

Apprenticeship standard leading to qualification as a solicitor Assessment Plan

1. Introduction

This assessment plan has been designed by a wide range of law firms and other employers of solicitors, representing a broad spectrum of different legal markets. It has been developed with close involvement of the regulatory body, the Solicitors Regulation Authority (SRA).

It embodies the following principles:

- The Apprenticeship standard should be identical to the standard specified for qualification as a solicitor by the SRA, as set out in the SRA's [Statement for Solicitor Competence \("the Competence statement"\)](#), [the Threshold standard and Statement of legal knowledge](#).
- All the competences included in the Apprenticeship standard, which align to the Competence statement, must be assessed and must be demonstrated to the level described in the Threshold standard in order to complete the Apprenticeship.
- The design of the end-point assessment should enable the greatest flexibility in the delivery of the Apprenticeship.
- The design of the end-point assessment must provide a high level of assessment consistency, reliability and validity.

2. Overview of the assessment plan

Qualification as a solicitor through the Apprenticeship standard route will require satisfactory completion of the new centralised assessment provided by one or more independent assessment organisations, appointed by the SRA, the regulatory body. Candidates will be unable to complete the Apprenticeship, or be admitted as a solicitor, until they have satisfactorily met this requirement. There are no exemptions from the SRA's centralised assessment. The SRA's centralised assessment will be assessed purely on a competent/non-competent basis and candidates must pass both parts. Candidates must also satisfy the SRA's character and suitability tests to be admitted as a solicitor.

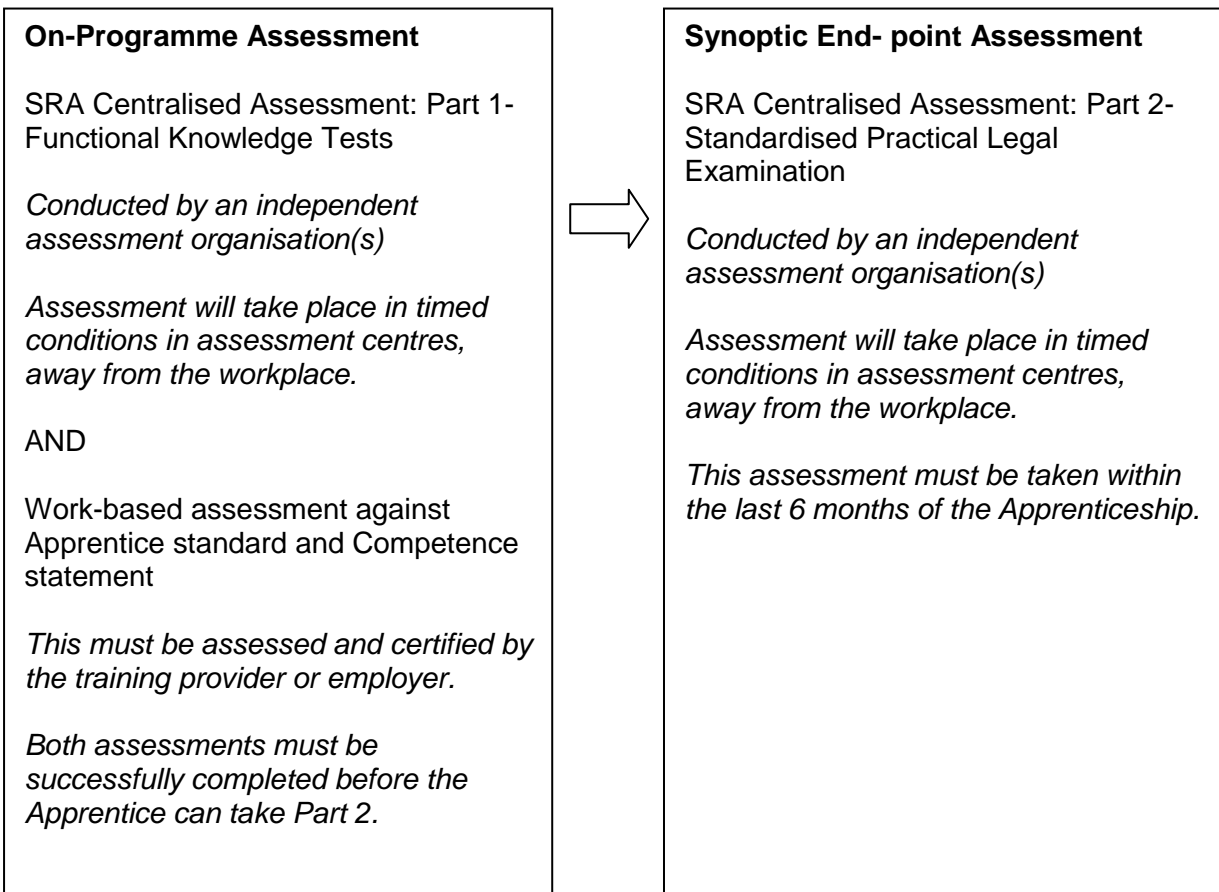
The SRA centralised assessment will consist of two parts.

