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The hidden dimensions within the trailblazer solicitor apprenticeship

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The hidden dimensions within the trailblazer solicitor apprenticeship.

A paper presented at the International Legal Ethics Conference 8 on the
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© Roland Fletcher Senior Lecturer in Law at the Open
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Abstract

This paper is part of an initial study dealing with the trailblazer solicitor apprenticeship introduced by the Solicitors Regulatory Authority (UK) in 2015. This form of apprenticeship is a novel approach as it has introduced a work-based learning model to qualify as a solicitor in England. It has been sanctioned by the Institute of Apprenticeships and funded through the apprenticeship levy. The paper discusses the apprenticeship as a progressive educational model which has evolved through government intervention as part of the development of skills and employability. The paper is underpinned through qualitative data which was produced as part of a small scale project and examined the experiential learning journey of solicitor apprentices. It is through this data and the application of social constructionist theories that the implementation of the solicitor apprenticeship is examined.

Introduction

The pathway to qualify as a solicitor in England and Wales has a number of routes that may be taken to qualify. The latest of which is the solicitor apprenticeship, a pathway which involves work-based learning as part of the on-going professional development of the would-be solicitor. This paper discusses the stakeholders who are driving this pathway to qualify and forms part of an on-going piece of research dealing with the implementation of the trailblazer solicitor apprenticeship in England.

As a pathway to qualify as a solicitor the governing body for solicitors in England and Wales, the Solicitors Regulatory Authority (SRA), have introduced a work-based learning model: the trailblazer solicitor apprenticeship. This research was undertaken to find out if this new pathway is accommodating the professional development of the solicitor apprentice. As a new pathway to qualify it is important to find out if the apprenticeship model is supporting the educational and professional development of apprentices (Aulakh 2017, p.5).

An employer led apprenticeship

In June 2012 the then coalition government in the UK commissioned Doug Richard to undertake a review of the apprenticeship model in England. Richard was asked to consider the role of the apprentice model; how a new model would accommodate the skills shortage in England and how the government could invest and drive this new model forward (Hancock, 2013, p.3). Therefore, Richard (2012) was tasked with changing the existing apprenticeship module to meet the demand of a skills shortage. He found that previous government intervention had diminished the relationship between the employer and apprentice. He proposed that the apprenticeship model should be constructed by the employer who should identify the specific skills needed to be developed in order to produce a competent professional employee (2012, p.7). Whereas the role of the government should be to maintain the quality of the apprenticeship but leave the development and content of the apprenticeship to the

employer. His recommendations are encapsulated in the following statement:

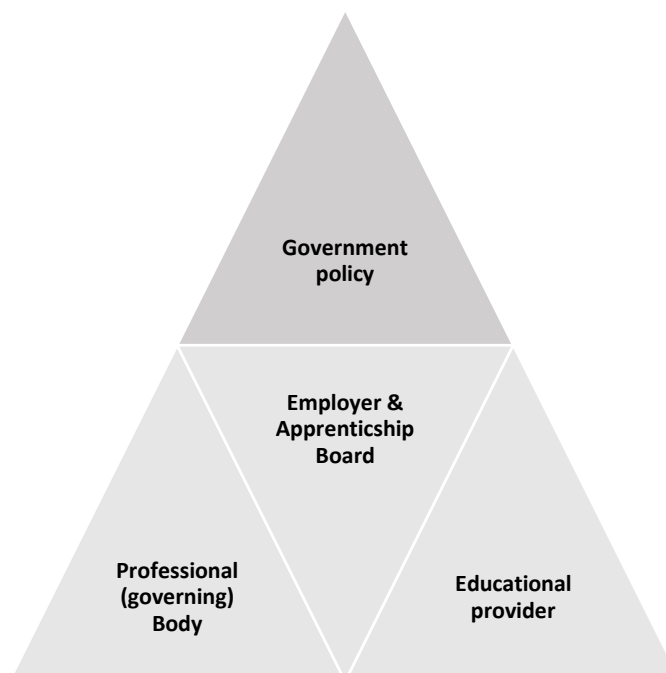
'... the new apprenticeship qualifications at the heart of my recommendations focus solely on setting out, in terms relevant and meaningful for employers, what an apprentice should be able to do and know at the end of their apprenticeship. ... to teach new knowledge and skills, and demonstrate to future employers that an apprentice can do their job. These new apprenticeship qualifications should replace today's apprenticeship frameworks. They should be set by those who know best: employers. ... The solution lies in shifting the power over designing and developing apprenticeship qualifications to employers in a far more direct and transparent way than at present, whilst giving Government a clearer role in defining what a good quality standard looks like.' (Pp.6-7)

