

LPC requirements clarified

19 October 2022

Transcripts

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Regarding the recording of the assessment of taxation on students' transcripts, could this simply be, for example, a statement that taxation was assessed mainly within the context of business law and practice, or would it have to be more specific to refer to all the other areas where it is assessed, albeit not in as much depth eg. property law and practice. Similarly, would it be appropriate, to include a simple statement about wills and administration of estates to say eg. that the subject was used as the context for the assessment of the skill of?

The transcript must make clear that the student has been assessed against all of the learning outcomes and whether or not they demonstrated the required standard. The format suggested above would be satisfactory.

As a general point, should transcripts show all of a student's attempts, thereby providing a full assessment history for that student? This will probably be of more use to potential employers than just seeing the final attempt. Employers will more easily be able to distinguish between a student who has failed one assessment narrowly, and someone who has failed five or six assessments, in some cases more than once, and with very low marks in the unsuccessful attempts.

The transcript must show how many attempts at each assessment the student had. It is not necessary to show the mark for each of the failed assessments. This will allow an employer to see whether a student has completed the LPC after multiple attempts in a range of assessments or whether, for example, they had to re-sit in just one area. The aim is to strike a balance between the availability of information that will provide a picture of each student's performance on an LPC and the risk that transcripts will provide so much information that they will not be readily accessible and will not, therefore, be used.

Wills and Administration of Estates (WAE)

Where WAE is being assessed in the context of another subject assessment, does it need to be made clear in the LPC Assessment Regulations that the WAE outcomes must be met in order for a student to obtain an award of competent?

Yes, the WAE outcomes must be met in order to obtain an award of competent. An example regulation for the assessment of WAE is as follows: Wills and Administration of Estates shall be assessed once during the course in the context of the X skills assessment. A separate result for Wills and Administration of Estates of competent/not yet competent will be recorded on the student's transcript. The prescribed pass mark of at least 50% is required in order to obtain an award of competent and a student will not be able to pass Stage 1 of the Legal Practice Course until this has been achieved.

Skills assessments

If a combined assessment is set in, say, Practical Legal Research and Legal Writing, and a student fails one or other of the skills in that assessment, will that student be required to re-sit an assessment in the failed skill alone or can s/he be required to re-sit a further combined assessment including the skill that the student has already passed? Further, if a student is permitted to re-sit a combined skills assessment when s/he has already passed one of the skills concerned, will the student carry this pass forward to the re-sit assessment so that s/he is only required to pass the element previously failed? Similar issues arise in relation to skills assessments combined with core practice area assessments and we would also ask for guidance on these issues.

The assessment requirements included in the information pack state that: Providers' assessment strategies and assessment criteria must address the implications for students where skills assessments are combined with other skills or core practice area assessments.

Where one assessment is designed to assess two different skills, or a skill and a core practice area, the assessment must be designed and marked in such a way that the aspects can be disaggregated for the purpose of the assessment outcome and for the information recorded on the transcript. This will allow for a student to be re-assessed in just one of

the aspects. However, the re-assessment will need to be recorded on the transcript as the second or third attempt. It will not be necessary for students to re-take an integrated assessment if they failed just one aspect of the assessment.

In line with paragraph 4.14 of the Information Pack, where a student is reassessed in a subject they have previously passed, it is the later mark that will be recorded on the transcript.

Five-year completion period

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If a student embarks on Stage 2 before passing all Stage 1 assessments must all assessments must be passed within five years of the first attempt at the first assessment? If it is possible for students to take Stage 2 electives as part of their degree or other pre-Stage 1 studies, they will need to be made aware that the clock will start ticking from the date of their first assessment in that Stage 2 elective. This could have a serious impact on a student who takes a Stage 2 elective in, say, the second year of a 4 year law and languages degree. What if that student then takes a year out between the degree and the LPC? The student would be left with very little time from the 5 year period in which to pass all Stage 1 and the remaining Stage 2 assessments. Due to the significant limitation this places on the usefulness of taking Stage 2 electives as part of the academic stage, should there simply be a prohibition on taking Stage 2 electives prior to completion of the academic stage? We think this would provide far more certainty and clarity for all stakeholders (students, law schools, LPC providers, employers, careers advisors).

