

# Professional skills course providers information

September 2021

Candidates can only qualify through this route if they meet our [transitional requirements](https://update.sra.org.uk/become-solicitor/legal-practice-course-route/becoming-solicitor-legal-practice-course-transitional-requirements/) [https://update.sra.org.uk/become-solicitor/legal-practice-course-route/becoming-solicitor-legal-practice-course-transitional-requirements/].

If they do not meet these, they will need to qualify under the [SQE](https://update.sra.org.uk/become-solicitor/sqe/) [https://update.sra.org.uk/become-solicitor/sqe/].

Information for providers on course structure, authorisation and course accreditation

## Course structure, timing and background

### Background

The Professional Skills Course (PSC) is designed to build on the foundations laid by the Legal Practice Course (LPC) and to make sure all trainees receive formal instruction in matters better studied once they have some exposure to practice.

The PSC is intended to be an integral part of the period of recognised training; together they form the final elements of the vocational stage of training.

PSC providers are [authorised by us](https://update.sra.org.uk/solicitors/standards-regulations/education-training-assessment-provider-regulations/) [https://update.sra.org.uk/solicitors/standards-regulations/education-training-assessment-provider-regulations/] (authorisations made under earlier training regulations also remain valid) either on an in-house (where training firms provide it to their own trainees) or external provider. We publish a [list of providers](https://update.sra.org.uk/become-solicitor/legal-practice-course-route/professional-skills-course/professional-skills-course-providers/) [https://update.sra.org.uk/become-solicitor/legal-practice-course-route/professional-skills-course/professional-skills-course-providers/].

All providers must deliver a course which meets the criteria and learning outcomes set out in this document.

If you are a provider, you will need to pay close attention to changes made to the LPC and to any assumed knowledge to avoid unnecessary overlap with that course. We will inform you where we require changes to the LPC.

### When the course should take place

The PSC should normally be undertaken during a period of recognised training. Where an individual is exempt from recognised training, it must

be completed before admission.

It helps develop a trainee's professional skills before admission, and we expect providers and employers to consider when each element of the course should be undertaken. For example, it will be more effective for them to complete the Client Care and Professional Standards module after a trainee has undertaken at least six months full time (or equivalent) training.

Beyond this, we do not recommend when the other elements should be completed. Although we do recommend that tuition in elective topic(s) should normally be undertaken after the trainee has completed the relevant area of the compulsory core.

Subject to exemptions, we will not admit an individual unless they have successfully completed the PSC.

## **Outcomes for providers**

A provider must offer a PSC which will:

- build on the LPC to develop the trainee's professional skills
- be of clear benefit and value to the trainee and represent the start of a trainee's post-qualification development
- enable the tailoring of the course to reflect the range of environments in which trainees work and the increasing specialisation of practice
- be a dynamic course capable of developing to match the changing and diverse needs of the profession
- accommodate both well-developed trainee development programmes provided by many large employers for their own trainees, and public courses offered by local law societies and commercial providers.

## **Course structure**

The PSC consists of three subject areas, underpinned by [Written Standards](#) [[#written](#)].:

- Financial and Business Skills
- Advocacy and Communication Skills
- Client Care and Professional Standards

There is a compulsory core element of 48 hours tuition with assessments, and an elective element of 24 hours tuition.

## **Compulsory core**

Each subject area forms part of a compulsory core, which entails face-to-face instruction for a minimum number of hours:



- Financial and Business Skills - 18 hours
- Advocacy and Communication Skills - 18 hours
- Client Care and Professional Standards - 12 hours

For the purposes of Financial and Business Skills and Client Care and Professional Standards, live online interactive courses with peer to peer and candidate to tutor interaction is seen as an extension of face to face.

The assessment scheme for each part of the compulsory core is as follows:

- Financial and Business Skills
  - Written Standards Element 1 - no assessment
  - Written Standards elements 2-6 - Examination (one-and-half hours)
- Advocacy and Communication Skills - skills appraisal
- Client Care and professional Standards - no assessment

All examinations and skills appraisals must be conducted face to face.

## **Electives**

The elective element of the PSC entails a minimum total of 24 hours of instruction.

The following conditions and provisions apply:

- a maximum total of 12 hours of instruction in elective topics (whether whole courses or part courses) may be delivered on a distance-learning basis, provided that such instruction is "suitably supervised or assessed"
- elective topics must fall within at least one of the three subject areas of the course
- instruction in elective topics normally will not occur before completion of the corresponding compulsory core
- at minimum 12 hours of instruction in elective topics must be delivered on a face-to-face basis
- all elective topics must have as their primary objective the development of a trainee's professional skills
- there are no prescribed written standards
- there is scope for tailoring the PSC to meet the particular training needs of individual trainees and their employers.

Courses in the following topics/subjects will count as PSC electives:

- The shortened Accounts Course for trainees that have taken the Law Society Finals or the pre 1997 LPC.
- The courses leading to the Higher Rights of Audience Qualification.

If there are assessments as part of these courses, they do not have to be passed in order for the exemption to be available, as the PSC electives themselves have no assessments.

## **Information technology, business/commercial awareness**

Trainees should be able to demonstrate that they understand the importance of information technology and business/commercial awareness in their work. They should understand the applications of these across a range of professional activities.

Information technology and business/commercial awareness should be treated by PSC providers as pervasive, to be addressed throughout the compulsory core and elective topics.

## **Provider authorisation and course accreditation**

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### **General**

PSC provision arrangements rely on self-accreditation of courses by authorised course providers. This section contains guidance for potential course providers on several key matters in the process of securing our authorisation as a PSC provider.

Potential providers must demonstrate that all planned courses – those for which they seek accreditation, and those that they subsequently accredit themselves – meet these guidelines and the [accreditation criteria](#) [\[#accreditation\]](#).

Reasonable adjustments must be made to assessment methods only, adjustments cannot be made to the Written Standards.

### **Course director**

PSC providers must appoint a course director and supply the appointee's details to us.

### **Authorisation procedure**

#### **Application**

Potential PSC providers can apply for one of three types of authorisation:



- Authorisation to provide compulsory core instruction in one or more of the three subject areas (all authorised compulsory core providers are authorised by default to provide elective topics in the same subject area).
- Authorisation to provide compulsory core instruction in one or more of the three subject areas, along with authorisation to provide electives in one or more of the subject areas in which authorisation to provide compulsory-core instruction is not sought (eg authorisation to provide compulsory-core instruction in Advocacy and Communication Skills, along with authorisation to provide electives only – ie not compulsory-core instruction – in Client Care and Professional Standards).
- Authorisation to provide one or more electives only – ie not compulsory-core instruction – in one or more of the three subject areas.

### **Supporting documentation**

The application must provide sufficient detail and information. It also must:

- include supporting documentation as stipulated
- be accompanied by the appropriate authorisation fee
- be submitted at least eight weeks in advance of the scheduled start date for the course.

### **Self-accreditation**

An authorised PSC provider may itself accredit electives that it intends to offer. It may do so when the elective in question is:

- in any subject area in which it already is authorised to provide compulsory core instruction
- in any subject area in which it already is authorised to provide elective instruction.

### **Authorisation fees**

The authorisation fees are:

#### **Initial application**

- £125 plus
- £450 in respect of each subject area of the compulsory core and each elective subject area applied for. No fee is payable to run electives in an area for which you are applying to run a compulsory core subject. Cheques should be made payable to "The Law Society".



eg

- 1 subject area, £450 + £125 - Total: £575
- 2 subject areas, £900 + £125 - Total: £1,025
- 3 subject areas, £1,350 + £125 - Total: £1,475

### **Subsequent application**

- £450 in respect of each subject area of the compulsory core and each elective subject area applied for. No fee is payable to run electives in an area for which you are applying to run a compulsory core subject. Cheques should be made payable to "The Law Society".

eg

- 1 subject area = £450
- 2 subject areas = £900
- 3 subject areas = £1,350

### **Application process**

Please [contact us \[https://update.sra.org.uk/contact-us\]](https://update.sra.org.uk/contact-us) to request a form.

An application form should be submitted by post.

On receipt of an application, we review it to make sure that it contains all requisite information and documentation. If it does not, we will ask for the additional information or an amended application.

The course materials and programme are reviewed by a PSC assessor, who subsequently submits a report on them to us. If the report requires it, the applicant organisation is requested to comment on and/or address issues and concerns – before authorisation is granted.

### **Authorisation period**

Initial authorisation is for a period of three years. Subsequent reauthorisation is for a period of five years.

We reserve the right to make changes from time to time to the course and to vary or withdraw the authorisation. Providers will be given reasonable notice of any such changes. In the event of a variation or withdrawal, we have no liability whatsoever to any authorised provider of the PSC for any losses arising from the variation or withdrawal.

### **Amendments to course materials**



Providers must submit course materials as part of the application process. Once authorisation is granted, different variations or adaptations of the compulsory core courses can be developed without our prior approval.

We expect providers to make sure that course materials are kept up to date and that the courses continue to cover the Written Standards and meet the authorisation criteria.

### **Conditions of authorisation**

Providers will:

- only self-accredit courses which are within their authorisation and which meet the Written Standards and other SRA criteria
- present, assess and supervise (where appropriate) accredited courses in accordance with the written standards and this information pack (subject to any variations and additional guidance we issue from time to time)
- supply information to us concerning the presentation, assessment or supervision of accredited courses as requested
- provide details of forthcoming courses as requested
- co-operate in the monitoring of accredited courses
- co-operate in the investigation of any complaint about the provider
- notify us of any change of Course Director or person to whom the day to day responsibility has been delegated in the provider's address.

### **Termination of authorisation**

Providers may terminate their authorisation at any time by notifying us in writing. This will only be effective on completion of the tuition and/or assessment of any courses being delivered at the date of termination.

We can terminate authorisation if:

- we consider that continuing would be detrimental to the interests of the profession or of those trainees undertaking courses accredited by the provider
- there is evidence (whether from a monitoring report or otherwise) of a standard of tuition and/or administrative arrangements and support below that which is acceptable to us
- the provider fails to observe the conditions of its authorisation, or
- a provider is dissolved, or is declared bankrupt, or enters into administration, receivership or liquidation, or enters into an arrangement with its creditors.

### **[Accreditation criteria](#)**

## **Aims and objectives**

The aims and objectives of the course must be clearly defined and include:

- an outline of the content and presentation method(s)
- in the case of a course within the compulsory core, an indication as to how the written standards are met
- in the case of an elective course, an indication of the expected outcomes.

## **Content and presentation**

The content of the course should meet the intended aims and objectives and be:

- up to date
- supported by appropriate materials, which must be:
  - clearly organised
  - well presented
  - comprehensive.

The method(s) of presentation to be used should be:

- appropriate to meet the aims and objectives
- relevant and properly thought out
- designed to require appropriate participation on the part of trainees attending
- capable of allowing appropriate feedback to trainees.

## **Tutors**

Providers must make sure that the qualifications and experience of tutors are appropriate and meet the more detailed criteria set out below.

Details of actual tutors proposed must be supplied with an application for authorisation, but thereafter Course Directors may appoint or replace tutors provided such new/replacement tutors meet the detailed criteria.

## **Teaching skills**

Tutors must normally meet the following general and specific criteria in relation to teaching skills, subject knowledge and practical experience in order to provide a coherent and credible course. Tutors must have either:

- experience in teaching students, trainees, solicitors or other professionals or
- attended a presentational skills, communication, "train the trainer" or similar course.





Providers must ensure that all tutors are competent instructors. This may be established by all or any of the following:

- observation
- feedback from delegates on courses given by the proposed tutor
- written references.

### **Subject knowledge and practical experience**

Tutors must have both:

- sound current knowledge of the subject area of the topic
- practical experience in the topic area.

### **Tutor review**

Providers must periodically review whether a tutor continues to satisfy the relevant general and/or specific criteria. In particular, providers should be concerned that a tutor has up to date knowledge of the subject(s) which they teach.

### **Tutor training**

Course Directors must make sure that arrangements are made for the appropriate training of new tutors.

### **Accommodation**

The venue and accommodation must be:

- appropriate for the method(s) of presentation to be used and the number of trainees attending
- accessible with facilities for disabled delegates.

### **Administrative arrangements**

Providers must make sure that there are appropriate and effective administrative arrangements and support for all courses, to include:

- recording attendance at "face to face" courses and supervising or assessing distance learning courses
- certifying satisfactory completion of accredited courses in a manner acceptable to us (eg by letter or certificate of satisfactory completion).

Details of proposed arrangements must be included in any application for authorisation.



## **Evaluation and review**

Providers must have a system for evaluation and review of accredited courses, to include:

- feedback from trainees and their employers
- feedback from moderators (Elements 2 and 6, Financial and Business Skills Compulsory core)
- a mechanism for analysis of, and response to, such feedback.

## **PSC Written Standards**

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### **Advocacy and communication skills**

#### **Aims and objectives**

On completion of this area of the compulsory core, trainees should be able to exercise the rights of audience available on admission in the civil and criminal courts.

#### **Assumed knowledge from the LPC**

As a consequence of completing the LPC trainees should be able to:

- interview a client
- identify the client's goals
- identify and analyse factual material
- identify the legal context in which factual issues arise
- relate the central legal and factual issues to each other
- state in summary form the strengths and weaknesses of the case from each party's perspective
- develop a case presentation strategy
- outline the facts in simple narrative form
- prepare in simple form the legal framework for the case
- formulate a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner
- identify, analyse and assess the specific communication skills and techniques employed by the presenting advocate
- demonstrate an understanding of the purpose, techniques and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence
- demonstrate an understanding of the ethics, etiquette and conventions of advocacy.