These recommendations have been implemented and apprentices are now enrolled against an apprenticeship standard which is produced by the employer who also produces an assessment plan. The task of overseeing the quality of the apprenticeship standard and assessment plan is undertaken by the Institute for Apprenticeship Board. A Board set up by the UK government to oversee the quality of new apprenticeships. The Institute for Apprenticeship Board's remit is to ensure any new trailblazer apprenticeship is designed by an employer in collaboration with any professional (governing) body and is at the appropriate standard. This approach is embraced by Antony Jenkins, the current Shadow Chair of the Board who has acknowledged the need to reform the apprenticeship model in England and this was made clear in his statement in January 2017:

'... For too long this country [UK] has under invested in skills and subsequently we've lost the support, and confidence, of employers and apprentices along the way. ... we have the funding in place, a broad agenda of skills reform offering the opportunity to achieve comprehensive and coherent change, and a plan to embed employers within the decision-making structure of the Institute.' (Institute for Apprenticeships, p.2)

This statement makes it clear that employers will be at the centre of the decision making process when it comes to identifying and designing the key skills that are linked to a specific apprenticeship. Employers will also select the higher educational institution who is able to deliver the knowledge needed to accommodate the assessment plan. Whereas the role of the Institute for Apprenticeship Board will be to review and approve the assessment plan. This design is reflecting the dual apprenticeship model used in Germany which gives employers the opportunity to

identify the required skills and underpinning knowledge required for a specific profession. This involves a collaborative approach between vocational schools and various businesses or professions. It is seen as the norm to undertake an apprenticeship in Germany, such as nursing or engineering. This has resulted in about 50 percent of school leavers in Germany entering into an apprenticeship (Brockmann, Clarke and Winch, 2010, p.113). The success of the dual apprenticeship system is the integration of industry with vocational schools and divides the experiential learning between the classroom, which is paid for by the German Government, and within the workplace environment which is paid for by the employer. This combination of theory and practice has been a success in Germany (Mühlemann 2016). The dual apprenticeship has reduced the rate of unemployment for young people in Germany, whilst at the same time developing the required skills to maintain a healthy economy (Gessler, 2017, p.72). The diagram below illustrates where the parties sit in the developmental structure of the trailblazer apprenticeship model in the UK.



The diagram (above) places the government at the top of this relationship as it is initially driven by government policy. Whilst the employer and Institute for Apprenticeship develop and maintain the apprenticeship standards, as well as reviewing and approving the assessment plan. The professional bodies, who govern professional standards, will have a direct input to the level of competency needed to qualify within a particular profession. It is only at the end of this hierarchical chain

does the role of the educational provider come in to play. Yet, it will be for higher educational institutions to take up the reins and support this government initiative.

The Apprenticeship as a Universal Work-Based Model

The use of vocational education and training (VET) in many countries has proven to be a success (Fuller and Unwin 2011, p.261). The apprenticeship is used to focus the apprentice on work-related tasks and the development of specific skills. The required skills are developed by participating in their everyday activities within the workplace which is overseen by a professional practitioners (Billett 2016, p.613). It is the qualified practitioner who will be nurturing the personal development of the apprentice. It is, therefore, the employer who will be constructing the learning environment for the apprentice. It will be the employer who will need to arrange the appropriate level of educational provision and construct a work-based learning environment which will develop the level of competency required to qualify as a professional practitioner. It is within this structured framework that this paper is examining the apprenticeship as a model for learning and how it has been adopted to provide a work-based pathway to qualify as a solicitor in England.

Research Questions

The research questions are linked directly to the theoretical constructs dealing with education and how learning takes place in the workplace (Billett 2001; Lave and Wenger 1991; Evans et al 2002):

1. To what extent does the Trailblazer Solicitor Apprenticeship model appear to be removing barriers and widening access to qualify as a solicitor?
2. In what way do solicitor apprentices seem to be developing their legal knowledge and work-based skills to practise law?
3. To what extent does the apprenticeship model seem to be reaching the threshold levels set by the Solicitors Regulatory Authority?

