



**The Open  
University**

**University of California, Los Angeles  
School of Law**

**International Legal Ethics Conference  
Lawyers in a World Crisis  
13-15 August 2022**

**The formation of professional identity through the  
trailblazer solicitor apprenticeship in England.**

**© Roland Fletcher  
Senior Lecturer in Law  
r.fletcher@open.ac.uk**

# Contents

<b>Abstract .....</b>	<b>2</b>
<b>Introduction .....</b>	<b>3</b>
<b>Putting the law into practise .....</b>	<b>3</b>
<b>The Problem with the Training Contract .....</b>	<b>4</b>
<b>Qualifying work experience .....</b>	<b>5</b>
<b>Is the solicitor apprenticeship opening up access to the legal profession? .....</b>	<b>8</b>
<b>Opening up the legal profession to a wider sector of society .....</b>	<b>9</b>
<b>A statutory right to work-based learning and classroom learning .....</b>	<b>11</b>
<b>The trailblazer apprenticeship – a devolved matter.....</b>	<b>13</b>
<b>Guided learning .....</b>	<b>14</b>
<b>Routes to qualify as a solicitor under the new legal education framework .....</b>	<b>15</b>
<b>Navigating the solicitor apprenticeship journey .....</b>	<b>17</b>
<b>The development of a professional identity .....</b>	<b>18</b>
<b>The nature of learning inside the solicitor apprenticeship.....</b>	<b>19</b>
<b>Acknowledgement.....</b>	<b>22</b>
<b>Reference List.....</b>	<b>23</b>
<b>Interviews .....</b>	<b>26</b>

## Abstract

The introduction of the solicitor apprenticeship in England and Wales has reintroduced the work-based learning model to train and qualify as a lawyer. This is placing the responsibility with the employer for providing the apprentice with the practical experience and day-to-day knowledge needed to practise law. For the apprentice this is a personal journey. It is an inter-dependent relationship between the apprentice and principal who will be providing the necessary guidance and instruction. It is within this framework that the apprentice will develop their professional identity and the rules of professional conduct. They will need to question and make sense of their experiences whilst interacting within their community of practice. This paper draws upon the experiences of solicitor apprentices and how they are developing their role, their values and professional identity.

**Keywords:** professional identity. Work-based learning. Professional conduct. Apprenticeship model. Ethical formation.

## Introduction

The trailblazer solicitor apprenticeship model is a contemporary apprenticeship model and forms part of the wider landscape of the new legal education framework, introduced by the Solicitors Regulatory Authority (SRA), the governing body for solicitors, in September 2021. As a relatively new pathway to qualify this paper is examining the professional identity of solicitor apprentices and how they see their role as legal practitioners developing. It is the apprentice's perspective that informs this research and provides a narrative from inside this new work-based learning model. Theoretical concepts on work-based learning are drawn upon to support the discussion but it is the interviews with solicitor apprentices that reveal how learning is taking place for them and how they see themselves. Thirty-two solicitor apprentices were interviewed and they discussed their journey as a solicitor apprentice and how their personal experience in the workplace has shaped them as professional practitioners.

## Putting the law into practise

The very nature of practice and a professional pathway to practise law necessitates qualifying work experience. It is essential for a period of recognised training (PRT) to take place and is approved by the SRA in order to qualify as a solicitor. It is during this PRT the aspiring solicitors will develop the necessary skills that will allow them to draw upon abstract knowledge and put the law in to practise. For example, solicitor apprentices will need to draft documents, follow specific procedures in order to represent their clients and conduct themselves in accordance with the ethical procedures and practices of a professional practitioner. The regulator for solicitors have focused on these aspects in their reforms and created a new form of assessment which they claim will assess the level of competency and entry to the profession. This new form of assessment is managed and controlled by the regulator and they believe a summative assessment will assess the legal knowledge and the standards expected of a day-one qualified solicitor.

## The Problem with the Training Contract

It is important to understand that there were barriers which prevented law graduates in the UK from qualifying as a solicitor. For example, there was a fundamental problem with the allocation of qualifying work experience (QWE) in the form of a two-year training contract. There were too many graduates and not enough training contracts in the market. The QWE is the key to qualifying as a solicitor in the UK. The SRA recognised the rigidity of the training contract and the lack of opportunity to qualify. This is supported by the Law Society's Annual Statistics Report (ASR) produced in 2022 which demonstrated that out of the 17,076 law graduates in 2020 there were only 5,626 trainee placements available (Law Society's ASR, 2022, pp.41-46). Alongside the lack of training contracts the SRA were also concerned about the signing-off as competent for those trainee solicitors who had completed a two year training contract. The SRA found that there was no internal monitoring of trainee solicitors and how they were being signed-off as competent by employers. The SRA felt this needed to be addressed as each and every year only a small number of trainee solicitors would fail to be admitted after following a period of recognised training. This was discussed by the SRA in their first consultation paper:

