

SRA Statement of Solicitor Competence - A quick guide for In-house Lawyers and nine steps to get you started.

Do you need a quick recap?

There is no longer a *need to commit* to a specific number of training hours (16 hours) or accredited training but you can still use this system until November 2016.

To provide greater flexibility and a more holistic method in respect of learning and development for competence assessment, the SRA have developed a Statement of Solicitor Competence – http://www.sra.org.uk/sra/policy/training-for-tomorrow/work-streams.page#Collection_1

Competencies are characteristic sets of behaviours, which have been shown to be associated with achieving successful outcomes in organisation. They are underlying behaviours, which enable people to ‘**shine**’ in a particular role. The behaviours can be used as the *standard of competence* required for each legal role; and also for solicitors to develop their applicable competencies further so that they continually hone their skills.

In-house Solicitors have full responsibility for undertaking their training and development to ensure that they comply with Principle Five of the SRA Principles (2011), namely that ***they are able to deliver a proper standard of service in their practice areas***. There is also an expectation that solicitors will continue to ensure that they can comply with Principle Five during their legal career. This will involve Solicitors reflecting on their current performance levels and further development required, not just on their technical expertise.

Are you aware of the contents of the Statement of Solicitor Competence?

This Statement has four main themes:

- A. Ethics, Professionalism and Judgement** (five sections and twenty-two behavioural characteristics)
- B. Technical Legal Practice** (seven sections with thirty-two behavioural characteristics and a Threshold Statement*)
- C. Managing themselves and their own work** (three sections and twenty-six behavioural characteristics)
- D. Working with other people** (three sections and twelve behavioural characteristics)

***There are also six levels within Technical Legal Practice (B) called the ‘Threshold Statement’ as follows:**

1. Functioning knowledge
2. Standard of work
3. Autonomy
4. Complexity

5. Perception of context
6. Innovation and originality

The above levels in the Threshold Statement apply to the seven sections of the Technical Competence B), you need to assess yourself against the appropriate level. The 'Threshold Standard' for newly qualifieds is set at number three – **Autonomy**.

The SRA have also set out an underpinning **Statement of Legal Knowledge** that identifies what is required for thirteen specific technical areas that NQ's will need to review against their current knowledge and understanding – see

<http://www.sra.org.uk/solicitors/competence-statement/statement-legal-knowledge.page>

From this information you will assess your learning activities for your Technical Legal Competence B) so that you remain up to date and comply with Principle Five.

Nine steps to enable you to be ready by November 2016

1. Review all the material available on the SRA website links above. This will help you to determine what you need to do to comply with this new approach. You can then make an **informed decision** about what changes *if any* you need to introduce to learning and development system your organisations uses.
2. **Competence A2 requires** that you **reflect on your capability and potential in your day-to-day role** for your organisation, *and that this is documented*. So now there is a requirement for in-house lawyers to **self assess** their skills, development needs, and potential. The first starting place is to decide what is your personal and management goals for your current position and potential roles in the future, and document these. Or update these if you have documented these in previous appraisal meetings.
3. If your organisation has a system in place for self-assessment then that will suffice. If not then there are templates within The In-house Lawyers Toolkit by Richard Tapp and myself (published by the Law Society) or you can use the SRA templates provided on their website. For busy in-house lawyers and teams I can tailor and your organisational documents to ensure this support the new SRA Statement of Solicitor Competence.
4. When using any self reflective planning documentation for your leaning and development the SRA has suggested that you think about:
 - a. *What you need to do;*
 - b. *Why you need to it;*
 - c. *When you need to do it;*
 - d. *How you will do it;*
 - e. *Prioritising your learning and development needs.*
5. For **Technical Legal Practice B**, you will also need to review the **Threshold Statement** and decide which level you are. *If you are newly qualified then level three is the appropriate level*. NQ'S also need to review the **Statement of Legal**



Knowledge against the requirements of the legal areas they are or going to be practising law.

6. Following your self-assessment process, a 'development' plan will need to be completed. The SRA have provided a Development Plan template for you to complete if your organisation does not have one for their lawyers.
7. When completing your organisation's or the SRA's development document, you will need to set out how you are going to address your identified 'areas for improvement' over the next 3/6/12 months. The time period will depend on your organisation's appraisal system.
8. Please note that there are now lots of different methods to address learning needs that are recognised as appropriate by the SRA. Choose from the variety of different development activities available either from the SRA website or from our book or your organisation. To assist you I have designed specific coaching package *tailored* to the Competencies A, C-D called '**Documenting your Brilliance**'™. This is particularly effective for sole in-house lawyers.
9. As you work through your 'learning and development' plan, you will need to record your progress on the activities chosen including what you have learnt and applied. If you or your organisation does not have a *development record* then you can start with the SRA's template. *'We (SRA) do not prescribe a specific approach, however, for each of your identified learning and development need(s) you may find it useful to record:*
 - *What you did;*
 - *How it was related to ensuring your competence;*
 - *What you learnt;*
 - *When the activity was completed.'* From SRA website 6th March 2016.