The Solicitors Regulatory Authority and the solicitor apprenticeship pathway

As a model, devised for work-based learning, the apprenticeship in the United Kingdom (UK) has traditionally focussed on specific types of professions which have been linked to manual trades, such as mechanical engineering. These forms of apprenticeships have been viewed by some as an inferior form of learning when compared to some European Union (EU) State apprenticeship models (Campbell, Thomson and Pautz 2011, p.365). This was the conclusion of Brockmann and Laurie (2016, p.230) in their research which showed that vocational education is viewed as inferior, as compared to traditional academic courses. They found that there was a stereotypical perception of the apprenticeship model in the UK which divided academic and vocational education. They concluded that a number of factors influenced this view which ranged from government policy, the structure (framework) of apprenticeships and the tutors and employers who delivered the apprenticeship framework (Brockmann and Laurie, 2016, p.232). It is these types of views which have devalued vocational education and its linkage with the apprenticeship as a progressive model, which nurtures learning within the working environment. Fuller and Unwin (2009) believe the apprenticeship model is a progressive model, and as a model for learning is constantly changing and evolving to meet the demands placed upon industry and professional bodies within the UK (2009, p.405-406). It is these opposing views between vocational (work-based) and academia that need to be re-examined in light of the introduction of the trailblazer apprenticeship standards which have been introduced. For example, the direct linkage with the higher degree apprenticeship initiative is supporting the professional apprenticeship, such as the solicitor apprenticeship (The Apprenticeship Guide 2018). It is through a combination of education and work-based experience that it has been proposed that solicitor apprentices should be able to harness the knowledge and skills to practise law (SRA 2015a).

The fundamental changes made to qualify as a solicitor

The fundamental changes dealing with how a solicitor will qualify in the near future is

as a direct result of the SRA's review of legal education and training in England and Wales. In October 2013 the SRA reviewed their educational framework and considered the introduction of the solicitor apprenticeship route to qualify. In that consultation paper Training for Tomorrow – Ensuring the lawyers of today have the skills for tomorrow (2013) they outlined their proposed changes for legal education in England and Wales. These proposals were developed in a later consultation paper: Training for Tomorrow: assessing competence, December 2015. Together, these consultations have received mixed reviews as the SRA are making changes which will have a direct effect on the curriculum (law degree) which is currently delivered by higher educational institutions in England and Wales (Fletcher, 2016). It was as a direct result of these consultations the solicitor apprenticeship pathway to qualify was introduced.

How will apprentices demonstrate the Statement of Solicitor Competence

The pathway to qualify as a solicitor through the apprenticeship route is evident in the SRA consultation documentation but they do not explain how learning in the workplace should or will take place. To this extent the documentation is silent when it comes to constructing a curriculum within the workplace. Instead, they are making it clear what the solicitor apprentice must achieve in their Statement of Solicitor Competence (SoSC) but not how it will be achieved. The SRA are not placing any duty on the employer (trainer) on how they should construct the apprenticeship within their workplace. Whereas, the Institute of Apprenticeships (2017) has produced a statement dealing with the quality of apprenticeships that must be delivered:

An apprenticeship is a job with training to industry standards. It should be in a recognised occupation, involve a substantial programme of on and off-the-job training and the apprentice's occupational competence should be tested by an independent, end point assessment. Apprenticeships are employer-led: employers set the standards, create the demand for apprentices to meet their skills needs, fund the apprenticeship and are responsible for employing and training the apprentice. But the needs of the apprentice are equally important: to achieve competence in a skilled occupation, which is transferable and secures long term earnings power, greater security and the capability to progress in the workplace (2017, p.2).

This is a generic statement which explains the apprenticeship standards; it reinforces

the policy instigated by Richard (2012) that the trailblazer apprenticeship is employer led and there must be an independent assessment. What is not explicit is how the standards, skills and knowledge will be developed in order for the independent assessment(s), the Solicitor Qualifying Exams (SQEs), will be achieved through the work-based learning model.

Professional standards

Professional standards and work-based learning are a natural way to develop appropriate skills (Lave and Wenger, 1991). This this in mind the main objective of the SRA is to set professional standards for those who wish to qualify and practise as a solicitor. This is evident from their paper Corporate Strategy 2017 to 2020 which was published on the 9th November 2017b:

We make sure that those entering the profession are fit to practise and meet the high professional standards the public expect. We do this by overseeing professional education and training, setting the entry standards, and checking that applicants are of a suitable character before allowing them to become a solicitor.