- Part 1-Functioning Knowledge Tests
- Part 2-Standardised Practical Legal Examination

Part 2 of the SRA's centralised assessment will act as the synoptic end-point assessment for the completion of the Apprenticeship standard and must be completed within the last 6 months of the Apprenticeship.

Part 1 can be taken any point during the Apprenticeship but must be passed before the Apprentice takes Part 2.

Work-based assessment will not form part of the end-point assessment but will be used to ensure the development and on-programme assessment of the knowledge, skills and behavioural elements of the Apprenticeship standard in the context of the particular practice areas in which Apprentices are employed. Satisfactory completion of the work-based assessment to the level of competence specified in the Threshold standard, certified by the training provider or employer, is however a pre-requisite for taking Part 2.



Subject to approval from the Department of Business, Innovation and Skills, delivery of the apprenticeship programme can begin from September 2016 and the SRA will issue guidance, derived from the Competence statement, Statement of legal knowledge and Threshold standard, to enable employers and training providers to develop programmes which will prepare their apprentices for the centralised assessments.

The SRA centralised assessment will be available no earlier than 2018. The SRA will appoint the independent assessment organisation(s) in 2016. The assessment will be thoroughly piloted in 2017- 2018 before it is introduced and therefore the structure described above may be amended by the SRA in light of the piloting feedback and an impact assessment.

3. Components of the assessment plan

3.1 On-programme assessment

Training providers must provide on-programme assessment of both skills and knowledge, as set out in the Apprenticeship standard and the Competence statement, in each year of the Apprenticeship, to test apprentices' progress towards the end-point assessment.

Apprentices will take Part 1 of the SRA centralised assessment as part of this on-programme assessment. Part 1 of the centralised assessment must be passed before the apprentice can take Part 2 of the SRA centralised assessment.

Training providers and employers may wish to offer additional external or internal accreditation of on-programme assessment but this is deliberately not specified in the

Apprenticeship standard to enable flexibility and innovation in the delivery of the training programme and the integration of 'on-and off-the-job' learning and assessment.

3.2 Work-based assessment

On-programme work-based assessment of the competences set out in the Apprenticeship standard and the Competence statement must be undertaken throughout the period of the Apprenticeship. The form of work-based assessment will be for the training provider or employer to determine.

As described earlier, satisfactory completion of the work-based assessment to the level of competence specified in the Threshold standard, certified by the training provider or employer, is a pre-requisite for taking Part 2 of the SRA's centralised assessment, which forms the synoptic end-point assessment for the Apprenticeship Standard.

3.3 SRA centralised assessment

Part 1 of the SRA centralised assessment will be taken during the on-programme assessment stage of the apprenticeship.

Part 2 of the SRA centralised assessment will form the synoptic end-point assessment for the Apprenticeship standard.

