Solicitors Regulation Authority

LPC panel members and chairs information pack

LPC panel members and chairs[1] [#note1]

19 October 2022

This pack sets out how the panels will work. It should be referred to by panel members[2] [#note2] as they undertake their role. The information will also help organisations know what to expect from the authorisation/validation process which has been developed to reflect the SRA's regulatory role and the authorisation/validation criteria.

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Overview of process

Providers seeking authorisation/validation for the first time must submit written applications that address each of the authorisation/validation criteria in turn. The criteria and the evidence the panels will look for when they consider whether the criteria are met are set out in the information pack previously published. Providers must submit to the SRA three copies of their application.

The authorisation/validation process is based on the premise that providers will include in their written submissions all of the evidence needed to decide whether the proposals satisfy the published criteria. It may be possible to complete the authorisation/validation process on a paper basis alone. However, meetings between the panels and the providers submitting applications may be required. Where the course is to be subject to the provider's own internal validation procedures, the SRA will (to avoid unnecessary duplication) attend the provider's internal validation/authorisation event.

Providers will be told in advance the aspects of their application on which the panel will focus during the meetings. Such advance notice will help providers decide who should attend the panel meeting and prepare for the event. However, panels will not be prevented from raising issues concerning other aspects of the applications during the meetings. Providers will not be asked to present their proposals to the panel. They will instead be asked to respond to the panel's questions.

Provision has been made for the panels to request in advance of the meetings supplementary documentation to clarify any aspects of the application. This should be unnecessary if providers have fully prepared and presented their applications; the timetable does not therefore allow for providers to prepare lengthy additional documentation in response to

requests from the panels. Panels will not give their decision or any feedback at the meetings. A provider will be notified of a decision as soon as practicable after the event.

Panel composition

Where possible, an SRA representative/s will attend the provider's internal institutional –level validation/authorisation event. Where it is considered necessary to do so, the SRA will convene a separate panel event to consider the application for authorisation/validation. This may be necessary where the provider has no suitable internal event or where the provider has not previously been an authorised provider. Each panel will comprise at least one member but not more than three, including the chair. The size of the panel may be increased to four to consider more complex applications, for example where multiple courses have been put forward for validation.

The SRA will provisionally allocate panel members to each panel and set a date for the panel event in liaison with the provider. The SRA will take into account panel members availability and conflicts of interest when allocating individuals to panels.

The provider will be given the names of the provisional panel. Any objections made by providers to the proposed panel membership will need to be specific. The SRA will consider whether the objection is reasonable and, if appropriate, revise the provisional membership. The SRA will normally let any panel member to which a provider has objected know the reasons for the objection. Objections on the grounds that the panel member is employed by a competitor will not be regarded by the SRA as a reasonable objection. LPC providers operate in a national market. With the exception of the chairs, most panel members work for, or have a connection with, an LPC provider, enabling the process to operate on a peer review basis, as widely used within higher education.

If a panel member or panel chair is unable at short notice to attend the panel event, for example due to illness, responsibilities within the panel will provisionally be reallocated and the provider asked to confirm whether it wishes the event to proceed.

The SRA may arrange for its Board or Committee members to observe the validation/authorisation process, including meetings with provider representatives. Observers will not contribute to panel discussions about an application or play any part in the decision-making process. Any observers will be required to respect the confidentiality of the process.

Contact between panel members, panel chairs, providers and the SRA

Panel members must not make contact with a provider to seek or share information about its application or in connection with its application more generally. Panel members must not disclose any information about the provisional or actual decisions taken in respect of an application.

Providers are not expected to make contact with any panel member. Panel members should report to the SRA any attempts by a provider to make contact with them in connection with the authorisation/validation process or an application.

Initial comments on a submission must be made to the SRA only (panel members will be given a named contact and email address) by the required deadline. Panel members will individually identify any aspects of the application on which they think clarification is required from the provider and the aspects of the application on which they suggest the panel meeting should concentrate. Once all initial comments have been received, all panel members will be emailed together as agreement is reached on the issues to be raised with the provider at the panel event.

Timetable

To help with planning and to ensure consistency of approach for all providers, the following timetable will be adopted for the scheduling and preparation for panel events.

In advance of the panel event

Provider notified of date and venue of panel event and composition of panel. Panel members to be told of their provisional allocation to the panel.

Five weeks before the panel event

Provider to raise any objections to the panel membership and to provide a provisional indication of its representatives at the panel meeting. Documentation distributed to panel members.

Four weeks before the panel event

Panel members to identify individually if any further information is needed from the provider to clarify any aspect of its submission and the areas of the submission on which they recommend the panel should concentrate at the event. Panel members will send their views to the SRA only. Following receipt of all individual submissions, the SRA, in consultation with the panel chair, will circulate to the panel as a whole a proposed list of any further information to be required from the provider and the aspects of the submission on which it is proposed the meeting with the provider's representatives should concentrate.

Three weeks before the panel event

Panel to agree the nature of further information (if any) the provider is required to submit in advance of the panel event, the areas on which the meeting with the provider's representatives will concentrate and on which specific aspects of the submission each individual panel member will lead during the meeting.

