

Policy for trainee solicitors/candidates

Aim

The aim of the policy is to provide a flexible framework through which Gordons considers and employs trainees/candidates [this is the SRA's title for trainees under the SQE route] as the SRA requirements for qualification transition from the Legal Practice Course ("LPC") to the Solicitors Qualifying Exam ("SQE"). Gordons is keen to maintain and to replicate, as far as possible, its well-regarded system of recruiting and training would-be solicitors. The key aims are to maintain our high standard of training whilst managing expectations from the outset.

Candidate minimum pre-requisites

If LPC route

- Was an LPC/qualifying law degree started before 30 September 2021? If yes, TC route can be followed as currently.

If SQE route

- Qualifying law degree (LLB)
- Masters level SQE preparation course at University of Law, or equivalent recognised training provider
- Passed SQE1 exam

Candidate preferred qualifications (in addition to the above pre-requisites)

- Passed SQE2 exam
- Other relevant work/life experience

Interview process

- Two-stage interview to discuss:
 - o A detailed CV
 - o Which SQE preparation course has been undertaken?
 - o Candidate's intentions regarding Qualifying Work Experience ("QWE"):
 - Are they seeking to "self-qualify" after a period of work experience at Gordons (i.e. as a paralegal)?
 - Do they wish to rely on legal work undertaken elsewhere as QWE (for which see below)? If yes, has that been signed off and registered with the SRA? Explore to what extent it might meet our expectations of the work of a Trainee Solicitor under the current LPC route.
 - Are they seeking employment at Gordons on qualification?

Probation period

- Every trainee solicitor/candidate is expected to complete a probation period of at least 6 months in a Paralegal role, during which time their aptitude for the role will be considered. The time spent as a paralegal will not count towards QWE;
- On successful conclusion of the probation period, the possibility of commencing up to 2 years' QWE with Gordons (see below) will be considered.

Training Contract/Qualifying Work Experience

The training contract/QWE will be undertaken in up to four “seats”, each seat lasting at least 6 months. The duration and location of each seat will be subject to discussion but will ultimately be at Gordons’ discretion. During each “seat” a mid and end review will be carried out with the trainee and the head of department. The updated SRA Guidance means there is no longer any requirement for separate seats nor for specific non-contentious work to be undertaken, and so there is some flexibility in whether and where seats may be undertaken, which will be at Gordons’ discretion.

Signing off

- No solicitor below the level of Partner is authorised to sign off QWE in any circumstances;
- A Partner will be named as the candidate’s “QWE Partner” for each “seat” and will monitor and sign off QWE for that seat;
- The Trainee/Candidate should produce a Training Record every week for their QWE Partner;
- The Trainee/Candidate will be reviewed at least every 2 months, either by the QWE Partner or by someone delegated by that Partner;
- The extent to which the time in any given seat will count towards QWE will be assessed throughout each seat and will be at Gordons’ discretion.

Signing off an individual’s QWE does not involve judging how well a candidate has been trained, the quality of their experience or the standard of their work, instead it only has regard to:

- The duration of work experience
- The quality of the work experience – could it reasonably be described as providing legal services and did the Trainee/Candidate have the opportunity to develop at least two of the competences for solicitors (see attached appendix 2)?
- Whether or not any potentially negative issues arose during the work experience which could potentially raise question marks about the Trainee/Candidate’s suitability to be admitted as a solicitor

Suitability for employment as a solicitor at Gordons will be at Gordons’ discretion, regardless of where and how much other legal work has been undertaken previously. There is no right to be offered a permanent position at Gordons on qualification, or otherwise.

SQE2 during employment

- Candidates who have not already passed SQE2 may wish to study for it whilst they complete QWE at Gordons. It will be at Gordons’ discretion whether to allow such candidates a period of up to 2 weeks’ unpaid exam leave and/or part time working hours (requests for part time working hours will be considered on a case by case basis);
- QWE will need to be extended proportionately to factor in any such time off that is taken and/or part time hours, so that the required 2-year period is still completed.

Appendix 1 – Options Flowchart

THEN

Qualifying Law Degree (Law LLB) or equivalent (CILEX)

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Graduating Degree in Law (GDL)

&/or

Legal Practice Course (LPC)

1-2 years each depending on full or part time

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Training Contract

2 years in x4 seats of 6 months, or shorter with time to count

NOW

Any Degree or equivalent i.e (CILEX level 6)

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SQE 1 & 2

Usually 2 years, but can be completed in 1 year

↑ ↓

QWE

2 years with up to four legal employers, but no requirement for four distinct areas of law, can be completed before/alongside SQE

Appendix 2 – Solicitor Competencies

A Ethics, professionalism and judgment

A1 Act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Standards and Regulations, including:

- a. Recognising ethical issues and exercising effective judgment 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 judgments
- 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

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

POLICY DATE: JANUARY 2025
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