3.3.1 Part 1 - Functioning Knowledge Tests

- a. These objective tests will assess candidates' ability to draw on sufficient knowledge to practise effectively and will assess the application of knowledge and legal processes specified in the following areas of the Competence statement and the Apprenticeship standard : A1, A4 (incorporating the Statement of legal knowledge), A5 and B7.
- b. Questions will be based on short, thumbnail scenarios. They will require candidates to identify relevant legal principles and apply them to factual issues so as to produce a solution which addresses a client's needs in the context of all the knowledge areas specified in the Competence statement. Unflagged ethical questions, requiring candidates to demonstrate that they can spot these issues and understand and apply the rules of professional conduct, will pervade the tests.
- c. All assessment will be computerised and will take place away from the work place, in timed conditions at assessment centres across England and Wales. There are no restrictions on the number of times a candidate can attempt an assessment.
- d. Pass marks will be set through the use of standard-setting procedures designed to ensure appropriate level of demand and consistency of standard between successive sittings. The SRA will monitor the assessment and quality assurance procedures of the assessment organisation(s).

3.3.2 Part 2 - Standardised Practical Legal Examination

- a. The examination will assess the application of knowledge, skills and behaviours in the following 6 skill areas:
 - interviewing and advising
 - advocacy/oral presentation
 - negotiation
 - writing
 - drafting

- legal research.
These skill areas map to the following areas of the Competence statement and the Apprenticeship standard: A1, A4, A5, B1, B2, B3, B4, B5, B6, B7, C1, C2 and C3.
- b. The assessments will simulate the real demands of practice. Unflagged ethical questions, requiring candidates to demonstrate that they can spot these issues and understand and apply the rules of professional conduct, will pervade the assessments.
- c. Each skill area will be assessed in 2 different practice contexts. The contexts are: civil or criminal litigation, property law and practice, wills and probate, the law of organisations. Candidates must choose both contentious and non-contentious elements and cover 3 out of the 5 contexts across the range of assessments. These contexts correspond to the reserved areas of practice under the Legal Services Act 2007, with the addition of the law of organisations because this is such a large part of the legal services market.
- d. The skill areas of interviewing and advising, advocacy/oral presentation and negotiation will be assessed through practical role plays, marked and moderated by the assessment organisation to ensure consistency of standards. The role plays will simulate ,through high quality scripts and scenarios, the core activities of the solicitor's practice. The use of a standardised client (for the interviewing and advising assessment) and legally qualified assessors as decision makers (for the advocacy/oral presentation assessment) will provide realism.
- e. The skill areas of writing, drafting and legal research will be assessed through on-line case studies in which trainees must respond to legal scenarios and complete the specified task or tasks. The task may be to write a letter of advice to their client, to draft a legal document or part of a legal document, or to research the answer to a legal problem using legal databases. The candidates' responses will be completed on-line, and be marked and moderated by the assessment organisation to ensure consistency of standards.
- f. All assessments will take place away from the workplace, in timed conditions at assessment centres across England and Wales. There are no restrictions on the number of times a candidate can attempt an assessment.
- g. Each skill area must be passed in two different contexts. The assessment organisation(s) will use of standard setting procedures, designed to ensure appropriate level of demand and consistency of standard within and between successive sittings, to set the pass mark. The SRA will monitor the assessment and quality assurance procedures of the assessment organisation(s).

3.4 Recognition of prior experience and learning

Training providers must give recognition to individuals who can demonstrate equivalent, assessed prior experience. Exemptions should be given from relevant training and on-programme assessments. However, all Apprentices must take the centralised assessment in full (Parts 1 and 2).