Two weeks before the panel event

Provider to be given the list of any further information required and why and advised of the main areas the panel wishes to explore at the event, with a reminder that this is indicative only and that the panel may explore any aspects of the submission during the event.

One week before the panel event

Provider to confirm the names of its representatives who will attend the panel meeting and to submit by email any further information requested.

Indicative agenda for panel events

Panel events will be scheduled to last for either a half or a full day (c.4 or c. 8 hours). Where half day events are scheduled, a panel will normally consider submissions from one provider in the morning, and submissions from a second provider in the afternoon. Longer events will be scheduled where there are multiple course validation submissions to consider or where a site visit is required. Shorter events will be scheduled if appropriate, for example to consider an authorisation application only, and that does not require a visit.

The agenda for the events will follow a standard format, however the timings given below for each element of the events are indicative. Shorter meetings may be appropriate for providers who have fully evidenced in their submissions that their proposals meet all of the criteria.

Private meeting of the panel (up to 1 hour)

To confirm the extent to which any supplementary evidence requested by the panel has clarified aspects of the application, to finalise the agenda for the meeting and to confirm which panel member will lead on each issue.

Meeting with the provider's representatives (up to 2 hours)

- Introduction by the panel chair

- Introduction of other panel members and the provider's representatives, exploration of issues, both those notified to the provider in advance and any other issues the panel wishes to explore,
- Close by panel chair.

Private meeting of the panel (c.1 hour)

To agree the decision(s). If, exceptionally, the panel is unable to complete the process within the time available to it, arrangements will be made for it to re-convene or to finalise its decision by email.

Providers' representatives

Providers will need to decide who should attend the panel meetings on its behalf. Providers will be encouraged to identify the most appropriate people to represent them at the panel meetings and to reflect on their provisional decision once the panel has indicated the areas of the submission on which it intends to concentrate during the meeting. Normally providers should not be represented by more than eight people. For some providers a smaller team might be appropriate.

A provider who wishes to be represented by a larger team should seek agreement from the SRA. Exceptionally, a larger team may be necessary where a provider is putting multiple courses forward for validation or where a collaborative arrangement is being considered.

Location

The SRA will arrange the venue for the events. Where possible events will take place at locations that are in reasonable proximity to the providers whose applications are being considered.

Visits to providers

Normally an authorisation/validation decision will only require a site visit if the provider has not previously been authorised to deliver LPCs or if a provider has moved premises or intends to expand significantly the size of its provision. If more than one site is to be used for LPC provision visits may be undertaken by individual panel members. Providers will be notified if a visit is to take place, advised of the proposed format of the visit and asked to provide a meeting room for the panel event.

Desicions

The panels will decide, for each application for authorisation to become an LPC provider and for each application for course validation, whether the application should be:

- Accepted without conditions
- Accepted subject to conditions
- Refused

Applications will only be accepted subject to conditions if the panel is confident that the provider can satisfy the conditions within a reasonable time period. Unless there are specific reasons why the period for satisfaction of any conditions needs to be extended, a standard period will be set for all providers, so that all providers will need to demonstrate by 15 February 2010 that any conditions have been satisfied.

The panel will not make recommendations about ways by which the proposed courses could be enhanced.

Notification of decisions

There will be no indication of the decision given at the panel event and no communication with providers about the decision during the period between the date of the panel event and the date on which a formal decision is made.

Publication of decisions

Once providers have been notified, the SRA will publish a list of providers that have been authorised to provide LPCs. It will not publish a list of validated courses. The SRA will direct enquirers to providers websites.

Where acceptance of a course validation application is subject to conditions a provider must describe its courses as 'Accepted by the SRA subject to the SRA confirming that conditions have been satisfactorily fulfilled.'

Panel members obligations and conduct

Conflicts of interest

Panel members must declare to the SRA, and not be involved with any panel considering an application from any provider:

- With which they have worked or studied (in a full-time, part-time or advisory capacity) within the previous 5 years
- For which they act or have acted as an external examiner within the previous 5 years
- At which their partner or a close family member is or has been employed (in a full-time, part-time or advisory capacity) or has studied within the previous 5 years.

Panel members are also asked to inform the SRA of any providers with which they might have, or be seen to have, a conflict of interest that falls

outside the categories listed above. This might include, for example, providers to which they have applied for employment. Such a declaration might avoid a provider raising an objection to the provisional panel composition.

Panel members must advise the SRA if their circumstances change such that a new potential conflict of interest arise.

Confidentiality

It is essential that panel members respect the confidentiality of the documentation submitted in support of an application, of the panel's discussions and of the decisions taken in respect of any authorisation/validation application.

