

New Law Journal – CPD feature

Points don't make prizes

The television series Torchwood used to start with a man standing on a roof in Cardiff and the words "everything changes". Clearly recent fundamental changes in government have created an air of change. But even before the change of government, continuous professional development (CPD) was in for an unsettling time. This was signalled in the Solicitors Regulation Authority's (SRA) paper of February 2007 entitled *The Way Ahead* and it is worth noting that the recently announced Legal Services Board review of legal education extends to include CPD. And the most fundamental area of change will be around lawyers' attitudes to CPD.

Change is being driven with the move to a world where outcomes and demonstrated competences will become a key part of lawyers' lives and disciplines which they will have to embrace. The evidence can already be seen with the SRA's move towards the introduction of outcomes-focused regulation, their proposals for work-based learning to replace the training contract and in a similar set of outcomes on which ILEX is consulting.

These are the thin end of the wedge and their impact on attitudes towards CPD will be profound. The question will be, not how many courses have you (and your staff) been on in the past year, but what did they improve as a result and how can you demonstrate this?

Gone will be the days of attending courses to just make up your points tally for the year. Times when, with one ear to what was being said, participants were getting on with client work out of sight of the course presenter's eyes.

The SRA's draft outcomes-based handbook prescribes under Client Care that each solicitor must, individually, ensure that

"you have the resources, skills and procedures to carry out your clients' instructions;"

and

"the standard of service you provide to clients is competent and prompt."

In addition, it becomes the responsibility of those managing the business that

"you train individuals working in the firm to maintain a level of competence appropriate to their work and level of responsibility;"

So, if the SRA gets its way, lawyers will need, actively, to show how CPD and other activities contribute to the maintenance and the improvement of their own competence and that of others. How might lawyers show this link?

- Ask recent course returnees to cascade their new knowledge by delivering an update to their colleagues. This is more direct and more likely to be paid attention to than a large wodge of photocopied notes appearing on desks. It is also a test of the returnee's understanding of what was covered on the course.
- Ask people, as a condition of funding to attend a course, exactly what improvements to their practice they envisage will result, then follow that declaration up afterwards at their appraisal.
- Collect feedback, specifically on what individuals have learned, on internally-delivered courses.
- Hold clinics where there is active discussion of problematic files.

CPD shouldn't be something done to you (as entertainment), but something done with and for you. There's still a case for the quick and dirty update on a difficult area of law, even if you come away thinking "That didn't tell me anything I didn't know", provided you are also, positively, thinking "so that confirms I'm already up to date".

Think about the possibility of different approaches to CPD: as clinic; as sandbox; as role-playing game; as water-cooler moment. The clinic to which individuals bring their own knotty problems on cases that they haven't been able to solve themselves; the sandbox in which you think about and perhaps try out different ideas about your own procedures and practice (and to which you might invite your clients?); the role-playing game where you play a simulation through, trying out different ideas that you wouldn't dare test on a real client; the water-cooler moment where, simply in discussion, you find out what others are thinking on the issue and what their approaches are.

And, of course, as a mature practitioner, you are a participant in CPD activity not only as a customer but as a provider: an expert lecturer; the facilitator of a clinic session; a full participant in discussion? Why should the medics be the only people to articulate formally as part of their statement of Good Medical Practice that:

"Teaching, training, appraising and assessing ... are important ... now and in the future. You should be willing to contribute to these activities"

CPD points of themselves don't mean the prize of improved knowledge or competence is attained but, with a bit of creativity and thought, points can be made to mean prizes all round.

Ends

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