A student who is given an exemption from the requirement to attend a full LPC will still need to pass all LPC assessments. The clock will start ticking from the time they attempt their first LPC assessment.

Does the five-year time limit also apply to Stage 1 assessments undertaken in exempting courses?

Yes. The five year time limit will run from the first attempt at a Stage 1 assessment.

Is there an inherent problem with stipulating a simple five-year time limit from the date of the first assessment? Does this fail to take account of changes to the dates of specific assessments within a given assessment period? If, say, an assessment period is the first and second weeks of December each year, in 2010 a given assessment (say in Solicitors' Accounts) might be on the Monday of the first week, but in 2015 it might be on the Friday of the second week, which will be more than 5 years after the date of the first assessment taken by the student. Does the five-year time limit need to take into account variations in the dates of assessments and of assessment periods?

It will be for the student to ensure they attempt an assessment within the five-year time limit. If variations to the five-year limit are allowed, unhelpful elements of discretion, inconsistency and uncertainty will be introduced. The five-year rule is more generous than the current approach.

The five-year period is stipulated to run from the date of the first assessment. Will providers be required by the SRA to stipulate the date of the first assessment on the relevant transcript?

Yes. The SRA will make that a requirement.

Is a definition required for the passing of an assessment to enable students to determine compliance with the five-year time limit. Will this be the date of sitting the relevant assessment or the date of publication of results?

The date to be used is the date the assessment was attempted, not the publication of results. It should be clear whether or not a student has passed an assessment and further definition should not be necessary. It has already been confirmed that where the assessment is in two parts a student must attempt both parts of the assessments in one assessment period; one part cannot be carried over to a later assessment period.

Assessment regulations

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Does the SRA intend to publish model assessment regulations based on the outcomes and the standard

model of a Stage 1 and Stage 2 LPC for use in validation?

No. Providers will need to draft their own assessment regulations in accordance with the SRA's assessment requirements.

The assessment guidance states that the Core Practice assessments may be split into two parts. Each part may take place on different days but should be within the same "period of assessment". What is meant by "period of assessment"? In particular, we note that Business Accounts is now treated as part of BLP. At the moment we teach Business Accounts early in the course and assess it in November. The BLP assessment is in March. Will we be able to continue to do this?

A period of assessment, as defined in the current LPC guidance, is a block of time which is given over to assessment and during which there is no scheduled teaching. The duration of time may vary.... Assessing some of the BLP outcomes in November and others in March would not satisfy the requirement that core practice areas are assessed during one assessment period. Business accounts have been integrated into the BLP to ensure business accounts are understood in context.

Supervised assessments

According to the Information Pack, Practical Legal Research and other skills must be assessed under supervised conditions. Is this intended? Currently, there is no requirement to assess PLR under supervised conditions because this could inhibit the students' ability to make full use of relevant sources and because a time constrained supervised assessment does not necessarily best reflect the trainee's experience in practice when given a piece of research.

In the light of feedback from providers it has been agreed that assessments that cover skills outcomes alone need not be supervised. However, assessments that combine skills and either a core practice area or Professional Conduct and Regulation must be supervised. Arrangements for assessments will need to be submitted as part of a course validation application. A provider needs to include as part of its application a range of information about its assessment methodologies, including:

- The rationale for the choice and range of assessment methods,



- Arrangements to safeguard the security and integrity of the assessment process,
- Safeguards in place to avoid instances of academic misconduct. Specific consideration will need to be given to these issues where assessments are not supervised. If skills assessments are supervised, safeguards against academic misconduct will more easily put in place.

Concessions

The fit-to-sit policy anticipates that providers will gain confirmation from students at the start of each assessment that there are no reasons why they should not sit the assessment at that time. We currently operate a fit-to-sit policy and students are warned in their Handbook that presenting themselves for an assessment means that they accept that they are fit-to-sit. This warning can be reinforced by a statement on individual examination papers. Will this be sufficient under the new regime? It is considered that obtaining formal confirmations from students at the commencement of an examination would be at the very least disruptive and indeed unworkable with large cohorts.

All students must know that by attempting an assessment they are confirming that there are no reasons why they should not attempt the assessment or why they would subsequently request a concession. (Of course something might arise during the assessment that will change that position, and this is to be provided for). Providers might adopt different approaches to ensuring that students have this understanding. Publishing a statement in a handbook alone might not ensure that students know that this is the position. However, repeating the statement on each assessment paper would appear to be a reasonable approach. Providers might also wish to obtain from each student written confirmation that they understand the position. Providers need to be confident that they can defend their position against any complaint made by a student that they did not understand the implications of attempting an assessment. The SRA has not used the terminology 'fit-to-sit' in the information pack. Care needs to be taken to distinguish between requests for reasonable adjustments that are made as a result of disability or because of a temporary impairment, and requests for concessions. 'Fit-to-sit' terminology might cause confusion.

Language of assessment

Assessments must be in the English or Welsh language only. Currently, we provide written assessments in Welsh if requested by students. There is no equivalent requirement for oral assessments, although we have been exploring this question already with the SRA. Does this sentence introduce a SRA requirement to offer oral assessments (Advocacy; Interviewing and Advising) in Welsh?

The SRA will not require providers to offer oral assessment in Welsh. Providers will need to determine whether they are under any statutory obligation to make such an option available to students. Where a provider offers assessment in Welsh, the SRA will expect the provider to have regard to the Quality Assurance Agency for Higher Education's publication: Guidelines for higher education institutions in Wales for effective practice in examining and assessing in a language other than the language of tuition.

Validation and variations to courses

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In what circumstances will a meeting be held between the SRA panel and the provider?

It is intended that meetings between the SRA panel and the provider will be held for all authorisation applications and for initial validation applications. However, for subsequent validation applications, e.g. to introduce one new elective based on a previously approved model, a meeting might be unnecessary.

Regarding the information to be provided to the SRA, for validation of additional vocational electives. Could you confirm whether this information, relating to outcomes for each elective, must be provided as part of an initial validation application for an LPC covering both stages 1 and 2?

It is anticipated that providers will seek validation for some electives when they first apply for authorisation and validation. However, they might wish to extend their range of electives over time. The Information Pack sets out the information a provider will need to submit if it seeks validation of additional electives after its initial authorisation/validation applications have been considered.

We are considering seeking authorisation to provide LPCs and validation to run a part-time course. If a later date we seek validation for a full-time course, will we need to go through two authorisation exercises?

No. If successful, you would be authorised to provide LPCs with your initial application. Subsequent applications for validation to provide different LPCs, made during the authorisation period, would be for validation of further courses only.

Is it necessary to obtain formal approval for a variation where changes have to be made to a course's syllabus due to changes in the law or procedure? Often major changes are made to the law which materially affect the emphasis placed on different aspects of the syllabus. It would seem disproportionate to require a formal variation application in these circumstances.

It will not be necessary to obtain formal approval for a variation simply because the law has changed but the course design and assessments are unaltered. The fact that changes to a course have been made to accommodate a change in the law should be recorded in the provider's annual report to the SRA.

Learning outcomes

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Does element 2 under the BLP heading in the LPC Outcomes document ("advise on steps to protect the assets of a business") relate to insolvency matters? As insolvency is dealt with under point 8, is it meant to refer to insolvency, or insurance, or something else?

This is a general point that goes beyond insolvency that would need to be addressed in the context of the business scenarios being considered. It will cover necessary registrations, filings etc. for the business as a going concern.

We are uncomfortable with some of the Learning Outcomes e.g. 'have a grasp of this' is not measurable, I don't think. At our University validation we will have to amend some of the Learning Outcomes as a result. Will this be ok?



There is reference to 'grasp of' in the taxation learning outcomes. This term has been used to make clear that the topic can be dealt with at a general level. The learning outcomes in the taxation section set out in detail what students should understand and be able to do on completion of the LPC. To ensure consistency providers must adopt the LPC learning outcomes in full.

Although the LPC Outcomes document overall says that the skills can be taught/assessed across the cores, the Learning Outcomes for Interviewing & Advising also make reference to the Writing outcomes. Does this mean that the Interviewing and Advising skill must have a writing element?