You may also include what could have been done better and how. What are you going to do differently in the future?

It is strongly recommended that you only sign your practising certificate in November when you have at least completed either your organisation's development plan or the SRA Development Plan template.

Please contact ann@managingexternallegalresources.co.uk if you require more information on:

1. **The Statement of Solicitor Competence and its impact for you and your legal department and assist you in setting the appropriate documentation and/or**
2. **How to introduce a competency based assessment and development process for you and your legal department that supports both the SRA Statement of Solicitor Competence and your organisation's requirements.**
3. **Cost effective training or coaching package designed to support Competencies A, C and D.**

So who am I?



Ann Page is a Top 100 Lawyer, with an impressive CV over a 28-year career as a senior in-house lawyer delivering first class legal services. She has over 17 years experience of competence based systems and was instrumental in putting together seven specific competencies for lawyers.

Ann has delivered leadership, management and interpersonal skills training for the last **13 years to nearly 7000 lawyers**. She holds an HNLP certificate in coaching as well as being a certified NLP Master Practitioner, a member of the Professional Speakers Association.

She set up a dedicated website to in-house lawyers called www.managingexternallegalresources which is named after their first book of the same title.

Appendix A Detailed SRA Statement of Solicitor Competence (April 2015)

A. Ethics, professionalism and judgement

A1 Act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Handbook and Code of Conduct, including:

- a. Recognising ethical issues and exercising effective judgement in addressing them
- b. Understanding and applying the ethical concepts which govern their role and behaviour as a lawyer
- c. Identifying the relevant SRA principles and rules of professional conduct and following them
- d. Resisting pressure to condone, ignore or commit unethical behaviour
- e. Respecting diversity and acting fairly and inclusively

A2 Maintain the level of competence and legal knowledge needed to practise effectively, taking into account changes in their role and/or practice context and developments in the law, including:

- a. Taking responsibility for personal learning and development
- b. Reflecting on and learning from practice and learning from other people
- c. Accurately evaluating their strengths and limitations in relation to the demands of their work
- d. Maintaining an adequate and up-to-date understanding of relevant law, policy and practice
- e. Adapting practice to address developments in the delivery of legal services

A3 Work within the limits of their competence and the supervision, which they need, including:

- a. Disclosing when work is beyond their personal capability
- b. Recognising when they have made mistakes or are experiencing difficulties and taking appropriate action
- c. Seeking and making effective use of feedback, guidance and support where needed
- d. Knowing when to seek expert advice

A4 Draw on a sufficient detailed knowledge and understanding of their field(s) of work and role in order to practise effectively, including:

- a. Identifying relevant legal principles
- b. Applying legal principles to factual issues, so as to produce a solution which best addresses a client's needs and reflects the client's commercial or personal circumstances
- c. Spotting issues that are outside their expertise and taking appropriate action, using both an awareness of a broad base of legal knowledge¹ (insofar as relevant to their practice area) and detailed knowledge of their practice area

A5 Apply understanding, critical thinking and analysis to solve problems, including:

- a. Assessing information to identify key issues and risks
- b. Recognising inconsistencies and gaps in information
- c. Evaluating the quality and reliability of information
- d. Using multiple sources of information to make effective judgements
- e. Reaching reasoned decisions supported by relevant evidence

B Technical legal practice

B1 Obtain relevant facts, including:

- a. Obtaining relevant information through effective use of questioning and active listening
- b. Finding, analysing and assessing documents to extract relevant information
- c. Recognising when additional information is needed
- d. Interpreting and evaluating information obtained
- e. Recording and presenting information accurately and clearly.

B2 Undertake legal research, including:

- a. Recognising when legal research is required
- b. Using appropriate methods and resources to undertake the research
- c. Identifying, finding and assessing the relevance of sources of law
- d. Interpreting, evaluating and applying the results of the research
- e. Recording and presenting the findings accurately and clearly.

B3 Develop and advise on relevant options, strategies and solutions, including:

- a. Understanding and assessing a client's commercial and personal circumstances, their needs, objectives, priorities and constraints
- b. Ensuring that advice is informed by appropriate legal and factual analysis and identifies the consequences of different options.