Panel members must:

- Use information acquired when acting as a panel member only for the purpose of carrying out their role as a panel member
- Not make copies of any documentation submitted in support of an application (they may print information submitted electronically)
- Maintain the security of the information, taking particular care when transporting documentation and when using emails
- Return to the SRA or destroy all documentation supplied to them or generated in the course of considering applications – this applies to paper and electronic copies – at the end of the process and confirm to the SRA that this has been done
- Not discuss an application with anyone apart from members of the particular panel considering the application and the panel's advisor and secretary
- Take reasonable steps to prevent others from accessing information (both electronic and hard copy) submitted in support of, or generated whilst considering, an application
- Not talk to journalists or other third parties about the process. Any journalists seeking information must be referred to the SRA Press Office
- Alert the SRA to any concerns about breach of confidentiality or any other concerns about the integrity of the process

Conduct

Panel members must act in a professional manner and be objective and courteous when they undertake the role. They must not do anything to bring the authorisation/validation process into disrepute.

Procedure for complaints about the conduct of an LPC authorisation event

A provider may submit a complaint about the conduct of an LPC authorisation/validation event where, in the opinion of the provider, the process was not conducted according to the procedure set out in the Information Pack or where any part of the process was not conducted in a professional manner.

Procedure

A formal complaint should be made in writing to the SRA's Regulation and Education Unit's Policy Manager within five working days of the event.

The complaint must include:

- The date and venue of the panel event
- The nature of the complaint
- Supporting evidence signed by the member(s) of the provider's representatives at the event
- An indication of the desired outcome of the instigation of the complaints procedure, including whether the provider requests that any decision made by the panel should be withheld from publication pending the investigation of the complaint

A complaint received outside the time frame will not be considered.

The Policy Manager or his/her nominee will acknowledge receipt of the complaint within five working days.

Investigation

If the complaint concerns the conduct of one or more members of the panel, or any other individual involved with the process the Policy Manager or his/her nominee will inform them of the complaint and ask them to respond to the Policy Manager or his/her nominee by a given date.

If the complaint concerns any other aspect of the event or process the Policy Manager or his/her nominee may invite a maximum of 2 representatives from the complainant provider to a meeting to discuss the issues, normally within 20 working days of the receipt of the complaint. The Policy Manager may also discuss the complaint with panel members and invite them to the meeting.

The Policy Manager or his/her nominee may investigate the complaint in any manner he or she thinks fit. The investigation may include telephone calls, emails and meetings.

The investigation should normally be completed within 25 working days of the receipt of the complaint. If the investigation takes longer than this the Policy Manager or his/her nominee must write to the complainant

provider setting out the reasons for the delay and providing a reasonable time period within which a final decision can be expected.

Within the time frame the Policy Manager or his/her nominee must prepare and provide a hard copy of a report setting out the nature of their investigations and their findings.

Review of an investigation

The Policy Manager or his/her nominee may:

Reject the complaint because

- the complaint has been brought out of time; or
- the investigation has concluded that the complaint was unfounded Uphold the complaint and determine a proportionate remedy which may include conducting a new event.

A complainant who is not satisfied at the end of the complaints procedure should inform the Policy Manager or his/her nominee of this by letter giving the reasons for the dissatisfaction within six working days of receiving the report. The letter will be referred to the SRA's Policy Committee when it next meets (unless the next meeting of the Committee is less than five working days away in which case it shall be to the following Committee).

The Committee will consider the complaint with reference to

- The original complaint; and/or
- The manner in which the complaint was investigated; and/or
- The report completed following the investigation; and/or
- Any response to the report submitted by the complainant provider

The Committee may

Confirm that the original investigation was properly conducted and uphold the outcome of the investigation

Decide that the original complaint was not properly investigated and either:

- Require a fresh investigation of the original complaint
- Uphold the complaint and order that a fresh authorisation/validation event takes place
- Uphold the complaint and reach a solution which seems reasonable to the Committee but which stops short of requiring a new event.

The complainant will be informed by the Policy Manager or his/her nominee of the decision of the Committee within six working days of the meeting of the Committee.

Review of a decision

Any request for a review of a panel decision must be made by a provider under the provisions of the SRA Application, Notice, Review and Appeal Rules [https://referral.sra.org.uk/solicitors/standards-regulations/application-notice-review-appeal-rules/] .

Providers may request a review of a panel decision.

- The request for review, together with the required fee, must be made in writing to the SRA within one month of receiving notification of the original decision.
- The request for review will be considered by a sub-group of the SRA's Policy Committee.
- In its submission, the provider must set out the grounds for seeking review and any evidence to support its submission. For example, a decision may be unreasonable if the panel did not take into account either a piece of evidence or documentation, or oral evidence given by the provider at the meeting.
- Relevant original authorisation/validation documentation must be re-submitted by the provider (no additional documentation can be added). Not necessarily all the documentation is required; only that relevant to the appeal.
- Complaints about the conduct of the Panel event or the application procedure will not be considered in the context of a request for review. The procedure for such complaints is set out in the Panel members Handbook which has been incorporated into the Information Pack.
- The sub-group will decide whether or not the review should be upheld. Where the sub-group upholds an review, a fresh panel will be constituted with members who were not involved in the original application. That panel will consider the matter 'de novo'.

Notes

1. A student who completes an Exempting Law Degree or an Integrated Course that does not cover Stage 2 of the LPC will need to complete Stage 2 separately, before they can qualify as a solicitor.

2. The term panel member includes panel chairs in this document, unless otherwise stated.