Element 2 of Interviewing and Advising requires students to be able accurately to record an interview and where appropriate to confirm instructions in accordance with the outcomes for Writing. It is therefore likely that there will a writing element to Interviewing and Advising.

External examining and Assessment Boards

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We were surprised by the stipulation that external examiners will not mark or change the marks awarded to individual students. This is part and parcel of the LPC external examiner's current role, and part of the role of external examiners generally. Can the SRA be satisfied on the one hand that this will ensure the rigour of the award (where the external examiner disagrees that a student should pass) and, on the other hand, ensure fairness to individual students (where the external examiner considers that a failed student should pass)?

External examiners will normally only see a sample of marked scripts. It can be unfair on students if external examiners are permitted to change marks of the sample that they see. A student's marks might be increased or reduced as a result - whereas a student whose script is not included in the sample will not be the subject of any advantageous or disadvantageous changes. If an external examiner has concerns about a mark awarded to an individual student or wider concerns about the examining arrangements and marking standards these should be raised with the institution and discussed at the examination board that the external examiner will attend. Marks might be changed as a result.

A provider should not expect to use an external examiner as a marker.

Regarding the duties of external examiners, will external examiners be required to visit a provider?

It is anticipated that an external examiner will visit each institution to which he or she is appointed on up to three occasions each year. Once to meet with staff and students, once to attend the examination board and, at least during their first year of appointment, once for familiarisation/induction to the particular provider and its programme(s).

Is it an SRA requirement that assessments are marked anonymously and that there should be anonymity of students at Assessment Boards?

The SRA does not stipulate whether marking or Assessment Board reports should be anonymous. The SRA does however expect providers to take account of the QAA's Code of Practice. If the provider includes in their validation application to the SRA that there will be anonymous marking and Assessment Board reporting then the SRA will expect them to continue with this practice, otherwise the provider will need to make an application to the SRA to vary the validated course.

Electives

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We deliver one of our electives in conjunction with tutor practitioners from a firm of solicitors. All of the teaching is provided by the team from the firm and those tutors write the draft assessment paper and undertake the first marking of the students' scripts. However, the firm team liaises with the LPC team, and one member of staff in particular, regarding aspects of delivery and assessment. Also, that member of staff (who is experienced in that area of law and practice) reviews and amends the draft assessment paper prior to submission to the external examiner, and second marks students' scripts before sending relevant scripts to the external examiner. The external examiner in each case then liaises with the member of staff. Can the SRA confirm that this is not an arrangement whereby separate authorisation and validation will be needed for the elective subject.

In this case the SRA would consider that the provider rather than the firm is responsible for the course and the assessment. It is assumed, in giving this answer, that the provider's examination board would ultimately be responsible for any award. As such, the firm would not need to be separately authorised. The arrangements would, of course, need to be considered during the validation of the elective.

Regarding the elective groupings, what is the status of elective subjects that fall into more than one group? For example, our Private Client elective covers Vulnerable client law, as well as Wills, probate and tax planning. How will such electives affect the requirement that students will be required to complete electives from at least two different groups? In addition, is it possible to clarify what the elective group Personal litigation refers to should this be Personal injury litigation?

The elective groups are reasonably broad. Overlap is inevitable. The aim of the grouping is simply to ensure that students, particularly those who choose to take their electives with different providers, do not follow three electives that cover broadly the same practice area. When an elective is validated it will be put into one of the elective groups the provider will be asked to indicate into which of the groups it should be placed, or whether it is so innovative a new group should be formed to accommodate it. Personal litigation could include personal injury and medical negligence litigation.

We currently offer a validated elective in Business leases, Competition Law and a separate elective in Advanced Commercial law. Presumably these could still be delivered under the scheme for Vocational electives even though not specifically mentioned on the provisional list?

Yes. The list is provisional only. There is no intention to close down opportunities for students to follow a wide range of practice areas through their elective choices. New elective groups will be added over time.

Elective assessments

We are considering offering electives based on clinical experience and advocacy. It would not be feasible to assess either of these on the basis of a three hour



examination. Will we be able to vary the assessment vehicle for such electives?