Their (SRA) competency framework for apprentices is outlined in their Statement of Solicitor Competence (SoSC). The use of a competence statement is used to set standards. They are a benchmark to ensure best practice (Lester, 2014a, p.38) and ensure practitioners act in a professional manner, with integrity and make appropriate judgements in complex and unpredictable situations. Lester (2017) describes a competences framework as a:

... set of practising standards that sets out what it is that a competent practitioner is expected to be able to do. These kinds of framework can be described as activity based or external in nature, as opposed to an "internal" competence (or competency) description that typically describes the skills, knowledge or expected behaviours of the competent person (p.381).

This is reflected in the SoSC statement by the SRA who cite the work of Eraut and du Boulay (2001) in the body of their Statement of Solicitor Competence as: "... the ability to perform the roles and tasks required by one's job to the expected standard" (SRA, 2015b). So the question that needs to be asked and answered by the SRA is why

don't they specify the work and training that should be undertaken in the workplace? The work-based learning needs to prepare apprentices for the SQE assessments which will incorporate the professional standards that will be assessed. The SRA are specifying the level of competency to be achieved (SRA 2015b) but not saying how employers must support apprentices develop their competences within the workplace. This is where there appears to be a lack of governess as employers not required to structure the work that is undertaken by apprentices.

The work-based (experiential) learning is an opportunity to align with the abstract knowledge acquired by apprentices who study one day a week at a higher educational institutions. Apprentices have one day a week to study the legal rules and acquire legal skills whilst reading for a degree in law. This has been made possible as some higher educational institutions are either developing or have developed their law degree to support the part-time student who is working full-time in a legal practice. They have devised a curriculum to accommodate the solicitor apprenticeship pathway by creating an LLB in legal practice. A structured award that will accommodate the solicitor apprenticeship by providing the appropriate level of knowledge and skills that will prepare the apprentice for the SRA centralised assessments, the SQE 1 and 2. What is needed is a structured work-based curriculum that will complement the apprentice's legal studies. As there is no requirement placed upon the employer (trainer) to provide any specific areas of legal practice or how the training should be undertaken this does not instil confidence. This must be amended to ensure the solicitor apprentice will receive the appropriate training in the workplace.

An opportunity to develop the skills and knowledge in the workplace

The pre-qualification workplace experience is an essential element of the qualifying process for apprentice solicitors. It is the foundation which forms part of the new system introduced by the SRA. The interviews undertaken as part of this research considered how the solicitor apprentices are developing the threshold standards set by the SRA and will meet the SoSC through work-based learning.

The work-based curriculum

The trailblazer solicitor apprenticeship pathway is a work-based model (Fuller & Unwin

2009) which is immersing the apprentice in legal practice from day one. The apprentice is being placed in a participative structure (Rogoff 2003) which should involve directed learning. Through work-based activities the apprentice will then have the potential to develop a level of understanding which will have a direct effect on their behaviour (Rogoff 2003; Lave and Wenger 1991; Billett 2014 & 2016 and McIver 2017). It is the positioning of the apprentice within a legal environment, undertaking legal related activities that creates an osmotic situation. The nature of this form of relationship is explored with the solicitor apprentices who took part in this research for this paper. They were able to explain how learning is taking place for them and how they see their personal and professional development within a work-based learning environment.

As a new form of professional apprentices, the solicitor apprenticeship pathway is distinct from traditional apprenticeships and this is noted in the work of Billett (2001). He distinguishes between traditional types of apprenticeships who qualify within particular trades and professional occupations such as law and medicine. His comparison is with the work experience undertaken by professions such as lawyers or the medical profession where workplace experience is “legitimated through the integration within, or because they follow on from, courses in educational institutions. On their own, workplace experiences would not be sufficient for admission to the professions and are resisted ...” (Billett, 2001, p.4). It is this cautionary response that is considered in this paper. This paper is examining the legitimacy and structuring of the trailblazer solicitor apprenticeship through work-based learning and the acquiring of the knowledge, skills and competences required to qualify as a solicitor.

The work of Lave and Wenger (1991) has been drawn upon as they saw the apprenticeship model as an opportunity for learning to take place within the workplace (1991, p.93). They constructed a theoretical framework where they have shown social interaction between an apprentice and their co-participants in the workplace creating a learning environment. They believe this is a natural process when there is an interactive role between the learner (apprentice) and their co-participants and this will result in the apprentice developing the appropriate behaviour and skills relating to their profession. This is the challenge set by Lave and Wenger (1991) as their work is asking you to rethink how learning is taking place. They refer to this process as

legitimate peripheral participation (1991, p.29). They see the social interaction between the apprentice and their employment as developing the apprentice's role through their work-based relationships. If this is correct then it is integral to the development of the solicitor apprentice's knowledge and skills needed to perform their duties within the workplace. Lave and Wenger (1991, p.29) use the phrase "situated learning" which refers to the apprentice's situation, their environment, where they are adopting the mannerisms, culture and business practices within their workplace. This should be instilling the appropriate professional standards but there is no governance overseeing the type of training that is taking place. The SRA are not overseeing the type of training that is taking place. It is likely that many solicitor apprentices will receive the appropriate training and experience. However, without any form of governance in place there is the potential that some solicitor apprentices will not receive the appropriate workplace training.

The work of Billett (2001) considered the use of a workplace curriculum model to organise and structure the workplace experiences for apprentices. Billett (2001, p.103) believes that a workplace curriculum should be devised as this would develop the learning experience for the apprentice. He has argued that a workplace curriculum would structure the learning process and if this is not in place the apprentice would not reach their full potential. This compliments Lave and Wenger's (1991) framework dealing with legitimate peripheral participation. Billett (2001) is proposing a framework that deals directly with a workplace curriculum which is based upon guided learning through a sequence of tasks. These tasks are built around structured activities within the workplace. This would involve a structured pathway being developed, similar to an academic curriculum which has specific behavioural outcomes but, instead, is centred on work-based activities in the apprentice's place of work. Billett is drawing upon Lave and Wenger's work (1991) as he is also referring "... to structure experience for learners to acquire the knowledge required for performance at work, it is necessary to identify a pathway of activities that lead from peripheral to full participation in the workplace" (2001, p.105).

Cognitive constructivism

The use of the work-based learning curriculum is underpinned by the theoretical framework referred to as cognitive constructivism. Each activity undertaken by the solicitor apprentice should have a goal, such as a problem-solving exercise. Learning should be developed through a series of moment-by-moment interactions between the solicitor apprentice and co-participants (Rogoff 1990; 1995 and 2003). This will instil a pedagogical work-based curriculum in the legal practice; creating a structured learning experience for the solicitor apprentice (Billett et al 2004). The work of Vygotsky (1986) used constructivism as the foundation of his argument that educational development should be sequential; whilst building upon each stage of the learning process. Vygotsky's work demonstrated that learning should lead to a changing experience through the development of the mind. He believed that the process of teaching, learning and cognitive development should not be considered separately but should be conceptually brought together when developing a curriculum or in this instance the work-based curriculum. He identified the 'Zone of Proximal Development' (ZPD). The solicitor apprentice will be positioned within this theoretical zone. The application of Vygotsky's ZPD will be through the direct guidance of the employer, responsible for the apprentice's professional development. The relationship between the employer and apprentice should be an opportunity for the apprentice to be able to develop independent learning skills, providing an opportunity for the apprentice to move from one position to the next position. This is illustrated in Vygotsky's work. He believed that the learner (apprentice) should be nurtured through various stages whilst assessing and measuring their development. He was of the opinion that the knowledge and skills being acquired by the apprentice are an on-going process, not an end product.

Statement of solicitor competence

The concept of a work-based curriculum model would be the scaffolding within the work-based learning environment. It would focus the employer and apprentices on specific work-based tasks that would develop the level of competence in the areas prescribed by the SRA and prepare them for the SQE. A work-based curriculum does seem to be the logical way to structure the learning framework for these solicitor

apprentices. This would work for the solicitor apprentice as the apprenticeship model is based on an interdependent relationship between the experienced employer and the solicitor apprentice's work related activities. The quality of this relationship and how learning is structured within the workplace is a way to manage their work-based experience and focus on the requirements of the SQE. The way their work-place activities are structured, the support and guidance provided are an essential foundation for their learning to take place (Billett 2001, p.33). The co-participation between an apprentice and an experienced colleague should be structured in order to support the apprentice's professional development (Billett et al 2004). By its very nature the apprenticeship model is creating a participatory relationship which necessitates the apprentice engaging in professional work-based activities within a legal practice. The introduction of a work-based curriculum will break-up specific tasks that focus the apprentices on an activity that is guided by the expert (experienced) person in the workplace. This approach has the potential to create a learning environment that will prepare the solicitor apprentice for the SQE assessments and should link directly with the SoSC. Without a work-based curriculum there may not be structured learning in the workplace and this will have a negative effect upon the apprentice's development. Whereas, the work-based curriculum would support the apprentice and develop the skills-set which will be utilised by the legal practice. Value will be added at each touch-point between the apprentice and guidance provided by the experienced co-worker. This should be a sequential process, building upon previous experiences and adding to those experiences which will develop the vocational knowledge and skills of the apprentice.

How solicitor apprentices have experienced the pathway to qualify

The research questions produced for this paper aimed to address the gaps in the literature by generating data dealing with the trailblazer solicitor apprenticeship. It is examining the internal structure of the SRA's apprenticeship model (the pathway to qualify) which is delivered by the employer in the workplace. It is this tripartite relationship between the overarching governance of the SRA, the employer and apprentice which was the central point implemented by the Institute for Apprenticeships (2015) and the SRA (2015). This has allowed the SRA to delegate

the responsibility to the employer in arranging educational provision and training the solicitor apprentice with limited governance to monitor the process.

How the apprenticeship route may remove barriers to qualify as a solicitor

Apprentices were asked to explain why they had chosen to follow the apprenticeship route instead of the traditional pathway to qualify as a solicitor. There were similar responses but the main theme that appeared was tuition fees. One apprentice stated “There’s no debt which means that it ... there’s no Uni debt as everything is paid for by the firm.” Tuition fees is an undeniable barrier for individuals who have to pay their own tuition. This emerged during the interview and was expressed on numerous occasions by the apprentices. One apprentice explained why they had chosen the apprenticeship route: “The money. The fact that you don’t have to pay for ... to get your degree. And they pay us quite a good wage actually for apprentices and it’s the experience.” Then there is the living expenses, such as rent and this will vary depending on where a student decides to undertake their study (Fletcher, 2016). This was seen as a barrier for the solicitor apprentices who stated:

So, I left school when I was 18. I had done my A Levels and I decided University was too expensive and that I had enjoyed part-time work and earning my own money. ... I also didn’t want to miss out on education so I thought doing an apprenticeship would be the best of both worlds really. (Apprentice 00, p.1)

So I wanted to get in to the legal industry but I was really apprehensive about going to Uni and incurring the debt. Because, especially when the fees went up to £9000 per year ... (Apprentice 02, p.1).

These statements demonstrate that tuition fees for these two apprentices were a barrier to enter higher education and qualify as a solicitor. For them, they did not see the traditional route as an opportunity to qualify and practise as a solicitor. The traditional route, such as obtaining a Qualifying Law Degree (QLD), passing the Legal Practice Course (LPC) and then obtaining a two year training contracts was not seen as possible for them. This is a common problem for many law graduates and is illustrated in the Law Society’s statistics for 2016 (April 2017). They indicate a growing discrepancy between law graduates and the number of places to train and qualify as a solicitor. In 2016, 15,950 students graduated with a QLD from Universities in

England and Wales. These figures were made up of 5,817 males and 10,133 females. This is an increase (training contracts) of 3.4% from July 2015. In July of 2016 there were only 5,728 trainee solicitors registered and 2,162 were male and 3,552 were female. This is an increase of 5% on the previous figures in July 2015. These figures illustrate there is a small increase but still fewer traineeships available in comparison to the number of law graduates. In 2016 the total number of students accepted to study for a QLD in England and Wales was 34,275. Nearly two fifths of these students were either Black, Asian and Minority Ethnic (BAME) groups. They were made of 12,060 female and 5,795 were male (Law Society's statistics for 2016, April 2017). The traditional pathway to qualify as a solicitor is demonstrating that access to the educational pathway is available if you can pay your tuition fees. However, this does not mean you will qualify as there is a limited number of training contracts and this is a barrier to qualify as a solicitor. The lack of training contracts is a creating a bottleneck pathway when it comes to qualifying as a solicitor. This is leaving graduates without a training contracts and having incurred tuition fees in the region of between £37,000 and £42,000. Whereas the course fees for apprentices are drawn-down from State funding and supported by the apprenticeship levy. The levy is a government policy to raise money to support the funding of employing 3 million apprentices (not just solicitor apprentices) by 2020. Unlike traditional academic courses, which are student funded, the trailblazer apprenticeship is either wholly or partly funded by the UK government. This means apprentices will not incur student fees and will be paid a wage by their employer. The trailblazer apprenticeship is therefore a combination of paid employment, which incorporates training within the workplace and attendance at a higher educational institution. They are available in over 1,500 occupations in more than 170 industries (Powell 2017: 4). The Solicitors Regulatory Authority (SRA) have been able to use this government initiatives to introduce the solicitor apprenticeship (SRA 2016). This does suggest that the solicitor apprenticeship routes is removing barriers to qualify.