*... there is no external mechanism to enable firms to benchmark performance standards they apply to sign off trainees. This raises concerns about whether or not everyone who qualifies has reached the high standard that we would expect.*

(SRA, 2013 pp.11-12)

These are some of the problems which initiated the reforms which now form part of the new educational framework. A framework which incorporates new pathways to qualification such as the solicitor apprenticeship. The SRA believe a centralised end-point-assessment, the Solicitors Qualifying Exam (SQE), produced and delivered by an independent contractor will maintain consistent standards. The SRA have also promoted a flexible QWE system as they believe this will address some of the inequalities to qualify. These inequalities are drawn out in the next section of this paper and developed through secondary materials dealing with access to enter elite professions such as the legal profession.

## Qualifying work experience

Qualifying work experience has been re-invented by the SRA who no longer prescribe how legal firms supervise their apprentices. Firms can now tailor the work they want the solicitor apprentice to undertake in order to fit with their own business model. This raises the question whether the work given to the solicitor apprentice is developing the rights skills, knowledge and behaviour? Also, the employer no longer signs-off the solicitor apprentice as competent in the workplace (SRA, 2021a). The QWE is not signing off that the apprentice/trainee solicitor is competent. The employer is signing off a period of qualifying work experience. Instead, competency is now assessed by an external exam which is controlled by the regulatory body, the SRA. It is concerning that a regulator is not involved in the on-going regulation of qualifying work experience. This concern was discussed with a representative from the SRA. The following questions was posed: "I'm thinking as a regulator what's your input or overview of the kind of structure of the apprenticeship inside the workplace?" (8<sup>th</sup> February 2022):

*None so whatever, really. I mean I suppose in a way we would regulate assuming that the apprentices are employed by firm of solicitors or in-house or government. We might regulate that body as an entity. We do not specify any training inputs for the apprentices in the way that we don't specify inputs for anybody doing the SQE. That was our old approach. You know, if you want to be a solicitor you have to do this and then do this and then do this and then you do this and you'll be a solicitor. The fundamental point of SQE is that we are focussed on competence against a clear transparent framework at the point of qualification, at the right standard, sort of thing. So we don't regulate in anyway the apprenticeship training.*

(SRA representative, 8<sup>th</sup> February 2022 at p.3)

From an outside view this may be concerning but when training and the types of training and quality of training was discussed with solicitor apprentices, they were positive about how they were treated and the level of training they were receiving. For example, in one interview a solicitor apprentice discussed how they felt about their experience and how this experience has changed them:

*I think I feel much more comfortable. I feel like I know what I'm doing. Probably when I first entered the legal world I was like really nervous to pick up the phone and stuff like that. Whereas now I don't think twice about it. Yeah, I just feel generally more like I know what I'm doing. That's the good thing about the solicitor's apprenticeship because I think if I'd had gone to University you don't get as much training in sort of day-to-day life things.*

(Solicitor apprentice No.2, 16<sup>th</sup> October 2020 at p.5)

The interviews drew out a number of points and provided a body of knowledge which has informed this research. It was the voice of the solicitor apprentices who shared their experiences and from an inside view of how learning is taking place for them and has shaped them as professional practitioner. This was evident from an interview with a solicitor apprentice who had completed three-years of the apprenticeship at the time of the interview. When asked “do you feel that learning has been taking place through what you have experienced?” It was evident that tacit learning had been taking place. From listening to the answer, you were able to hear that experience and how it was shaping this individual as a practitioner of their discipline:

*Absolutely, just to think at my age now, I'm now 21 and when I first joined at 18 to think of certain things that I'm doing now it really helped me to grow-up, it really made me mature at a quicker pace. The people I work with have taught me a lot. I was out of my comfort zone and I do not think that with the experience I've had it really pushed me, challenged me, I feel that I've grown at a quicker rate because of that.*

(Solicitor apprentice No.8, 26<sup>th</sup> January 2021 at p.2.)