Trainees should, in addition, be able to advise a client on the appropriate pre-trial procedures and proceedings, understand the crucial importance of preparation and the best way to undertake it, and assist in the preparation and conduct of pre-trial procedures and proceedings.

Trainees should be able to make an interlocutory application before a District Judge.

### **Element 1**

Trainees should be able, in the context of a civil and a criminal case, to:

- use language appropriate to the client, witness(es) and triers of fact and law
- listen, observe and interpret the behaviour of triers of fact and law, clients, witness(es) and other advocates and be able to respond to this behaviour as appropriate
- speak and question effectively and thereby competently use appropriate presentation skills to open and close a case
- use a variety of questioning skills to conduct examination in chief, cross examination, and re-examination
- prepare and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner
- present a submission as a series of propositions based on the evidence
- organise and present evidence in a coherent and organised form.

### **Element 2**

Trainees should be able to identify and act upon the ethical problems that arise in the course of a trial.

## **Client care and professional standards**

### **Aims and objectives**

On completion of this area of the compulsory core, trainees should be able to:

- identify and understand the significance of client care, ethical and professional conduct issues and be able to respond in an appropriate way within the training context
- apply appropriate professional standards
- understand and apply business awareness
- understand the need to work effectively with others
- initiate and implement appropriate methods of personal work organisation, and



- appreciate the importance of and take responsibility for their own personal and professional development.

### **Assumed knowledge from the LPC**

As a consequence of completing the LPC, trainees should be able to:

- identify, understand and deal with aspects of client care, ethics and professional conduct which may arise while conducting matters covered within the LPC
- understand the relevant practice rules and basic principles of the SRA Accounts Rules
- understand those areas of substantive law (eg negligence and fiduciary duties) and SRA requirements for the conduct of fee-earning work of a type which trainees are likely to encounter before admission
- understand the relevant SRA requirements regulating the organisation of the profession, obtaining work, client care and professional relations
- appreciate the need for good personal organisation and an orderly approach to work.

Trainees should be able to identify and deal with issues concerning their ethical responsibilities to:

- their clients
- the court
- other solicitors
- other professionals
- the Solicitors Regulation Authority and other relevant bodies
- their colleagues
- themselves.

This area of the compulsory core comprises three elements:

- Client Care and Communication Skills
- Professional Standards
- Work and Case Management.

Element 1 – Client Care and Communication Skills:

- Communication both orally and in writing
- Interviewing skills
- Taking instructions
- Keeping clients informed
- Discussing costs
- Handling client expectations
- Dealing with difficult clients
- Avoiding complaints
- Identifying potential complaints



- Handling complaints.

#### Element 2 – Professional Standards

- The SRA Principles and Codes of Conduct
- Client confidentiality
- Conflicts of interest
- Undertakings
- Negligence warnings
- Discussing advising and reporting on costs
- Contingency arrangement
- Retainers
- Letters of Engagement
- Avoiding, identifying and handling complaints.

#### Element 3 – Work and Case Management

- Time limits
- Time management
- Identifying and minimising risk
- The risk of professional liability
- Case file management.

### **Financial and Business Skills**

#### **Aims and objectives**

On completion of this area of the compulsory core, trainees should:

- have developed improved financial awareness
- be able to undertake exempt regulated activities under part XX FSMA
- be able to apply the rules of professional conduct relating to financial and accounting matters.

#### **Assumed knowledge from the LPC**

As a result of completing the LPC trainees should understand:

Solicitors' accounts and the SRA Accounts Rules 2019 (SAR). This will have included:

- the need to maintain separate office and client accounts
- the obligations regarding payment into and drawing from client account
- The need to record receipts and payments of office and client monies
- transfers between client accounts and between client and office accounts



- the obligation to prepare accounts in respect of clients' accounts
- the power of the Council to secure compliance with the SAR
- the processes involved in recording transactions for the purposes of paying of VAT
- the processes involved in recording abatements, bad debts and split money
- the processes involved in preparing a statement for clients on completion of a matter
- the need to pay interest to clients when appropriate
- the distinction between interest earned in general deposit and designated deposit accounts and preparation of accounts as appropriate
- the requirements in respect of the holding of trust monies.