Self-perception of the solicitor apprentice

A common theme within the data was the way in which participants perceived themselves in relation to studying at higher education. As part of the solicitor apprenticeship they are studying one day per week for their law degree at a higher

education institution. One of the apprentices expressed some concern about their personal circumstances and background. This apprentice felt their background was a barrier to qualifying as a solicitor and this reflected in the following statement:

... so for someone like me not from a great background and a lot of people I went to school with it does seem like a viable option ... a lot of people go to Uni but I don't think they think how it is going to affect them financially in the future. (Apprentice 02, p.15)

This was revealing and suggests that the traditional pathway was a barrier for this apprentice. The apprentice felt it was their background, their personal circumstances and this was reflected in this apprentice's experience whilst at school. The work of Hultberg et al (2008) discusses the linkage between an individual's background and educational attainment. They claim that a student's social background has a direct effect on the transition from studying at school and how they develop as students if they enter higher education. The trailblazer solicitor apprenticeship module may address social mobility, as in this case, the apprentice's perception of their ability to go to university has been overcome through the apprenticeship pathway.

When it came to how these apprentices viewed their roles and their personal identity there was a mixed response that emerged. The following statements revealed the distinction:

On my signature it will be legal apprentice and there's a stigma around the word apprentice that you don't know what you're doing. And I have been doing this job for nearly four years so I do know what I'm doing and it is difficult to convey to people that haven't had the solicitor apprenticeship route. So we are actually getting a law degree alongside it and we do have a legal knowledge. And also there is still the trainee solicitor, the usual route you would go through and it is difficult because they say we do exactly the same role ... there is a perceived difference in whether you are a trainee or an apprentice. Even though we do the same thing and I think trainees are more highly thought of and it is difficult when I have conduct of a file and then my opponent is a qualified solicitor they automatically think they have one up on you when they see the job title apprentice. ... That we are still perceived as apprentices, rather than trainee solicitors. But I do think that is something that will change the more people learn about the apprenticeship route. (Apprentice 00)

So a lot of the time they will treat you or view you as a trainee. I think with some people that's because some people are not entirely sure what a solicitor apprentice is. But it's good because it means you get a higher level of responsibility than I initially assumed I would get when I started. But at the same time they do appreciate that you are an apprentice so that means you may not be doing the same as a trainee does and they get that you need time off to study and they'll also understand that they might need to explain things in more detail when they are setting a task or give you a bit more time just because you might not ... say with a contract if you haven't studied all of contract law yet. (Apprentice 02)

The data from both participants suggested that the work-based learning route is providing an opportunity to qualify but there was a mixed perception when dealing with the way their role was seen in the workplace.

Work-based learning curriculum

There was a notable difference between the working environment and structured pathway for these two apprentices when it came to the development of knowledge and skills in the workplace. There did not appear to be a work-based curriculum, such as the one suggested by Billett (2001). I explored this with the apprentices and had different responses. One apprentice stated:

It's difficult for them to provide me with a structure because at the end of the day it is, it's a business and an office so they can't ... it's depending on how many staff members we have, like who's off sick, who's on annual leave. I am still a member of a team. I'm not just ... they don't just treat me as, like an apprentice and they don't make that a priority, making sure that I'm learning consistently with what I'm learning at law school. I have to be a team member really and to cover other peoples' work when they are off and things like that. So sometimes a devised structure just wouldn't be achievable. (Apprentice 00)

The second apprentice I interviewed had a different experience and responded to the same question by saying:

