

# The law firms role in making sure solicitors meet their continuing competence obligations

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Under our [Code of Conduct for Firms](https://update.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) [https://update.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/], all firms we authorise to provide legal services (including sole practices) must make sure that their managers and employees:

- Are competent to carry out their role, and
- Keep their professional knowledge and skills, as well as understanding of their legal, ethical and regulatory obligations, up to date.

We will [investigate competence issues](https://update.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/competence-standard-service/) [https://update.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/competence-standard-service/] where they are particularly serious or suggest multiple failures or repeated or persistent poor conduct.

We may also proactively contact firms to ask how they make sure their staff are meeting their competence obligations, for example when we carry out a thematic review.

Firms should therefore have appropriate systems and processes in place to help make sure that their solicitors meet their [continuing competence obligations](https://update.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/) [https://update.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/].

Firms can do this in a wide range of ways and the steps they take will depend on things like their size and available resources. It is likely that a very small firm will take different steps to a large firm with a learning and development team, for example.

These tips have been collected from law firms. They can help you encourage your employees to engage with learning and development and our continuing competence requirements.

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## **Encouraging and reminding solicitors**

- Send regular email reminders, such as:
  - How to comply with our continuing competence requirements.
  - The importance of regular reflection
  - Any updates on training that is available.



- Use 'nagware' software to send people automatic reminders. For example, to reflect on their practice or carry out learning and development in a specific timeframe.
- Require all solicitors to show how they have met their continuing competence obligations when renewing their practising certificate. Some firms do spot checks of training records and others review all records before declarations are made.
- Positive messaging from senior staff can help create an effective learning and development culture. This can be instructive, highlighting why carrying out learning and development is beneficial to the firm, or simply sharing the learning and development activities they have completed.
- Monitoring training attendance and sharing this information with senior staff.
- Create incentives, for example, by considering completion of learning and development as part of appraisal, pay review and bonus processes. Or you could also allow solicitors to claim billable hours when they provide training. Financial incentives may not be feasible for all firms, but non-financial forms of recognition can also be effective.
- Running 'learning and development weeks' to encourage staff to understand and prioritise reflection and learning.
- Being clear about their business objectives and aligning them with their solicitors' personal objectives, where appropriate.

## **Supporting reflection**

We know that some solicitors do not regularly reflect on their practice. You can support reflection in your firm by:

- Giving them a set amount of time to reflect on the quality of their practice.
- Reviewing learning and development frameworks and incorporating reflection. This can be done by asking solicitors to ask for and act on feedback, including that from colleagues and clients. Some firms chose to purchase learning and development systems which has self-reflection at its core.
- Adding reflective discussions to team meeting agendas.
- Requiring debriefs at the end of key pieces of work to look at what went well and what didn't go so well.
- Shifting from annual reviews and feedback to more regular discussions about performance and development, which could be less formal.
- Providing training or resources to help solicitors reflect on their practice and take ownership of their learning and development. Some firms have shared our free [resources](https://update.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/1) [https://update.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/1], including our [learning and development template](https://update.sra.org.uk/solicitors/resources-development-template) [https://update.sra.org.uk/solicitors/resources-



[archived/continuing-competence/cpd/continuing-competence/templates/1](#). Others pay for training or have developed initiatives to encourage reflection.

- Fostering a 'no blame' culture when things go wrong and requiring senior staff to be supportive, approachable and lead by example.
- Encouraging or training supervisors to help the people they manage to reflect on their practice.
- Engaging staff in the process of fostering a culture of reflection, for example, by asking them to share ideas in meetings or surveys.

## **Wider skills and tailored approaches**

Our [Statement of Solicitor Competence](#)

[\[https://update.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/1\]](https://update.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/1) is not limited to technical legal skills. It

states that, to be competent, solicitors need to have other skills, such as engaging effectively with vulnerable clients and behaving inclusively.

Some firms encourage this by:

- Identifying learning gaps, for example, by asking staff what knowledge and skills they wanted to develop.
- Training solicitors in the knowledge and skills they may need in the future. For example, this could be dealing with blockchain, artificial intelligence and other forms of market disruption.
- Inviting speakers from other fields to deliver talks on issues such as inclusion, resilience, and cultural competence.
- Mixing prescribed training about core knowledge and skills with elective or self-directed learning on broader, advanced and niche knowledge and skills.
- Rewarding solicitors for developing wider skills and future focussed skills. These could be financial or other rewards, for example, inviting solicitors to talk about their skills and recognising their achievements.
- Allowing solicitors to tailor their learning and development to their goals and interests. Some firms create development pathways for individuals to develop the skills needed to be a partner or build technical expertise in a particular skill or area of law.
- Offering training to help address specific challenges. This could be, for example, to help trainee solicitors who have less experience dealing with clients face-to-face due to Covid-19. Firms without the resources to do this can signpost to external resources.
- Providing leadership and management training, or signpost to external resources in these areas.

Paying for external speakers and training pathways may not be feasible for some firms. Effective free alternatives can include:

- Signposting to free resources, recorded talks, and events.



- Sharing information with colleagues at team meetings or events, such as lunchtime 'knowledge sharing sessions'.
- Inviting colleagues to share information on key issues or skills, for example, via a community on Microsoft Teams.

## **Online training**

Whilst face-to-training can be valuable, hybrid working has resulted in more online learning. You can support this by:

- Creating a library of materials that people could access at any time or to address an urgent training need.
- Breaking learning and development down into bitesize chunks, to make it more accessible.
- Signposting to external resources if you don't have your own internal training resources.
- Recording or delivering training in a hybrid format so that people can attend in person, remotely or watch later.

## **Encouraging mentoring and coaching**

You can encourage mentoring and coaching by:

- Introducing formal schemes, which paired mentees with mentors for a set period and often with specific objectives and meeting schedules.
- Initiating informal arrangements, which allowed mentors and mentees to set their own objectives and meet as often as they liked.
- Inviting solicitors to deliver training to their colleagues, for example, about specific skills or legal issues.
- Assigning mentors to mentees who want to move to a specific practice area, or progress to their mentor's level of seniority.
- Allocating mentors to mentees who wanted to develop specific skills.
- Reverse mentoring initiatives, which allow senior staff to be mentored by more junior colleagues. This can help them learn skills that junior colleagues may be better at, such as digital skills. It can also help senior employees learn about the experiences of more junior colleagues, including those from specific backgrounds.
- Encouraging staff to join and participate in professional networks.