

PETER SCOTT CONSULTING

For once, a potentially positive outcome from regulation

In November of this year the new continuing competence training regime comes fully into effect and for once it may be that the SRA's approach to regulation will potentially result in positive and beneficial consequences for law firms and their clients. The caveat to this is however that the result is only likely to be beneficial if law firms grasp this as an opportunity and do not treat it as a compliance burden.

The current hours – based CPD requirements are being replaced by a continuing competence requirement and the SRA has produced a toolkit on its website

<https://www.sra.org.uk/solicitors/cpd/tool-kit/continuing-competence-toolkit.page>

to help law firms and their solicitors understand and comply with the new regime. In order to comply with their regulatory requirement to provide a proper standard of service, solicitors will need to reflect on their practice and undertake regular learning and development so their skills and knowledge remain up to date.

In particular, solicitors will need to

- Reflect on their practice to identify their learning and development needs;
- Plan how they will address those needs;
- Address those learning and development needs;
- Record the learning and development they undertake; and
- Evaluate whether their learning and development they have undertaken has addressed those needs.

In reality, law firms are unlikely to leave this to their individual lawyers but instead should be organising for the training and development needs of all their lawyers to ensure they provide not only a proper standard of service to clients but also that all training and development which is undertaken is tailored to the needs of the business.

The Statement of Solicitor competence is very broad in scope and law firms should be reflecting on the development needs of their people in the broadest manner possible. The new training regime should therefore be viewed by law firms not as a compliance burden but more importantly as an opportunity to help their people to develop in ways which will improve their individual performance and the overall performance of the business.

However to do this well will require firms to have the appropriate people resources available. Larger firms have for long had their training and development professionals – but smaller firms? Many smaller firms are already over – stretched in just trying to provide for the other management infrastructure requirements a modern law firm needs. How will they find the people resources to not only ensure their people meet the new competency requirements but do so in a manner which really does improve their peoples' abilities and levels of performance to enable firms to gain a

competitive edge over rivals? That is going to be the challenge and opportunity for law firms arising out of the new continuing competency regime.

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