

Competence Framework

What is it?

- Standard document that sets out core skills, knowledge and attributes expected of all registered legal professionals.
- Sets a consistent, minimum standard of competence across all regulators.

How could it work?

- Could be split into levels so standards change as individual gains more responsibility.
- Could have different knowledge and skills for different areas of law.
- Could be used at annual appraisals to check individual's performance against standards.
- Could be used by firms to recruit lawyers who are part-way through their careers.

Key facts

- **Already in place in legal services?** Yes – most regulators have frameworks in place. However, they all include different competences, and they are all implemented differently. The regulators do not check whether the lawyers they regulate continue to meet the standards in their frameworks after they have qualified.
- **Potential benefits?** Consistent standards mean lawyers are clear what is expected of them and clients know what to expect of lawyers.
- **Potential drawbacks?** Hard to identify core skills for such a broad range of individuals. Could get complex, which may make busy lawyers reluctant to use it. Extra time involved may affect charge-out rates.

Optional Further reading

- [SRA competence statement](#)
- [BSB professional statement](#)
- [More on competence frameworks from CIPD](#)

Feedback

What is it?

- Feedback from different sources (such as clients/consumers, peers, colleagues, supervisors) can be used to inform an assessment of an individual's competence.
- Often used in other sectors, and is part of revalidation for doctors, nurses and midwives

How could it work?

Could be gathered from:

- clients/consumers after a legal service has been provided
- peers who have worked alongside an individual
- supervisors providing an appraisal
- judges and assessors who have observed an individual in court.



Key facts

- **Already in place in legal services?** In some places – mainly in court/ advocacy settings, and customer experience surveys.
- **Potential benefits?** Enables individual to learn and develop. Identifies possible areas of concern/ lack of competence.
- **Potential drawbacks?** Can be subjective. Some people may be unwilling to provide feedback for fear they will receive a poorer service in future.

• **Further reading**
[Royal College of Nursing guidance on getting feedback](#)

Continuous Professional Development (CPD)

What is it?

- Mandatory requirement for all legal professionals to complete high quality and relevant CPD to ensure are up to date with necessary skills and knowledge for their role.



How could it work?

Could bring in standardised CPD requirements across all legal regulators, ensuring:

- **Mandatory** CPD activities (for example, specialised training in their area of practice)
- More stringent **checks/audits** on CPD activities, such as checks on its quality or relevance (for example, audits to assess whether a solicitor practising family law had completed training on recent updates to the law in that area).

Key facts

- **Already in place in legal services?** Yes – all regulated legal professionals have CPD requirements. However, type and quality of CPD is not specified, and regulators do not check the quality or relevance of an individual's CPD.
- **Potential benefits?** CPD already well understood and use in legal services, and regulators have some processes in place for auditing CPD records. Some high quality training already exists.
- **Potential drawbacks?** Hard to determine what should be mandatory for such a diverse profession. Some training is very expensive/ hard to access, which could be a barrier for some legal professionals.

Spot checks

What is it?

- Used to check if an individual is competent. Involves looking at their work to assess whether it meets expected standards.

How could it work?

Could be implemented:

- Through file audits, assurance visits, interviews, peer reviews, observation (or some combination of these measures).
- At **random**, with a percentage of professionals being checked each year e.g. 5% of all barristers.
- On the basis of **risk**, e.g. checking those who practice in an area where there are known increased risks to consumers or in areas where there is more evidence of poor practice.
- In response to **concerns**, e.g. about CPD records or complaints against an individual.



Key facts

- **Already in place in legal services?** Limited. There are some spot checks to check compliance with CPD requirements (but not on quality or relevance of CPD). Crown Prosecution Service uses observation.
- **Potential benefits?** Can be adapted to focus on higher risk, e.g. where there are known to be concerns about someone. Gives regulators better assurance that competence requirements are being met.
- **Potential drawbacks?** Could be heavy-handed in areas where there is low risk of poor practice. An individual could be having a 'bad day at the office' – is a one-off assessment fair or accurate? Regulators would need staff and training to bring in spot checks, so it is costly to implement.

Remediation

What is it?

- If a legal professional is not meeting the expected standards of competence, remediation (or remedial action) offers an opportunity to improve performance, without penalty (such as facing disciplinary action).

How could it work?

Could be one of, or a mixture of, the following:

- Training (e.g. their regulator might require them to complete specific training by a set date);
- Increased support or supervision (e.g. might have to have a supervisor oversee their practice);
- Conditions on an individual's licence (e.g. placing limits on what they can do in their work).

May face disciplinary action if they do not comply with the remedial activities.



Key facts

- **Already in place in legal services?** No. It is used in healthcare and the aviation industry though.
- **Potential benefits?** Gives regulators flexibility for regulators to assess/investigate poor performance. This avoids cost, time and stress involved in taking disciplinary action that might be disproportionate. Promotes culture of openness to giving and receiving feedback without fear of 'ending careers'.
- **Potential drawbacks?** Regulators may find it hard to know when to recommend remedial activity. Remediation may not 'fix' the issue of competence.

Revalidation



What is it?

- Routine process where all legal professionals must prove they remain competent to do their job.

How could it work?

- Could include evidence in the form of:
 - Records of learning & development activities
 - Feedback from clients
 - Reviews of files or cases
 - Reflections with peers
 - Appraisal/ discussion with senior colleague
- Senior colleague could review evidence to decide if a legal professional should be revalidated.
- Could be every 3-5 years.
- Could be linked to re-certification – without revalidation, lawyers wouldn't be able to practice.

Key facts

- **Already in place in legal services?** No, though most lawyers have to re-certify each year to gain their practice certificates which enables them to continue to practise law.
- **Potential benefits?** Introduces checks on lawyers' competence throughout their careers. Robust (based on a range of information). Flags up issues early on. Requires reflective practice and personal development.
- **Potential drawbacks?** Is a burdensome process, which can drive up costs (ultimately for clients). May put people off joining (or re-joining) the profession. May be a disproportionate measure, especially if the risks are low or there is limited need for public protection (e.g. in commercial law).

Optional Further reading

- Doctors: [Revalidation - GMC \(gmc-uk.org\)](https://www.gmc-uk.org)
- Nurses and midwives: [Revalidation | The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk)