

## News

# Coronavirus update - Education and Training Q&A

Updated 24 June 2022 (first published 25 March 2020)

We recognise that students, trainees and employers are concerned about the impact on their training and assessments.

Our aim is to help by being as flexible as possible in this area, while still making sure solicitors who qualify have met the required standard.

Here are answers to commonly asked questions.

## Qualifying Law Degree (QLD) / Graduate Diploma in Law (GDL)

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### **Can we make alternative arrangements for assessments on these courses during the Covid-19 outbreak?**

Yes, we do not specify or approve the form that assessments take on these courses. However, some form of assessment is required, for example online, open book or remote assessments. Training providers should tell us if they are introducing alternative assessment arrangements (for our information, not approval).

### **Can we cancel our assessments?**

No, there must be some assessment for Foundation of Legal Knowledge (FLK) subjects. We do not specify the form it needs to take, but an assessment is required. For example, online, open book or remote assessments.

We are also content if you wish to postpone assessment of subjects into later academic years. However, by the time your students graduate, they must be properly assessed in all FLK subjects.

### **Some universities implemented a 'no detriment policy' during the pandemic. What is the SRA's view about a no detriment policy in relation to the QLD and GDL?**

We do not specify or approve the form that assessments take for the QLD and GDL. It is up to the course providers to decide how they assess the



QLD and GDL, including whether a no detriment policy would be appropriate for those courses.

Universities can make their own decisions about assessing students through alternative arrangements, such as coursework assessments, or take-home, open-book examinations or online, timed examinations. However, some form of assessment for Foundation of Legal Knowledge (FLK) subjects is required. By the time students graduate they should have been properly assessed in all FLK subjects. All foundation subjects on a QLD must be passed with at least 40% to fulfil the requirements of the academic stage of training.

## **Legal Practice Course (LPC)**

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### **How will the LPC be assessed during the Covid-19 pandemic?**

We have a statutory duty to make sure that those who are admitted as solicitors have the knowledge and skills necessary for practice. This means we need to be assured that students who pass an LPC have what is necessary for the early stage of their career in practice.

One of the ways we do this is through our requirements for supervised assessments on the LPC. It is of course challenging to meet these requirements during the outbreak. In March 2020 we relaxed our current LPC assessment requirements and for skills assessments and elective subjects, by allowing providers to make alternative arrangements.

For the core LPC subjects, we have maintained our requirements for supervised assessment, but have approved applications for online or remote proctoring of supervised assessments.

Before making any changes to assessments, providers have had to apply to us for approval [using this form \[https://form.sra.org.uk/s3/changes\]](https://form.sra.org.uk/s3/changes). This approval may be subject to conditions and is subject to review by us at any stage. In all cases, where we have approved alternative assessment arrangements, we have asked providers to set out how their proposed approach will maintain the security and integrity of the LPC qualification.

We will allow these arrangements to remain in place until the end of the 2021/22 academic year, subject to Government guidance (see question below). Where we have approved changes to assessments, providers must apply to us to extend these temporary arrangements into 2021/22.

All other requirements of the LPC remain in place.

Trainees are also allowed to start their period of recognised training before they have completed the LPC. Therefore, training providers may



need to consider and plan for trainees to complete the LPC later on.

### **How long will you allow alternative assessment arrangements for?**

Our approval of alternative assessment arrangements is temporary. However, where we have approved alternative assessment arrangements for the LPC, Higher Rights of Audience or Professional Skills Course, education providers may continue with these until the end of the academic year 2021/22. Providers must tell us of their intention to extend their temporary arrangements into 2021/22.

We expect the alternative assessment arrangements to continue for all courses that will be completed by 31 August 2022, subject to pandemic restrictions remaining in place (see below).

Where a course which started in the 2021/22 academic year is being taken on a part-time basis, or in January 2022 or later, we will allow these to proceed on the basis of the alternative assessment arrangements approved for 2021/22.

We expect education providers to be clear with students starting any course due to complete after 31 August 2021 that assessment arrangements may change during the academic year.

We will continue to keep our position under review, considering Government guidance. If and when all pandemic restrictions are lifted, we expect providers to return to face to face assessments, including elective subjects where there is a requirement for supervised assessment. This is unless we have approved remote assessment on a permanent basis, or providers need to use remote proctoring in certain limited circumstances.

These circumstances might include where students are:

- in countries where travel to and from England and Wales is restricted
- having to isolate after travel or due to illness
- have been in contact with an infected person.

Or where providers have significant practical issues with running face to face assessments. If this is the case, they should contact us to discuss and agree alternative assessment arrangements that need to be in place after pandemic restrictions have been lifted.

### **Are LPC course providers able to make changes to their no detriment policy during the Covid-19 pandemic?**

We recognise that the Covid-19 pandemic has presented significant challenges to LPC students and course providers. We have supported



them by allowing changes to teaching and assessment methods for the LPC during this time.

While we have relaxed our requirements around assessments of the LPC due to Covid-19, the [LPC requirements](https://referral.sra.org.uk/become-solicitor/legal-practice-course-route/resources/legal-practice-course-information-pack/) [https://referral.sra.org.uk/become-solicitor/legal-practice-course-route/resources/legal-practice-course-information-pack/] remain in force.

These state that for good reason, a student can request that an attempt be disregarded after the assessment, overriding the fit to sit:

'If, exceptionally, an examination board agrees that a student has mitigating circumstances that might have affected their performance in a particular assessment, despite their confirmation that it was appropriate for them to attempt the assessment, that attempt can be disregarded for the purposes of the information recorded on the transcript and for the operation of the three attempts rule.'

We recognise that the impact of Covid-19 could be a mitigating circumstance that may affect performance in an assessment. However, this impact would still have to be considered on an individual, case by case basis.

While we do not state how a provider chooses to grade or classify an LPC – before, during or after the Covid-19 outbreak. We would though expect any decisions they make about classifications during this period to maintain the integrity of the LPC qualification.

As set out in the LPC information pack, the pass mark for all core and elective assessments of the LPC is 50%. A candidate cannot be awarded the LPC unless they have scored at least 50% in all assessments. A pass/fail award decision must be calculated based on all assessments. This includes those taken in the current outbreak and course providers can therefore not apply any policy that undermines this.

Marks for assessments, and the number of attempts at the assessment, must be recorded on separate transcripts. However, these should not include reference to any grading or classification system the provider has chosen to use, although this may be recorded on a certificate.

Therefore, training providers and employers should check LPC qualifications against a transcript when considering how individuals performed on the LPC, rather than the grade or classification on an award certificate, as how a distinction or commendation is calculated may vary between providers.

## **Professional Skills Course (PSC)**

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### **You have said that we can provide teaching online. Can we move to online assessments for parts of the PSC?**

Certain parts of the compulsory core subjects for the PSC require face to face assessment. We appreciate that it will be challenging to meet these requirements during the outbreak.

We have therefore decided to consider applications for online or remote proctoring of assessments for the PSC, or assessment of oral skills by video-link.

PSC providers must apply to us for approval before making any changes to assessments. We will consider changes to our current requirements on a provider by provider basis. Approval will be subject to review by us at any stage.

In all cases, we will expect any application to us to set out how the proposed approach will maintain the security and integrity of the PSC qualification.

If you wish to make a change to your assessment arrangements, please [apply to us using this form](https://form.sra.org.uk/s3/changes) [<https://form.sra.org.uk/s3/changes>].

We will allow providers who we have already approved to conduct the PSC remotely on a temporary basis to apply to us to extend approval into 2021/22.

We will continue to keep our position under review, considering Government guidance. If and when all pandemic restrictions are lifted, we will expect providers to return to face to face assessments. This is unless we have approved remote assessment on a permanent basis or providers need to use remote proctoring in certain limited circumstances.

Providers should contact us to discuss and agree alternative assessment arrangements that need to be in place after pandemic restrictions have been lifted.

### **I am a training principal and have been asked to certify a period of recognised training for a trainee who has not been able to complete the PSC. What should I do?**

We expect training principals to make every effort to make sure that trainees complete the PSC. If this has not been possible, we may allow trainees to defer completion the PSC (see the previous question).

If, despite every effort, your trainee has not been able to complete the PSC, please contact us to check whether the trainee has been granted a waiver to defer completion of the PSC for admission.



Please see the question above for more information on deferring the PSC completion.

## **Trainees / period of recognised training**

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### **My employer put me on furlough. How does this affect my period of recognised training?**

We recognise that trainees, law firms and organisations which employ trainees are concerned about the impact of furlough on training. Our aim is to help by being as flexible as possible in this area, while still making sure solicitors who qualify have met the required standard.

We require a period of recognised training to:

- Be for at least two years' full time, or equivalent (unless there has been previous relevant work-based experience).
- Make sure that the trainee has applied and developed the skills as set out in the Practice Skills Standards.
- Be appropriately supervised by solicitors and other individuals who have adequate legal knowledge and experience in the practice area they are supervising and the necessary skills to provide effective supervision.
- Have regular appraisal of the trainee's performance and development, and review of the trainee's record of training.

When you return to work after a period of furlough, either on a full- time or part-time basis, your employer should discuss with you whether your period of recognised training needs to be extended. This decision and the length of any extension is at the discretion of your training principal and would depend on:

- the amount of time you have been on furlough, and whether you returned to your training on a full-time or part-time basis
- whether your training principal can confirm to us that you have otherwise met our requirements for a period of recognised training by the time you apply for admission. If your training principal is not confident of this due to furlough, they should extend your period of recognised training.

In the exceptional circumstances of the Covid-19 outbreak, we will accept a period of furlough of up to three months (on a full-time equivalent basis) as counting towards completion of the period of recognised training. This is provided that your training principal is satisfied that you have met the requirements set out above.

We would usually expect a period of furlough lasting longer than three months (on a full-time equivalent basis) to lead to an extension of your



training period. There will be a range of individual circumstances that may impact on this, for example whether you have had any previous relevant work-based experience that would, under our regulations, count towards a period of recognised training. Find out more about this on our trainee information page.

If your period of recognised training needs to be extended, your employer will need to tell us. Your training principal can do this through their mySRA, in the managing trainees section, by amending the end date of your training. There is no need to tell us in writing.

### **Can trainee solicitors work from home? Can trainees be supervised online?**

Our regulations require trainees must be 'appropriately supervised'. Therefore, we would accept organisations putting sensible arrangements in place for supervisors to review trainees' work remotely.

### **Is there a maximum amount of time for which a trainee can be supervised remotely?**

No, there is no maximum amount of time a trainee can be supervised remotely. As long as sensible arrangements are in place for supervisors to review trainees' work remotely, we would not expect this to impact on the duration of a period of recognised training.

### **If a trainee must self-isolate due to Covid-19, will this impact on the duration of their period of recognised training?**

Trainees may need to self-isolate due to Covid-19, in line with Government advice. If a trainee can work, then firms may put in place sensible arrangements for appropriate supervision of trainees self-isolating. We would not expect this to impact on the duration of a period of recognised training. If a trainee becomes sick during their period of self-isolation, they should be treated in line with any arrangements for sickness leave covered by their terms and conditions of employment (see below).

### **If a trainee must take sickness leave due to Covid-19, does this mean that their period of recognised training will have to be extended?**

We would expect employers to treat any period of sickness leave due to Covid-19 the same as any other period of sickness leave. Any arrangements for sickness leave should already be covered under the terms and conditions of employment.





The approach for any long-term sick leave related to Covid-19 is also the same as for any other period of long-term sick leave. In these circumstances, a training period may be extended where a trainee is unable to meet the requirements of the Practice Skills Standards.

The duration of the extension is at the discretion of the training principal. If it needs to be extended, the training principal can tell us through their mySRA account, in the managing trainees section, by amending the end date of the training.

### **Can pre-admission ID checks be completed electronically/via video link?**

Due to the Covid-19 outbreak, the Disclosure and Barring Service (DBS) has announced a temporary relaxation in the requirements for a face to face ID check for standard applications. This change started on 24 March 2020.

The nominated solicitor can now complete the ID verification process via video using either scanned images of the ID documents or the applicant can present/show them to the nominated solicitor during the video call. View the [DBS announcement \[https://www.gov.uk/government/news/covid-19-changes-to-dbs-id-checking-guidelines\]](https://www.gov.uk/government/news/covid-19-changes-to-dbs-id-checking-guidelines).

### **What should I do if my employer closes towards the end of my period of recognised training?**

We recognise the difficulty this presents for any trainee in this unfortunate position. We will consider requests for waivers from trainees who are reaching the end of their period of recognised training when their employer closes on a case by case basis. Anyone who is in this situation should [contact us \[https://referral.sra.org.uk/contact-us\]](https://referral.sra.org.uk/contact-us) to discuss their options.

We will be as flexible as we can, for example, we may consider previous relevant work-based experience as counting towards a period of recognised training, but we will still need to make sure that solicitors who qualify have met our requirements. These include that a period of recognised training should:

- Be for at least two years' full time, or equivalent (unless there has been previous relevant work-based experience).
- Make sure that the trainee has applied and developed the skills as set out in the Practice Skills Standards.
- Be appropriately supervised by solicitors and other individuals who have adequate legal knowledge and experience in the practice area they are supervising and the necessary skills to provide effective supervision.





- Include regular appraisal of the trainee's performance and development, and review of the trainee's record of training.

**I am a training principal with trainees due to qualify this year who are unable to gain experience in three distinct areas of law due to Covid-19. Can these trainees still be admitted?**

If you are in this situation, you can apply for a [waiver](https://referral.sra.org.uk/globalassets/documents/solicitors/innovate/waivers-application.pdf?version=492e0b1) [\[https://referral.sra.org.uk/globalassets/documents/solicitors/innovate/waivers-application.pdf?version=492e0b1\]](https://referral.sra.org.uk/globalassets/documents/solicitors/innovate/waivers-application.pdf?version=492e0b1) of our requirements for:

- you to provide trainees with experience of three distinct areas of English and Welsh practice (regulation 12.1(b) of the [SRA Training Regulations 2014 - Qualification and Provider Regulations](https://referral.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part1/) [\[https://referral.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part1/\]](https://referral.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part1/))
- those trainees to meet the requirement to complete a period of recognised training (regulation 5.1).

We would expect you to complete one application that covers all affected trainees (rather than one per trainee). This needs to include all relevant trainees' names and SRA numbers (where available).

You will need to confirm in your application that these trainees will still meet the Practice Skills Standards, despite not completing three distinct seats.

If you cannot confirm this, you should discuss this with the individual(s) and consider whether their training needs to be extended. If you do extend a trainee's period of recognised training, you must [email us](https://referral.sra.org.uk/contact-us) [\[https://referral.sra.org.uk/contact-us\]](https://referral.sra.org.uk/contact-us) to confirm the new end date.

**My training provider is extending my period of recognised training for business reasons due to the Covid-19 outbreak. But I have completed my period of recognised training and wish to be admitted. What should I do?**

Under the [SRA Training Regulations 2014 - Qualification and Provider Regulations](https://referral.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part1/) [\[https://referral.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part1/\]](https://referral.sra.org.uk/solicitors/handbook/introAuthPrac/trainingregs2014/part1/) (2014 regulations) a trainee should be able to apply for admission when they are able to do so. They should not be delayed if they have met our requirements for admission. If necessary, we have the power to recognise the period of training under regulation 5.6 in these circumstances.

We can't comment on the terms and conditions of a trainee's contract of employment and we would suggest seeking employment legal advice.

## **Qualified Lawyers Transfer Scheme (QLTS)**

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### **Are QLTS assessments (MCT and OSCE) face to face assessments still taking place?**

These assessments are run by Kaplan. Further information is available on [their website](https://qlts.kaplan.co.uk/) [https://qlts.kaplan.co.uk/].

### **Will you extend the cut off point for individuals wishing to apply for admission under the QLTS route before SQE?**

No, but we have made some changes to provide more flexibility for individuals wishing to qualify under the QLTS route. Further information is available on our [QLTS transitional arrangements pages](https://referral.sra.org.uk/become-solicitor/qualified-lawyers/qlts/started-qlts/1) [https://referral.sra.org.uk/become-solicitor/qualified-lawyers/qlts/started-qlts/1].

## **Solicitors Qualifying Examination**

### **How will the Covid-19 outbreak affect the SQE assessments?**

We remain on target to introduce the SQE on 1 September 2021, with the first SQE1 sitting in November 2021 and SQE2 in April 2022. We will use social distancing measures for these assessments if necessary. We continue to monitor the situation carefully.