B4 Draft documents which are legally effective and accurately reflect the client's instructions including:

- a. Being able to draft documents from scratch as well as making appropriate use of precedents
- b. Addressing all relevant legal and factual issues
- c. Complying with appropriate formalities
- d. Using clear, accurate and succinct language.



B5 Undertake effective spoken and written advocacy², including

- a. Preparing effectively by identifying and mastering relevant facts and legal principles
- b. Organising facts to support the argument or position
- c. Presenting a reasoned argument in a clear, logical, succinct and persuasive way
- d. Making appropriate reference to legal authority
- e. Complying with formalities
- f. Dealing with witnesses appropriately
- g. Responding effectively to questions or opposing arguments
- h. Identifying strengths and weaknesses from different parties' perspectives.

B6 Negotiate solutions to clients' issues, including:

- a. Identifying all parties' interests, objectives and limits
- b. Developing and formulating best options for meeting parties' objectives
- c. Presenting options for compromise persuasively
- d. Responding to options presented by the other side
- e. Developing compromises between options or parties.

B7 Plan, manage and progress legal cases and transactions, including:

- a. Applying relevant processes and procedures to progress the matter effectively
- b. Assessing, communicating and managing risk
- c. Bringing the transaction or case to a conclusion

Notes

1. *Legal System of England and Wales, constitutional law and EU law (including human rights), contract law, torts, ethics, professional conduct and regulation, including money laundering and solicitors accounts, criminal law and evidence, criminal litigation, civil litigation, property law, wills and administration of estates, trusts and equitable wrongs, law of and taxation, and other areas relevant to the solicitor's particular field of practice.*
2. *Note this applies to advocacy both in and out of court*

C Working with other people

C1 Communicate clearly and effectively, orally and in writing, including:

- a. Ensuring that communication achieves its intended objective
- b. Responding to and addressing individual characteristics effectively and sensitively
- c. Using the most appropriate method and style of communication for the situation and the recipient(s)
- d. Using clear, succinct and accurate language avoiding unnecessary technical terms
- e. Using formalities appropriate to the context and purpose of the communication
- f. Maintaining the confidentiality and security of communications
- g. Imparting any difficult or unwelcome news clearly and sensitively

C2 Establish and maintain effective and professional relations with clients, including:

- a. Treating clients with courtesy and respect
- b. Providing information in a way that clients can understand, taking into account their personal circumstances and any particular vulnerability
- c. Understanding and responding effectively to clients' particular needs, objectives, priorities and constraints
- d. Identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances



- e. Identifying possible courses of action and their consequences and assisting clients in reaching a decision
- f. Managing clients' expectations regarding options, the range of possible outcomes, risk and timescales
- g. Agreeing the services that are being provided and a clear basis for charging
- h. Explaining the ethical framework within which the solicitor works
- i. Informing clients in a timely way of key facts and issues including risks, progress towards objectives, and costs
- j. Responding appropriately to clients' concerns and complaints

C3 Establish and maintain effective and professional relations with other people, including:

- a. Treating others with courtesy and respect
- b. Delegating tasks when appropriate to do so
- c. Supervising the work of others effectively
- d. Keeping colleagues informed of progress of work, including any risks or problems
- e. Acknowledging and engaging with others' expertise when appropriate
- f. Being supportive of colleagues and offering advice and assistance when required
- g. Being clear about expectations
- h. Identifying, selecting and, where appropriate, managing external experts or consultants

D Managing themselves and their own work

D1 Initiate, plan, prioritise and manage work activities and projects to ensure that they are completed efficiently, on time and to an appropriate standard, both in relation to their own work and work that they lead or supervise, including:

- a. Clarifying instructions so as to agree the scope and objectives of the work
- b. Taking into account the availability of resources in initiating work activities
- c. Meeting timescales, resource requirements and budgets
- d. Monitoring, and keeping other people informed of, progress
- e. Dealing effectively with unforeseen circumstances
- f. Paying appropriate attention to detail.

D2 Keep, use and maintain accurate, complete and clear records, including:

- a. Making effective use of information management systems (whether electronic or hard copy), including storing and retrieving information
- b. Complying with confidentiality, security, data protection and file retention and destruction requirements

D3 Apply good business practice, including:

- a. Demonstrating an adequate understanding of the commercial, organisational and financial context in which they work and their role in it
- b. Understanding the contractual basis on which legal services are provided, including where appropriate how to calculate and manage costs and bill clients
- c. Applying the rules of professional conduct to accounting and financial matters
- d. Managing available resources and using them efficiently

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