

Training contract troubleshooting: practical guidance on starting your training contract

Emma Dickinson, a JLD representative on the Law Society Council, offers practical guidance on starting your training contract, including negotiating terms and conditions, keeping your trainee diary up to date and other regulatory requirements you need to observe.

This guidance focuses on the Training Regulations 2014, which govern training contracts that start on or after 1 July 2014, and non-mandatory SRA guidance on those regulations. If your training contract started before 1 July 2014, this will be governed by the Training Regulations 2011. Guidance on those regulations can be found on the SRA website [here](#).

If for any reason your training organisation breaches the requirements of those regulations, you can report the matter to the SRA. See details of how to make a report [here](#). If you are concerned that your employment rights have been infringed, you should take specialist legal advice as soon as possible (see notes below on 'What if they try to end my Training Contract before I can qualify?'). Please note that the information contained in this page is provided as guidance only and does not constitute legal advice.

Before you can start your training contract

1. Your recruitment and training contract offer

The training organisation making you a training contract offer must adhere to the [SRA Code of Conduct](#) and, in particular, must adopt an approach to recruitment and employment that encourages equality of opportunity and respect for diversity. If you are concerned that you have been discriminated against by your current or prospective training provider, you should seek legal advice as soon as possible.

There is no regulatory requirement for you to receive a letter confirming your job offer, but the SRA notes that it is 'good practice to send a successful candidate a letter of offer as soon as possible following your decision'.

2. Criminal records check

Before you can begin your training contract you must disclose any character and suitability issues to the SRA, or alternatively confirm that there are no character and suitability issues which the SRA should consider. Examples of issues that you could raise may include a criminal conviction or serious financial problem (e.g. a past bankruptcy or entering into an Individual Voluntary Arrangement (IVA)).

If any issues are disclosed to the SRA, the SRA must assess these. You will not be eligible to commence your training contract until the SRA has completed this assessment. The SRA states that it may take 'up to six months to complete an assessment'. More details about the 'Suitability Test' that the SRA will use are discussed below and are available on the SRA website [here](#).

3. Who is making you the offer?

It is worth noting that the organisation training you must be authorised as a training provider by the SRA before it can provide you with training which will enable you to become a qualified solicitor.

If the SRA has serious concerns about the quality of training being provided to you or others, such an authorisation may be revoked. If you have any questions about whether your prospective training provider is suitably authorised you can contact the SRA [here](#).

Your training contract

What terms should I be looking out for?

A training contract is considered by law to be a contract of apprenticeship. Once you become a trainee solicitor, you have some minimum legal rights, including the right to be provided with a statement of your training terms and conditions as soon as possible, or at the latest within two months of starting work. Details of some of the terms that must be included in your contract can be found on the Acas website [here](#).

In addition to these employment law provisions, your training contract should include terms and conditions such as your normal place of work, working hours, salary, supervision arrangements, the total length of your training contract and the learning elements you will cover. More details about these unique provisions are provided below.

1. A salary that is no lower than the minimum salary prescribed by the SRA

From 1 August 2011 to 1 August 2014 the minimum salary **prescribed** by the SRA was £18,590 for trainees working in central London and £16,650 for trainees working elsewhere. However, the salary **recommended** by the SRA was slightly higher, at £19,040 for trainees working in central London and £16,940 for trainees working elsewhere.

From 1 August 2014 trainees only have to be paid the single hourly rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999. Details of the current national minimum wage can be found on the Gov.uk website [here](#).

Although the organisation you work for is not obliged to pay more than the national minimum wage, you may be able to negotiate an increase in salary, for example by compromising on non-essential rights in other areas of your contract. If the prospective organisation refuses large increases because, for example, it believes that it will be too expensive to pay you more, you may be able to gain a small increase in salary by encouraging the organisation to become accredited as a 'living wage' employer, such as that provided by the Living Wage Foundation. More details, including the business case for becoming accredited as a living wage employer, can be found on the Living Wage website [here](#).

2. How long will your training period be?

The total length of time you will spend training before you can qualify as a solicitor (known as your 'training period') will depend on the usual number of days you work each week. Overtime and weekend work are not included for the purposes of this calculation.

For example, if you are going to be working full-time (i.e. you will work five full days per week), your training period will be two years (i.e. 730 calendar days, or 522 working days).