4. How this assessment plan meets the BIS criteria

CRITERION	EVIDENCE
<p>1. USING A RANGE OF ASSESSMENT METHODS IN YOUR END ASSESSMENT</p>	<p>We have decided to use a new centralised assessment which is being developed by the regulator, the Solicitors Regulation Authority (SRA), for the end-point assessment for the Trailblazer Apprenticeship because we believe that this assessment approach will:</p> <ul style="list-style-type: none"> • provide a high level of consistency, reliability and validity of assessment of the relevant competences; • will enable the greatest flexibility in the delivery of the Apprenticeship; and • will enable a consistency of standards with other routes to qualify as a solicitor. <p><u>Part 1 of the SRA's centralised assessment will form part of the on-programme assessment of the Apprenticeship standard.</u></p> <p><u>Part 2 of the SRA's centralised assessment will form the synoptic end-point assessment for the Apprenticeship standard.</u></p> <p>Part 1- Functioning Knowledge Tests (A1, A4, A5 and B7) These objective tests will assess candidates' ability to draw on sufficient knowledge to practise effectively. It will not be a memory test. It will require candidates to identify relevant legal principles and apply them to factual issues so as to produce a solution which addresses a client's needs, in the context of all the knowledge areas specified in the Competence statement which includes the Statement of legal knowledge. Unflagged ethical questions, requiring candidates to demonstrate that they can spot these issues and understand and apply the rules of professional conduct, will pervade the tests.</p> <p>The assessment will be computerised and will take place in timed conditions in assessment centres, away from the workplace.</p> <p>Part 2- Standardised Practical Legal Examination (A1, A4, A5, B1, B2, B3, B4, B5, B6, B7, C1, C2 and C3) This assessment will assess candidates' ability to perform the technical legal competences in the context of three of the following practice areas: civil or criminal litigation, property law and practice, wills and probate, business law and practice. Candidates must choose both contentious and non-contentious elements. They will assess knowledge, skills and behaviours in an integrated way. Unflagged ethical issues will pervade the assessment.</p> <p>a. Oral skills: interviewing and advising, advocacy and negotiation. These will consist of practical role plays. The interviewing assessment will use a standardised client, appropriate to the role and trained to role-play to the script and to take account of cultural and ethnic diversity issues. The advocacy assessments will be made to an assessor playing the role of the judge. All assessments will be recorded for marking and moderation purposes.</p> <p>b. Written skills: writing, drafting and legal research. These will consist of on-line case studies in which candidates must complete a specified task - research the answer to a legal problem using</p>

	<p>legal databases, or write a letter, or draft a legal document.</p> <p>The assessment will take place in timed conditions in assessment centres, away from the workplace.</p>
<p>2. ENSURING INDEPENDENCE</p>	<p>Parts 1 and 2 of the centralised assessment will be provided through one or more independent assessment organisations, appointed by the regulatory body, the SRA (*see below), to set, administer and mark the assessment. It will be a requirement that the assessment organisation(s) has no involvement in the training of apprentices and therefore no prior connection with the candidates.</p> <p>The SRA will monitor the performance of the assessment organisation(s) and will require the assessment organisation(s) to have in place procedures to ensure that its assessment functions are quality assured. It will be required to provide sufficient information to the SRA to enable the SRA to be satisfied of the probity of the assessment systems; to assure consistency of standards between candidates, across different assessment centres and over time between successive sittings; to identify areas for improvement; and to monitor and review assessment standards using comparative data.</p> <p>Although work-based assessment of the competences against the Competence statement is a pre-requisite for access to Part 2 of the centralised assessment, it does not form part of the synoptic end-point assessment. However training providers and employers are expected to ensure that internal systems are in place to ensure impartiality in the process of work-based assessment, for example through HR oversight.</p> <p>* "The SRA's statutory responsibility for admitting individuals as a Solicitor, provides them with the status (as detailed below) to require the assessment to be carried out by the SRA itself or an organisation approved by it."</p> <ul style="list-style-type: none"> • Under the Solicitors Act 1974, the Law Society is able to make regulations relating to the education and training of persons seeking to be admitted as solicitors (Section 2) - and, in particular, may prescribe the examinations or other tests to be undertaken for this purposes (subsection (3)(a)(iii)). No person may be admitted as a solicitor unless they satisfy the Law Society that they have met the requirements set out in those training regulations (Section 3). • The Law Society is required under the terms of the Legal Services Act 2007 to separate its representative and regulatory functions, and, under its General Regulations (available on its website) it has delegated to the SRA its regulatory functions, including those relating to education and training (regulation 31(4)) and its regulation-making powers in this respect (regulation 31(18)) to the SRA. • The SRA is in the process of passing new regulations under these powers, which say that apprentices may only be admitted if they successfully pass an assessment conducted or approved by the SRA. The SRA's expectation is that the centralised assessment, described in Solicitor Apprenticeship Assessment plan, would be undertaken by one or more expert assessment organisation(s) on behalf of the SRA,