The assessment requirements included within the information pack do not require assessments to take the form of examinations. Other forms of supervised assessments are permitted. Providers will need to include their assessment strategies in their validation applications and to detail how each element of their course will be assessed.

Notional learning hours

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Notional learning hours in higher education are normally apportioned on the basis of 40 hours study per week. The GDL requires 1620 study hours (including examination periods) over 36 weeks. This gives an average weekly study time of 45 hours per week (significantly higher than the 40 hours generally used in higher education). The LPC requires 1400 notional learning hours (excluding summative assessment periods). On this basis we calculate that the shortest period in which Stage I could be delivered is 27.5 weeks (plus summative revision and assessments). Is this correct?

The SRA has not published the shortest period over which an LPC can be provided. The validation criteria include the requirements that the learning outcomes and the specific SRA requirements are fully incorporated into the design of the course. The course should provide a coherent learning experience for students and should enable diligent students to achieve and demonstrate the learning outcomes.

Validation panels will look for evidence that the teaching and learning strategy and the design of the course have been informed by some or all of the following: experience, staff expertise, accepted good practice, student feedback, an understanding of professional requirements and external input. Such evidence will be looked for when the validation panel considers the length of time over which a course is to be delivered.

The Learning Outcomes require that by the end of an LPC students should be able to reflect on their learning and identify their learning needs.

This is the only outcome that need not be summatively assessed during the course. Validation panels will therefore need to give particular



consideration to how a course is designed and structured to ensure that students achieve this outcome.

A provider that wishes to deliver a course that will involve a greater number of weekly notional learning hours than is typical for higher education would need to demonstrate to the satisfaction of the validation panel that the validation criteria have been satisfied and that the quality of the student experience will be monitored and evaluated.

The Notional Study Hours totalling 1100 attributed to Stage 1 of the LPC can give rise to a student workload of 60 hours per week or more, particularly if the course design has contact hours that are close to the set minimum of 110. Is this what the SRA intended? Does the SRA have a view on the maximum weekly number of study hours that students can be expected to undertake?

The student workload per week will depend on the number of weeks over which the course is structured. That is for providers to determine, but see the answer to the previous question.

In respect of the notional learning hours can we be given some guidance on what could possibly be "double counting". This is particularly relevant to the skills where they are taught in the context of, say, one of the core areas. If, for instance, we teach 1.5 hours of drafting within the context of PLP does that count as 1.5 hours of drafting, 1.5 hours of PLP or 1.5 hours of each?

There should be no double counting. Drafting would normally be taught in a practice context. If a provider decides to use one of the core practice areas as the context - a reasonable choice as it will give students an opportunity to enhance and reflect on their understanding of that core practice area - the time will be allocated to the drafting requirement. This is a logical position; if a provider decides to teach drafting in the context of a field of practice that is not covered on the LPC, the time allocation would have to be given to the skill and the skill alone. It is expected that providers will not seek to stick rigidly to the minimum allocation of notional learning hours when designing their courses.

Class contact

Is there a maximum number of students that can be taught in an interactive learning group? We assume

that 18 would be acceptable, but what about, say, 48?

The SRA has not set a maximum group size number. A provider will need to demonstrate to the validation panel how the validation criteria will be satisfied by its approach to interactive group learning. It will also need to publish information about the maximum number of students there will be in the different types of teaching and learning sessions included in the course. The information will also be published by the SRA and applicants will be encouraged to use this information when making their LPC applications.

Attendance requirements

Are there any attendance requirements? For example, could all weekly class contact on a full-time course be confined to a single day?

The SRA has not set requirements regarding the pattern of required attendance. Again, the validation criteria that concern the incorporation of the learning outcomes, the coherence of the learning experience and the ability of students to achieve the learning outcomes are the key requirements to consider when addressing this question. Validation panels will look for evidence that the approach has been informed by good practice, experience, student feedback etc.

The award

If a student attends one provider for Stage 1, and then goes on to study the electives at three other providers, will the SRA keep a central record of that student's progress? If not, who will be responsible?

The provider will issue transcripts to students recording their progress. Transcripts will be issued for Stage 1 and for each of the three electives. As now, providers will notify the SRA of students who have attended, passed and failed their courses. This will enable the SRA to maintain a record of a student's progress.