Examples of how your training period may be adjusted on a pro-rata basis if you are going to be working part-time are listed below:

- a. two and a half days per week = training period of four years (1,460 calendar days)
- b. three days per week = training period of three years and four months (1,216 calendar days)
- c. four days per week = training period of two years and six months (913 calendar days)

You may decide to work part time at the same time that you are studying for, for example, your LPC. In that situation, the work that you do can count as part of your training period, however you should ensure that you have a training contract in place which is registered with the SRA and makes this clear. This situation is different from a training contract which uses 'time to count' or 'relevant work-based experience', which is considered below.

3. I have paralegal experience which I gained before my training contract. Can I use this to reduce the total length of my training period?

If you have worked in a legal environment before you started your training contract, you may be able to ask for the time that you spent in your previous role to be taken into account so that the total period of your training contract is reduced. This is known as 'relevant work-based experience'.

In order for your legal experience to potentially qualify as 'relevant work-based experience', that experience must have:

- a. Been gained in the three years prior to your training contract starting.
- b. Been in English and Welsh law and practice.
- c. Been in one or more areas of law.
- d. Enabled you to acquire one or more of the Practice Skills Standards and/or the Principles (see below).
- e. Been adequately supervised and appraised.

If you have completed a 'sandwich' placement during your academic stage of training, your training provider may also take the following guidance from the SRA into account when deciding whether your legal experience sufficiently qualifies as relevant work-based experience, however this is not mandatory:

- The placement should normally have been at level 3 of the national qualifications framework or above.
- The placement should have been for at least three months.
- Whether the placement was with an authorised training provider.
- Whether you were paid a reasonable salary during the placement, taking account of the national minimum wage and the SRA minimum salary for trainees (see above).
- Whether you satisfactorily completed the placement and were awarded the academic stage qualification.

Your training organisation will have absolute discretion as to whether your experience will be recognised as relevant work-based experience so that you will be granted a reduction in your training period. Your training provider has to notify the SRA in writing of any reductions to your training period that are being granted. This can be done at the point that at any time during your training contract before you are admitted as a solicitor. If you have some relevant work-based experience which you want to be recognised, it is advisable to ask your training organisation as soon as possible to confirm whether they are willing to consider recognising this.

If your relevant work-based experience is recognised, this can operate to reduce the length of your training period on a like-for-like basis for up to a maximum of six months (i.e. 183 calendar days). Any part-time experience that you have will be calculated pro rata (e.g. if you worked two and a half days per week for six months, you may be awarded a three month reduction to your total training period).

You are considered an apprentice by law during your training contract. Any period of recognised relevant work-based experience may therefore also be viewed as an apprenticeship by law and, accordingly, you will be entitled to any legal rights that flow from that status where appropriate. If you have questions about your legal rights you should seek specialist employment law advice as soon as possible.

4. Provision for you to gain practical experience in at least three distinct areas of English and Welsh law and practice during your training your contract

It is not a requirement that you should have to work in distinct departments or seats and it is possible for your organisation to simply offer you work in various areas of law for the duration of your training contract, depending on the type of work that is available from time to time. However, regardless of how your work and training is organised, the organisation you work for should ensure the following;

- You spend enough time in each area in order to be trained properly in that area. (The SRA does not dictate exactly how long that amount of time that this should take but does state 'we anticipate that it could not be achieved in less than the equivalent of three months during the training period' [assuming you are undertaking a full time training contract].)
- You must receive guidance and training in professional conduct, ethics and client care.
- The level and complexity of your work should be increased gradually during your training period, although you should also be encouraged to suggest solutions independently.
- You should be given a balance of substantive and procedural tasks that ensure you use a broad range of skills overall.

More details about the skills you should learn and how your training may be organised are discussed below.

5. Secondments

Generally, your training will be provided by the organisation you work for. However, if your training provider cannot offer you all of the experience needed for you to qualify as a solicitor, it may arrange for this to be provided by a third-party organisation during an organised secondment.

It is good practice for you to confirm the arrangements for any secondment(s) before you begin your training contract. In particular, you should check that the proposed arrangements will enable you to receive sufficient training which will comply with the Practice Skills Standards and enable you to qualify as a solicitor (see below).

You should also check that, at the end of your training contract, your training organisation will be able (and willing) to provide the SRA with a certification regarding the work you did during your secondment (see notes on performance review and sign-off below).

During your training period

1. Your first day

The SRA recommends that at the beginning of your training period it is good practice for you to be provided with an induction, even if you have worked for your training organisation before in another role.

Even if a formal induction is not organised by your training provider, you may find it helpful to confirm the following details with your training principal or supervisor as soon as possible on your first day. You may also want to subsequently confirm further details when you start each new training seat as some details may be different in different departments or offices:

- Introduce yourself to fellow staff members and clarify the roles and responsibilities of the people who will (or may) be involved in your training.
- What are the arrangements for supervision / informal performance review / formal appraisals (see notes below)?
- Familiarise yourself with the office manual and any relevant office procedures (e.g. office hours, holidays, health and safety, IT and office equipment, systems for time-recording and billing).
- Understand the nature of the type of work you will (or may) undertake.
- Clarify the training scheme that will be followed, the Practice Skills Standards (see below) and what the organisation expects of you.
- How will the training be organised? If you are going to be in different seats, how long is each seat going to be and where will this be completed?
- Does the organisation want you to keep your training record in a particular format? Do they prescribe how and when they want you to complete this? How and when will your training record be reviewed? (See notes below on maintaining a training record).
- Do you have a desk where you can do your own work? (Please note the SRA recommends that you should be provided with this, although it is not a regulatory requirement).
- Do you have appropriate secretarial support? (Please note the SRA recommends that you should be provided with this facility, although it is not a regulatory requirement).
- Do you have access to a library and relevant research facilities? (Please note, it is a regulatory requirement that you should be provided with adequate training and arguably a failure to allow you access to reasonable legal research facilities could result in a failure to meet the Practice Skills Standards – see notes below).

2. You have to maintain a training record

It is your responsibility to record and maintain your own training record. However, your supervisor is also required to verify the record. Non-mandatory guidance from the SRA states that your supervisor should help ensure that you maintain your up-to-date training record.

For its trainee members, the Junior Lawyers Division (JLD) has negotiated free access to the Online Mentor training contract record management system. Details will be available shortly on the JLD website but for further information in the meantime please contact Yvonne Treacy – yvonne.treacy@lawsociety.org.uk

You do not have to use any particular format for your training record, but there is a sample training record provided by the SRA, which is available [here](#). If you do not use

the sample training record, the SRA recommends that your training record should include details of:

- The work you have performed.
- What skills you have acquired, applied and developed (including, where relevant references to the Practice Skills Standards and the Principles – see notes below).
- Your reflections on your performance and any development plans (e.g. how do you think you did? what have you learned? How would you do this differently next time? Is there anything you need to work on in particular?)

It is often helpful if you have a consistent strategy of how and when you are going to update your training record, for example completing it daily after you finish work, or adding to it as you complete each individual task.

Creating and updating a comprehensive training record which does more than simply complying with the minimum regulations can be useful for your own purposes. For example, you can use your training record to highlight to a training supervisor what areas of law or particular skills you are (or are not) getting sufficient training in. You can also use this as an aide memoir when completing applications for a job after qualification. Some organisations use training records as part of appraisal and performance review processes, so it is advisable to check your organisation's policy on this before completing your training record.

By the end of your training contract, your training record must show that you have good experience in at least three distinct practice areas and you have met the Practice Skills Standards (see below)

3. You must be 'closely supervised' during your training contract

It is advisable to check who your training principal is at the outset of your training contract. Your training principal must be:

- A solicitor of England and Wales with a current practising certificate or a practising barrister (NB: different rules apply if the individual is exempt from holding a practising certificate under Section 88 of the Solicitors Act).
- Be nominated by your training establishment to be your training principal.
- Be competent to perform the role of your training principal.

It is your training principal's responsibility to ensure that your training provided complies with the [Training Regulations 2014](#). Your training principal can delegate their responsibilities to others, but if they do so then you should be informed of this. It is your training principal's responsibility to ensure that anyone who supervises you has the appropriate legal knowledge and experience in the practice area they are supervising, as well as having the skills to perform the role effectively. When you have completed your training contract, it will be your training principal who will certify to the SRA that you have completed the required training in order to qualify (see notes below).

Your supervisor(s) will be responsible for providing practical day-to-day training and for giving you appropriate opportunities to develop your legal skills and knowledge. Your supervisor can be a solicitor qualified in England and Wales or a person who is not a qualified solicitor but who has 'appropriate experience' in English and Welsh law and practice, for example an experienced member of the Chartered Institute of Legal Executives (or 'CILEX'). You may therefore have a number of different supervisors throughout your training contract.

The SRA does not give comprehensive guidance on what 'close supervision' constitutes, however listed below are some comments made by the SRA on recommended practice for supervisors in the context of developing the required Practice Skills Standards (see below):

- Your supervisor should check your work regularly
- You should be given regular advice, guidance and feedback by your supervisor
- The complexity of your work should be increased incrementally
- You should be provided with clear instructions and your supervisor should ensure that they have been understood
- You should be set a realistic time-scale for work to be completed
- Your supervisor should answer your questions as they arise and provide you with a supportive environment that does not deter you from asking questions in the future
- Your supervisor should monitor your workload to ensure that you have a sufficient but not excessive amount of work
- Your supervisor should give you regular feedback regarding your performance, recognising any achievements and improvements while constructively addressing areas that require further effort
- If you are being trained in dispute resolution, your supervisor should explain how the work you are doing fits into the strategies pursued and into the litigation as a whole and the significance of your work to the case as a whole
- If you are attending a meeting, your supervisor should explain the purpose of that meeting beforehand and review the conduct of the meeting with you afterwards.
- If you are conducting an interview, your supervisor should carefully monitor any advice given by you and give you guidance and feedback on your performance afterwards
- If you are performing a piece of research, the person allocating you the research should give you:
 - background information on the context and purpose of the research
 - clear instructions
 - defined tasks
 - information about any limitations to be imposed on your research
 - guidance on where to begin
- If you are involved in a negotiation, your supervisor should give you guidance on the purpose of the negotiation and provide you feedback with the outcome of the negotiation and your performance

4. You must receive regular feedback and appraisals throughout your training

Informal review

It is good practice for you to receive feedback on a day-to-day basis as you complete each task in addition to the regular informal progress reviews and formal appraisals that are required by the regulations.

The SRA recommends that you should have "as many informal review meetings" as you need "to enable a constructive training experience". How this is best achieved will vary from organisation to organisation and person to person, however the SRA recommends that at minimum you should have an informal performance review at least once per month.

It is recommended by the SRA that your supervisor should be able to conduct or at least participate in your informal reviews and appraisals.

At your performance review you and your supervisor should be able to:

- review your performance, and your progress toward agreed objectives (objectives may have been set during a previous appraisal – see notes below)
- give you constructive feedback on tasks you have just performed
- deal with any difficulties that have just arisen
- check that the breadth and depth of work you are doing meets the requirements of the Practice Skills Standards (this may be done by, for example, reviewing your training record)
- address any professional conduct or ethics issues that may have arisen in your work; and
- discuss your future training requirements, future seats etc.

Appraisals

There is no prescribed system for how appraisals should be performed or how many should be undertaken, however the SRA suggests that good practice would be to perform at least three formal appraisals during your training period (i.e. one in the first year, one in the second year, and one at the end). It is recommended that you should be appraised formally every six months.

A formal appraisal should allow you and your training organisation to review:

- your overall performance,
- assess the development of their skills,
- identify areas of strength and weakness,
- agree new objectives and
- plan future training.

You should also have an opportunity to ask questions and to raise any concerns you may have. Guidance from the SRA states that the appraisal should not include any surprises, because problems should always be dealt with as they arise (see notes on informal reviews above).

Appraisals are normally conducted face to face. What you discuss during the appraisal should be recorded and documented. The SRA does not prescribe any particular way of documenting the appraisal. If you or your training provider need guidance on the appraisal documentation, the SRA provides a sample appraisal document [here](#) on the SRA website, which you can use and amend if necessary.

5. You must successfully complete the Professional Skills Course

The organisation that you are working for must pay your Professional Skills Course fees for your first attempt, as well as reasonable related expenses.

A list of all external providers of the PSC is available on the SRA website [here](#).

Your organisation is not required by the [Training Regulations 2014](#) to allow you paid time off to study for the PSC so consider asking your organisation for paid study leave at the outset of your training contract if they do not have a policy about this. You may attempt to argue that it is necessary for you to have the paid time off because it is a regulatory requirement for you to successfully complete the PSC before you can qualify as a solicitor. You may also consider taking legal advice on employment issues which could

arise if your firm refuses to allow you time off for training. There is a summary of the rights of some employees to take unpaid time off work to train [here](#).

6. You must be given opportunities to develop and apply the skills you will need in practice in accordance with the Practice Skills Standards

The Practice Skills Standards specify key elements of each skill you should do and the type of experience that will help trainees to develop that skill. You should develop your skills through a mixture of completing work and tasks by yourself, assisting others and observing experienced practitioners.

Your supervisor must ensure that, over the course of your training contract the amount and type of work given to you adequately covers each relevant skill and the amount and type of work given to you is of an appropriate level and complexity for you.

As detailed above, you can use your training contract record to highlight to your supervisor exactly which skills you are receiving training in and whether there are any gaps in your training and experience which need to be worked on during your training contract.

Details of the Practice Skills Standards, what you should aim to complete and the tasks you can expect to complete in order to grasp those skills can be found on the SRA website [here](#). Below is a summary of some of the Practice Skills Standards and the types of activities that you can expect to do which are likely to develop those skills according to the SRA.

- Advocacy and oral presentation
 - helping to advise on pre-trial procedures
 - helping to prepare cases before trial
 - observing trials, submissions in chambers, examination, cross examination and re-examination in open court, family cases, employment tribunals, planning tribunals or other tribunals or forms of dispute resolution
 - conducting interim applications before a Master or District Judge, as training progresses and under appropriate supervision
 - preparing or delivering training for clients or colleagues
- Case and transaction management
 - Working on larger cases or transactions as members of a team
 - Being given smaller transactions to run yourself, under close supervision.
- Client care and practice support
 - planning work by using your diary
 - using email, word-processing, scheduling and organisational systems regularly and appropriately
 - working effectively with support staff
 - recording expenses and disbursements and obtaining reimbursement
 - opening and closing files
- Communication skills
 - drafting letters, internal notes and memos
 - reporting to clients and others by telephone
 - taking notes in meetings
 - dictating notes and letters

Remember that client care and keeping clients regularly informed of the progress of a matter is a requirement of the SRA Code of Conduct, details of which can be found [here](#).

- Dispute resolution
 - attending tribunal hearings or alternative dispute resolution meetings
 - observing proceedings
 - assisting with the preparation of cases
- Drafting
 - Drafting witness statements and affidavits, corporate resolutions, wills and trust deeds, statements of case, transfer of property documents, leases, instructions to counsel and contracts
 - Amending drafts of documents received from the other side
 - Practising use of standard forms and precedents
- Interviewing and advising
 - observing and taking notes of meetings and interviews (whether face to face or on the telephone)
- Legal research
 - researching specific legal issues and factual, historical or commercial matters
 - preparing for client interviews
 - analysing corporate searches
 - investigating title to property and other relevant searches
 - reviewing title documents and clients' papers
 - assisting with due diligence enquiries
- Negotiation
 - identifying the central issues, benefits and disadvantages of the agreement or settlements and explaining them to the client
 - planning a negotiation and establishing an agenda at the start
 - documenting the agreement or settlement

7. Has anything happened which affects your ability to meet the Suitability Test?

You have to report to the SRA anything which happens during your training contract which might affect your ability to meet the 'Suitability Test', which the SRA will use to assess your character and suitability to qualify as a solicitor. More details about the Suitability Test are available [here](#).

The sorts of issues that you should report may include, for example:

- criminal convictions,
- police cautions, reprimands and final warnings,
- academic misconduct,
- financial problems (e.g. bankruptcy or entering into an individual voluntary arrangement)

If you fail to disclose these issues in accordance with the regulations, it may result in your training contract being terminated and/or your application to be admitted as a solicitor being refused (see notes on Criminal Records Checks below).

Contact details for the SRA are available [here](#).

8. Monitoring by the SRA

Usually, the SRA will not examine your training in detail and will leave it to your training organisation to certify that they have done what they need to in order to provide you with adequate training (see notes below on performance review and sign-off).