	<p>appointed through an open and transparent process.</p> <ul style="list-style-type: none"> • The SRA, further, has statutory responsibility (acting, once again under delegated authority from the Law Society) for admitting individuals as solicitors, whether through the apprenticeship or any other route, and keeping the roll of admitted solicitors/granting certificates entitling those on the roll to practise. These, as with its other delegated powers, are not derived from, and cannot without statutory authority be sub-delegated to, the Secretary of State for Business, Innovation and Skills.
<p>3. DELIVERING CONSISTENT (RELIABLE) JUDGEMENTS</p>	<p>The mechanisms for ensuring consistency used by the independent assessment organisation(s) will differ for each of the assessment methods.</p> <p>1. Part 1 - Functioning Knowledge Tests This will be administered on-line. The use of objective testing eliminates marker subjectivity and therefore ensures a high degree of reliability and consistency. The SRA will require the assessment organisation to have mechanisms in place to:</p> <ul style="list-style-type: none"> • ensure valid and reliable test items; • set a consistent standard; • establish the pass mark for the assessment at the right level of demand; • apply the standard consistently; • carry out post-test analysis to scrutinise the assessment; and • quality assure the marking and standardisation processes. <p>2. Part 2 - Standardised Practical Legal Examination The use of standardised exercises and robust moderation procedures will ensure a high degree of reliability and consistency. The SRA will require the assessment organisation(s) to have mechanisms in place to:</p> <ul style="list-style-type: none"> • set a consistent standard • establish the pass mark for the assessment at the right level of demand • apply the standard consistently • scrutinise the assessment • quality assure the marking and moderation processes. <p>The SRA will expect these mechanisms to include procedures for ensuring the standardisation of the client (for the interviewing assessment) and data collection to enable the measurement and moderation of individual assessor decisions. All assessments will be recorded for marking and moderation purposes.</p> <p>The SRA will monitor the performance of the assessment organisation(s) who will be required to:</p> <ul style="list-style-type: none"> • provide sufficient information to the SRA to enable the SRA to be satisfied of the probity of the assessment systems; • assure consistency of standards between candidates, across different assessment centres and over time between successive sittings; • identify areas for improvement; and • monitor and review assessment standards using comparative data.