So, we have a day off to study every week which I think is a government requirement that you get 25% of your work-time as study time. So work-based learning is supporting my development because we ... one of the things that happens in the firm is we have internal training sessions in the department. So we get trained about every time we start a new seat [a new department/subject] as well about the kind of work that we might be expected to cover and how to draft certain pieces of work that you might be expected to do on a day to day basis. And you always have associates and partners who are willing to answer your questions about any work you

might be doing or the area of law. And you also have access to the library for your research. (Apprentice 02)

It was good to have these comparisons to consider as they demonstrate different structures in the workplace. Both apprentices were keen to express how they were developing through their work-based experiences but it was evident that their internal work-based structures were different. When these apprentices were asked how they develop their learning within the workplace apprentice 00 responded by saying:

The more you progress the more responsibilities you get. ... I actually think I've been really lucky to sort of come in to the workplace and be given actual proper legal work because I've known friends who are apprentices at other law firms who like after two or three years they were still doing mainly admin tasks. (Apprentice 00)

Whereas, when the same question was asked to another apprentice (02) the response was:

What happens in the first four years of six years we rotate departments every year. Then in the final two years ... they rotate every six months like the trainees do ... So a lot of the time they will treat you or view you as a trainee. (Apprentice 02)

This demonstrated a notable differences in the way these two apprentices were experiencing their training and how they developed their professional skills. In the first interview it appeared that the apprentice (00) was acquiring the skills and depth of knowledge dealing with civil litigation. The level of training and experience in the workplace had been ongoing for approximately two years. There was no mention of rotation or being exposed to different areas of the law within the workplace, such as commercial law, property law or criminal law. Whereas, the second apprentice (02) appeared to be following the traditional trainee solicitor contract pathway. This involves being rotated in different areas (often referred to as seats) of legal practise such as commercial law, civil litigation, criminal law and property law. This was distinctly different from the other Apprentice (00) who was in one department and developing the skills and knowledge dealing only with civil litigation.

The solicitor apprenticeship is evolving

The SRA solicitor apprenticeship framework is still in the developmental stage, such as the SQE assessments have yet to be designed. The framework is in the early stage

and it is envisaged that the majority of employers (trainers) will make provision for the apprentice to have day-release to attend university and read for a degree in law. The law degree will or may align with the requirements of the content for the SQE1. The SRA will no longer specify the training, or subject matter, that needs to be undertaken by the employer (trainer). This is a fundamental change from the previous pathway for trainee solicitors. For example, under a training contract (through the traditional pathway) the trainee would undertake training (workplace experience) in specific areas in order to qualify. This does not appear to be the case for the solicitor apprentice. Instead, the SRA have provided guidance saying the training provider (employer) need only follow and demonstrate the solicitor apprenticeship assessment plan by passing both stages of the SQE assessments (SRA 2016b and 2017d). The assessment plan has been approved by the Institute of Apprenticeships which ensures standards of apprenticeships are maintained (2015).

The threshold standards set by the SRA are fundamental requirements that must be met in order to qualify. The standards are met by passing SQE1 and SQE2. This was discussed with the apprentices and their responses suggest there is limited information provided in regards to the standards both in their workplace and in their study at University. This was evident from the following statements made by the apprentices:

From a work perspective we haven't had any material about it [Threshold Standards]. We have an on-going portfolio. It is based on that SRA competencies. We have to show how we demonstrated it and documentary evidence as well. I will be able to show where I did something and how it matches the standards expected. (Apprentice 00)

I haven't had a proper look at the standards of competences. I actually think we might be able to present ourselves fairly competent because we will have been in the actual workplace for at least four years. (Apprentice 02).

These statements suggest the solicitor apprentices are not being focussed on the threshold standards which need to be demonstrated by passing the SQE 1 and 2. This also reflects earlier concerns dealing with the SRA's governance and no requirement to set a work-based curriculum for the employer (trainer) to follow.

I discussed with the apprentices the development of their professional skills to practise law. I asked them to explain to me how they are acquiring these skills. Their responses produced a number of themes which I have identified as professional development and professional skills. Under these headings the following statements were captured:

Having worked at [name of legal firm] for a number of years I understand certain procedures ... like, how to respond in a certain way. I know who to talk to for different things and when to ask for help. (Apprentice 00)

That you get used to and you learn how to write a professional email, take phone calls properly. Just, how to carry yourself at meetings. (Apprentice 02)

Conclusion

This paper has demonstrated the early stages of the trailblazer solicitor apprenticeship. It has considered the research questions through the literature review and the data created from my interviews with the solicitor apprentices

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