However, the SRA may occasionally decide to perform an additional more detailed check, known as 'monitoring' during your training contract. If your training organisation is chosen for monitoring, you may initially be asked to complete a questionnaire showing whether the relevant training requirements are (or are not) being satisfied.

After it has received the questionnaires, the SRA may also decide to perform a 'monitoring visit'. The SRA will send a 'monitor' (who will be a qualified solicitor with experience of training and the training regulations) to visit your training organisation and talk to you and others who are involved with your training. At the end of the visit, the monitor will meet with your training principal to discuss best practice and to agree any actions that may be needed for improvement of your training.

After the visit a monitoring report should be sent to you and your training principal.

9. What if they try to end my training contract before I can qualify?

As a trainee solicitor, you are considered by law to be an 'apprentice'. This means that you have enhanced protection against the organisation you work for terminating your training contract before the training period has finished. Broadly speaking, your training provider should only terminate your training contract in circumstances where, for example;

- You agree with your training provider that your training contract should end.
- Your training contract was conditional on you passing an academic stage of qualification (or the LPC) and you have failed to pass.
- You have committed serious misconduct.
- You are so incapacitated by illness or injury that you are incapable of meeting the Practice Skills Standards.
- Your training provider's business has closed or changed so much that it is not possible to properly train you.
- You cannot continue to work in your position without either you or your training provider breaking the law.
- There is some other substantial reason which justifies your dismissal.

If you are unfairly dismissed and you have the right to claim unfair dismissal, you may claim compensation which should reflect your loss of earnings as well as any prospects as a qualified solicitor which you have lost.

There are strict time limits for pursuing a claim for unfair dismissal in the employment tribunal. Ordinarily this is three months less one day from the date of termination of employment. However, in certain circumstances the time limit can be extended if, for example, it was not feasible to have brought the claim in time. It should also be noted that after 6 May 2014, before a claim can be lodged in an employment tribunal, a potential claimant must first contact Acas in order to allow Acas attempt to help the parties to resolve the dispute (a process known as 'Early Conciliation') for up to one calendar month. While early conciliation is on-going the 'limitation clock' stops, which

gives the potential claimant a longer period to lodge the claim. If Early Conciliation is not successful, Acas will issue an Early Conciliation certificate. The potential claimant will then have one month after they receive an Early Conciliation certificate from Acas to lodge their claim at an employment tribunal. More information about Acas and Early Conciliation is available [here](#).

If you are concerned that your legal rights have been infringed, you should take specialist employment legal advice as soon as possible. A list of all qualified employment solicitors in your local area can be found [here](#). Alternatively, you can contact your local Citizens Advice Bureau [here](#).

Before you can qualify

1. Criminal records check

At the end of your training contract, before you can be admitted as a solicitor, you must obtain a satisfactory criminal record check (known as 'standard disclosure') from the Disclosure and Barring Service ('DBS').

A DBS standard disclosure will include details of any current and spent convictions, police cautions, reprimands and final warnings held on the Police National Computer, except for any details which are not included by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions Order). If appropriate, the SRA may also require you to provide information about any overseas criminal records.

More details about the Rehabilitation of Offenders Act 1974 can be found [here](#). More details about the 'Suitability Test' that the SRA will use to assess your character and suitability to qualify as a solicitor are available [here](#).

It is *your responsibility* to apply for the necessary DBS standard disclosure. The SRA should send you the relevant forms for the DBS check and guidance on how to complete this approximately 12 weeks before the scheduled end of your training period. It is advisable to diarise this deadline and call the SRA if you do not receive the forms within this timeframe as without completion of these forms you will not be able to be admitted as a solicitor.

2. Performance review and sign-off

At the end of your training period, before you can qualify your training provider must provide a certification to the SRA that they are satisfied that you have received appropriate training and have achieved the skills required by the Practice Skills Standards (see above).

The SRA will also ask your training provider to certify that there are no other issues which may affect your character and suitability to be admitted as a solicitor. Usually this certification is provided by your training principal.

If you have spent a portion of your training contract on secondment to an organisation other than your training provider, your training provider must also certify that your training at that location met the required standards. This can be done by, for example, reviewing your training record and discussing your performance with the other organisation.