<p>4. DELIVERING ACCURATE (VALID) JUDGEMENTS</p>	<p>1. Part 1 - Functioning Knowledge Tests The SRA's experience of using objective tests to assess functioning legal knowledge in the context of its assessment of overseas lawyers (the Qualified Lawyers' Transfer Scheme) has demonstrated that objective testing is an effective and valid mechanism to test the wide range of functioning legal knowledge required to be demonstrated by intending solicitors. For the Apprenticeship assessment, the question bank will be designed to sample from the full range of knowledge specified in competence A4, which includes the Statement of legal knowledge. Questions will be designed to test candidates' ability to identify legal issues and solve problems, not just repeat legal knowledge in a memory test.</p> <p>2. Part 2 - Standardised Practical Legal Examination The assessments will require competence to be displayed in relation to skills, knowledge and behaviours to simulate the real demands of practice. The role plays will simulate through high quality scripts and scenarios the core activities of a solicitor's practice. The use of a standardised client (interviewing) and legally qualified assessors as decision makers (advocacy) will provide realism.</p> <p>The SRA's experience of using this approach in the context of the Qualified Lawyers' Transfer Scheme has demonstrated that standardised centralised assessments are an effective and valid mechanism to test the range of skills, behaviours and legal knowledge required to be demonstrated by intending solicitors.</p>
<p>5. SYNOPTIC ASSESSMENT</p>	<p>Both parts of the SRA's centralised assessment sample across the knowledge, skills and competences as set out in the SRA's Competence statement, Threshold standard and Statement of Underpinning Legal Knowledge.</p> <p>Part 1 of the SRA's centralised assessment tests functioning knowledge. It tests the candidate's ability to draw on their legal knowledge to identify the relevant legal principles and apply them to the facts. The objective tests cover a broad range of knowledge. The questions will take the form of short, thumbnail scenarios. The candidate will have to categorise the legal nature of the problem in the scenario, before identifying which suggested answer best addresses the problem. This will also involve assessing risk, evaluating the reliability of information, and reaching a reasoned decision.</p> <p>The synoptic end-point assessment (Part 2 of the SRA's centralised assessment) simulates the real demands of practice and tests the skills, knowledge and behaviours required of intending solicitors across a range of legal practice contexts. For example, in undertaking a client interview, the solicitor will need to categorise the legal nature of the problem and use this to establish which questions to ask the client. At the same time they will need to demonstrate they can establish and maintain an effective and professional relationship with their client.</p> <p>There are no exemptions from the centralised assessment.</p>

<p>6. GRADED ASSESSMENTS</p>	<p>The regulator, the SRA, through whom the centralised assessment is being delivered, will only make a judgement on whether an individual is competent or not competent to be a solicitor and does not require further differentiation beyond this in the centralised assessment. The centralised assessment, including Part 2, the synoptic end-point assessment, will therefore not be graded.</p> <p>However it will be open to training providers who wish to internally or externally accredit on-programme assessment to grade these awards within the Apprenticeship. This is to enable accredited 'stepping-off points' for individuals who complete a substantial part of the learning but do not complete the entire apprenticeship including the end-point assessment.</p>
<p>7.AFFORDABILITY</p>	<p>The SRA's experience of using centralised assessment to assess overseas lawyers through the Qualified Lawyers' Transfer Scheme has demonstrated that this is a manageable and cost effective way of assessing knowledge, skills and behaviours, as well as a valid and reliable assessment methodology.</p>
<p>8.MANAGEABILITY/ FEASIBILITY</p>	<p>The centralised assessment will be delivered by one or more assessment organisations to be appointed by the regulator, the SRA. The assessment organisation(s) will be required to demonstrate:</p> <ul style="list-style-type: none"> • an appropriate assessment strategy, which delivers the requirements of this assessment plan; • appropriate facilities for the conduct of the assessments, including IT facilities to support on-line delivery of the assessment activities, and an appropriate geographic spread of assessment centres with suitable and accessible rooms and audio-visual and recording equipment; • robust administrative arrangements and data collection systems; and • robust quality assurance systems, which deliver the requirements of this assessment plan, and appropriate reporting arrangements. <p>The SRA will monitor the performance of the assessment organisation(s) who will be required to provide sufficient information to the SRA to enable the SRA to be satisfied of the probity of the assessment systems; to assure consistency of standards between candidates, across different assessment centres and over time between successive sittings; to identify areas for improvement; and to monitor and review assessment standards using comparative data.</p>
<p>9. PROFESSIONAL BODY RECOGNITION</p>	<p>The assessment plan has been developed with the regulator, the SRA, and we attach a letter confirming its approval of this plan and its agreement to admit apprentices as solicitors upon satisfactory completion of the centralised assessment. There are no exemptions from the centralised assessment.</p> <p>This approval is subject to completion of the regulatory body's usual processes of consultation, testing and equality impact assessment of the new centralised assessment.</p> <p>The SRA's Statement of Solicitor Competence, the Threshold standard and the Statement of legal knowledge, which underpin the centralised assessment, are available on the SRA website.</p>