

# A Competence Statement for Solicitors

## Consultation questionnaire form

### Question 1

**Does the competence statement reflect what you would expect a competent solicitor to be able to do?**

MASS agrees that the competence statement does reflect what you would expect a competent solicitor to do. In particular, the way each part of a solicitors role has been broken down into sub-sections that communicate clearly the different responsibilities a solicitor has:

- Ethics, professionalism and judgement
- Technical legal practice
- Managing themselves and their work
- Working with others

This effectively highlights all the areas in which a solicitor should be competent.

## **Question 2**

**Are there any additional competences which should be included?**

MASS believes the consultation has effectively picked up all areas of competence and does not wish to add anything further.

### **Question 3**

**Have we struck the right balance in the Statement of Legal Knowledge between the broad qualification consumers tell us they understand by the title solicitor and the degree of focus which comes in time with practice in a particular area?**

MASS agrees that there should be a balance between specialist practice and the broad knowledge needed by solicitors in the areas of law the SRA has identified in the Statement of Legal Knowledge.

This balance seems right, however as the research undertaken demonstrates, there seems to be a lack of understanding by consumers of how solicitors generally operate in one or two specialist areas.

## **Question 4**

**Do you think that the Threshold Standard articulates the standard at which you would expect a newly qualified solicitor to work?**

MASS accepts that the Threshold Standard clearly lays down the standard that a newly qualified solicitor should be operating at.

It also provides standards above and below the threshold to help would-be solicitors to identify where they sit in the Threshold Standard and to lay out clearly how they need to operate in order to reach competence.

These standards seem reasonable to provide protection to consumers, but allow individual firms to develop their own competence standards for newly qualified solicitors.

## **Question 5**

**Do you think that the Statement of Legal Knowledge reflects in broad terms the legal knowledge that all solicitors should be required to demonstrate they have prior to qualification?**

MASS believes that the SRA have clearly outlined in high level detail all the areas that a solicitor should have knowledge that they can demonstrate in the Statement of Legal Knowledge.

## **Question 6**

**Do you think that the Competence Statement will be a useful tool to help entities and individuals comply with Principle 5 in the Handbook and ensure their continuing competence?**

MASS agrees that the Competence Statement can be effectively merged into existing competency frameworks within law firms or act as a guide for firms wishing to implement these into their practice.

As it is linked into Principle 5 of the Handbook, MASS suggests that it will not only be up to the individual to decide what is expected of them but that firms will also want to develop their views and internal policies on what is expected of each regulated individual at their firm, based on their position and responsibilities.

## Question 7

**Are you aware of any impacts, either positive or negative, which might flow from using the competence statement as a tool to assist entities and individuals with complying with Principle 5 in the Handbook and ensuring their continuing competence?**

MASS suggests that there will be positives and negatives for both individuals and for firms from using the new Competence Statement.

By having the Competence Statement, it is now clear exactly what a solicitor has to do in order to be competent. It is clear, easy to read and is broken down into areas that are relevant to them, their clients and their colleagues.

The Competence Statement can also help law firms to effectively produce competency frameworks for their solicitors and start to measure effectiveness not just by billable hours.

However, it may be difficult for solicitors to effectively identify the most suitable learning, training or development they need in order to be competent. In addition, where there is a focus on fee earning, now there is no specific amount of set hours needed, there may be a risk of some solicitors not gaining the technical knowledge they need to do their jobs competently and MASS wonders how these solicitors will be identified.

As with all new systems, there needs to be effective procedures in place for solicitors to be sure that they can demonstrate their competence. This goes hand in hand with firms feeling comfortable with the fact that their staff are meeting the Competence Statement and that they are not going to be non-compliant with Principle 5 of the Handbook as a firm because they do not understand the system or how their staff can remain continuously competent.

MASS suggests that the profession would benefit from clear guidance on how the SRA intends to monitor how individual solicitors are managing their competence level (in accordance with the Competence Statement) and how their respective law firms are assisting them to do so.