to 3 as suggested in the consultation), the SRA will only still recognise FILEXs for exemption purposes when they have a full 5 years of experience. In other words, if ILEX chose to implement a 3 year model of 1 + 2 years (1 year pre-qual; 2 years post-qual), then the SRA would not recognise FILEXs for exemption purposes until another 2 years after the completion of this scheme.

The SRA say that this is their 'initial' view and that this view is only made on the basis of 'current policy, which is due for review'.

- Their second point relates to the nature of their work-based learning outcomes themselves. The response indicates that the upcoming review of the work-based learning pilot will no doubt lead to 'substantial revision'.
- Their third point focuses upon the difference between their pilot scheme and ILEX's proposed scheme: 'the ILEX/IPS WBL proposals lack, in our view, some key features – most notably clear standards for, and quality assurance of, assessors or assessment organisations.'

## Bar Standards Board (BSB)

73. The BSB considered the consultation at the BSB Education and Training committee. A reply was put together and forwarded to ILEX on 14 October.

The substance of the response is as follows:

'... there are however some repercussions with regard to the Quality Assurance of Advocacy Scheme, currently being promoted jointly by the SRA, BSB and ILEX following the work of the Joint Advocacy Group (JAG).

There is a potentially striking anomaly. The QA of Advocacy paper (paragraphs 48-49) reveals that ILEX advocates may qualify for Level 1 criminal advocacy by "successfully acquiring the criminal proceedings advocacy certificate". They cannot currently qualify at Level 2. There is, however, no mention in the ILEX work-based learning consultation paper of any need for ILEX members to obtain any advocacy experience of any sort during the three years of their training.

The absence of any requirement for advocacy experience or training in the ILEX proposals for 3 years of work-based qualification is likely to make it less attractive for ILEX to be seeking the eventual Level 1 advocacy rights for their members (on the assumption the QA of Advocacy scheme is put into place).

In addition, there is no further information either about what extra training is required of ILEX members for their "criminal proceedings advocacy certificate", but it seems that the standards to be required of that training must be high if there is no previous advocacy experience during work-based training. The approach may also impact upon any attempts by ILEX to seek Level 2 rights of advocacy at any stage.

The essential impression given by the WBL consultation paper is that advocacy is not a component of the typical training for ILEX members. It may be necessary for ILEX to reconsider this, bearing in mind the QA of Advocacy mechanisms which are likely, eventually, to be applied to ILEX advocates.'

## 4) Conclusions

74. The consultation responses, whilst not huge in number, were sound in quality, and provide the basis for a number of conclusions about the model in question and ILEX's strategic approach to work-based learning. The conclusions can be summarised as follows:

- There were a number of key concepts and ideas that were broadly supported by respondents. An outcomes-based approach, the idea of work-based

learning requiring a time served period of no more than 3 years, a model of work-based learning that placed an amount of time after academic qualification, the concept of repetition as the basis for learning through doing – the consultation was reasonably clear in relation to all these important principles.

- The consultation also identified areas where the approach needs further work and/or adjustment. The majority of respondents felt we had not yet got the definitions of 'work of a legal nature' appropriately defined. Equally, the specific outcomes themselves were seen to be problematic for a number of reasons: were there too many? Were they too detailed? Were they all demonstrable? Was the emphasis in the outcomes always evenly distributed and reflective of the Legal Executive role? Was everything that should be covered by the outcomes always actually covered? What is the relationship between an 'outcome' and the need for it to be flexibly delivered over a period of time?
- The documentation also was the subject of comment and the explanatory notes, the diary itself and the outcomes grid were all subject to numerous views that should be now weighed and considered. Specifically, the diary itself was thought by a number of respondents to run counter to data protection law, and this clearly needs further investigation.
- Other key areas such as employer support and standards also attracted comment and suggestion and, as such, require further review and evaluation. Whilst there was no clear, unanimous move in the consultation towards the advocacy of independent, assessed standards, there were strong suggestions around quality assurance and greater employer guidance that need addressing in any next steps.

## **5) Recommendations**

75. It is evident from the volume of relevant comment received alone that the current timeline for the implementation of a new work-based learning scheme cannot be met, if sufficient thought is to be given to the issues raised.

### **Outcome:**

Following the evaluation of the consultation responses, IPS delayed the scheme, revisited the outcomes and scheme documents, undertook further development and a second consultation.