The principles of accounting and an awareness of the need to interpret business accounts to ensure clients are appropriately advised. This will have included:

- an understanding of the need for accounts, the principles of bookkeeping, the terms used in accounts and basic accounting concepts and their uses
- an understanding of the processes involved in recording transactions, familiarity with books used to record transactions and an understanding of how accounting data is used to prepare trial balances and profit and loss accounts and a balance sheet
- an understanding of the need to make provision for depreciation and other year end adjustments
- the ability to analyse and interpret entries in the balance sheet and profit and loss accounts of a sole trader, partnership and limited company
- an understanding of the nature of shareholders' funds and the need to account for taxation and the circumstances in which consolidated fund accounts are required.

### **Element 1 - Accounting and financial issues**

Trainees should be able to identify accounting and financial issues in the areas of work in which they or the training establishment are involved, and have an awareness of:

- the potential need to involve other professionals (eg accountants, financial services specialists) when advising business and/or private clients
- possible sources of financial information which can be utilised in advising business and/or private clients
- the need to determine whether additional accounting and financial information is required (including in appropriate cases the possibility of employing investigative accounting techniques) to meet the client's needs



- the financial regulatory environment in which clients' businesses operate and the need to identify the appropriate accounting regulatory regime applicable to a client's business.

## **Element 2 - Introduction to the marketplace**

Trainees should also be able to identify the main investment products on the market, distinguish their main features (eg long or short term, safe or speculative) and determine their suitability for different types of client.

Trainees should be able to identify the tax and other advantages or disadvantages of particular types of investment.

## **Element 3 - The regulatory framework**

Trainees should understand the implications of:

- the Financial Services and Markets Act 2000 (FSMA)
- the SRA Financial Services (Scope) Rules 2019 (Scope rules)
- the SRA Financial Services (Conduct of Business) Rules 2019 (Conduct of Business rules), and
- any Money Laundering Regulations (MLR).

Trainees should understand the role of the Financial Conduct Authority (FCA) and the role of the Solicitors Regulation Authority as a Designated Professional Body (DPB).

Trainees should have an awareness of:

- what is regulated by the FCA
- the requirements for FCA authorisation
- the consequences of carrying out a 'regulated activity' without FCA authorisation
- the method of obtaining FCA authorisation.

Trainees should understand:

- what constitutes a 'regulated activity' and the principal exclusions in the FSMA (Regulated Activities) Order 2001 (RAO)
- the exemption in 'Part XX' of the FSMA for professional firms not conducting 'mainstream regulated activities' but carrying on "exempt regulated activities"
- basic conditions which must be satisfied by firms wishing to undertake 'exempt regulated activities' (S327 FSMA & FSMA (Non-exempt Activities) Order 2001).

Trainees should be able to relate the FSMA, the Scope rules and the Conduct of Business rules to the areas of work in which they or the training establishment are involved.



In the context of the regulatory structure set up by the FSMA and the concepts underpinning it, trainees should have an understanding of:

- the distinction between tied and independent sectors; (to be kept under review)
- the FCA and the major compliance obligations contained in the FCA Handbook
- the appropriate SRA rules and guidance.

Trainees should know what constitutes a financial promotion and the principal exemptions in the FSMA(Financial Promotion) Order 2001.

#### **Element 4 -The Scope Rules**

Trainees should be able to identify the type of regulated activities which may be undertaken under the Scope Rules and be aware of the consequences of a breach of the Scope Rules.

Trainees should be able to identify the steps needed to comply with the Scope Rules, the Conduct of Business Rules and other SRA requirements relevant to regulated activities under the FSMA.

Trainees should have an understanding of the role of the solicitor in the financial services industry and should understand the implications of:

- the solicitor's independence
- the employment of investment specialists, the establishment within a practice of a specialist financial services department and the mechanisms for such an establishment
- the inter-relationships of financial services work with other areas of work in the training establishment.

Trainees should be able to identify the steps needed to comply with the Conduct of Business rules for exempt regulated activities.

Trainees should be able, under appropriate supervision, to maintain the required records and follow the firm's complaints procedure.

Trainees should understand how the receipt of commission should be dealt with under the Scope rules and should also understand the significance of the receipt of commission in connection with some of the exclusions in the RAO.

Trainees should:

- have a good understanding of when an activity "arises out of or is complementary to" a particular professional service to a particular client
- know who is able to act as an authorised person





- be able to identify the appropriate authorised person for use in any particular situation.

### **Element 5 - Money laundering**

Trainees should be able to apply the rules of professional conduct in connection with financial dealings and in particular should understand what constitutes money laundering and the steps necessary to comply with any MLR.

### **Element 6 - Mortgage fraud**

Trainees should be able to apply the rules of professional conduct in connection with financial dealings and understand the need to be alert to the possibility of mortgage fraud.