Hearing how this person was developing and how they felt about their experience was demonstrating that learning was taking place for them. This was work-based learning and the research of Eraut (2001) and Billett (2001 and 2012) underpin this form of learning through the apprenticeship model. To understand how Solicitor apprentice No.8 was developing the appropriate skills and work-based knowledge they were asked: “what about the type of work you are undertaking?” The response gave an insight to the day-to-day work experience that Rogoff (1990) had illustrated in her work when discussing the repetition of work on a day-to-day activity. In this instance the solicitor apprentice provided their account of their workday experience and how this has developed their skills and knowledge as a practitioner:

*Last week I was asked to draft a document dealing with a personal injury case. The main document had already been drafted and I was asked to look at the defence documents and draft a response. I find this challenging as I need to read through the file and find out what has happened. I feel better now I've done this a few times and am quite comfortable in a pressured environment. My work colleagues understand the challenges that I'm facing and they are very supportive. They take their time with me and explain how to deal with any specific questions I have. They do expect me to try and work things out for myself and then go to them when I have explored the matter. I still have a lot to learn. My age, experience does not come in to play as I've been there [in the legal firm] for a number of years now, and getting on with my degree, that has relevance as well in that they [colleagues] appreciate and identify some of the problems faced.*

(Solicitor apprentice No.8, 26<sup>th</sup> January 2021 at p.2.)

This qualifying work experience is shaping education and professional practice. This is creating a site for learning in the workplace. It is creating an opportunity for qualified practitioners to share knowledge and their expertise with these apprentices. This is where future practitioners begin their journey and the formation of their professional identity. They are integrating and becoming part of their community of practice through the exposure of different types of legal work whilst being part of the legal environment which will nurture the necessary skills and expertise to practise as a solicitor (SRA, 2022d). The authentic work-related experience of the solicitor apprentice is the preparatory stage which will shape that individual's professional practice. The development of skills and competencies was discussed during an interview with the apprentices. When asked: Can you give me an example of the type of work that you are undertaking on a day-to-day basis and how are you developing as a practitioner? One apprentices who was in their second year of their apprenticeship responded by saying:

*So, within the property team I currently do a lot of drafting, draft a lot of contracts, a lot of deeds and variations. I do a lot with external clients, obviously I do have people supervising me. I am doing all that within my role and if there is any research based task in the team a lot of people delegate that to me and then supervise me on that. ... I think one of the quirks, actually when you're working in an environment which is full of qualified people, they are specialists in their area it always pushes you kind of to reach to that level of excellence, you know for what they are doing.*

That is also another thing that I find really quite helpful about working in the team.

(Solicitor Apprentice No.16, 12<sup>th</sup> October 2021 at p.6)

It is this socialisation process which enables the practitioner (apprentice) to gain the experience through the direct exposure of a lived experience which will in turn develop the necessary skills that will be assessed as part of the new legal education framework (SRA, 2022c at time frame: 5.00-5.52). Zemblyas (2006) believes that this approach is creating a work-based curriculum:

*Work, rather than disciplinary knowledge, becomes the curriculum shaping learning, and the goal of studies becomes the development of skills and knowledge required for successful performance in the workplace.*

(At page 293)

This is a position supported by Billett (2001) who believes that the work-based curriculum evolves by developing the lower skills and moving along a trajectory that moves towards higher cognitive skills with experience.

### **Is the solicitor apprenticeship opening up access to the legal profession?**

It is the SRA's intention that the solicitor apprenticeship pathway will open up access to the legal profession through a wider section of society (SRA, 2015). The SRA are aware of the inequalities that existed under the out-going legal educational framework, such as the limited opportunity to gain qualifying work experience (QWE). This is the crux of the matter which has acted as a barrier to qualifying as a solicitor (SRA, 2015). Occupational access to the legal profession has had negative implications due to the restricted entry into the profession. This is evident from the Law Society's annual statistics report (2022) which demonstrates each and every year there are limited places available to qualify due to the insufficient number of training contracts which provide the qualifying work experience. This has had a severe impact on the mobility trajectory of law graduates (Ashley et al, 2015). The new legal education framework now requires a minimum of two-years qualifying work experience. Richard Williams from the SRA believes this is:

*... [A] real big benefit of the innovation of qualifying work experience ... It really does open up admission to many more potentially competent individuals becoming solicitors by removing the golden ticket of a training contract for admission which did create a barrier to qualification for many, many individuals.*

(SRA, 2022c at time-frame: 6.10-6.59)

It is by examining these past forces, which have had a negative effect on qualifying as a solicitor, which will develop a richer context when dealing with the restructuring of the legal education framework and unravelling the drivers behind the changes that have and are taking place. This has created an opportunity to examine the relationship between entry into the legal profession and how these apprentices are nurtured and evolve as legal practitioners.

### **Opening up the legal profession to a wider sector of society**

The SRA have undertaken research using the Bridge Group (2017, 2020a and 2020b) who have investigated the aspects of equality, inclusion and diversity when dealing with entry to the profession. The SRA are hoping the apprenticeship pathway will address the balance between the numbers of law graduate and limited opportunity to obtain a period of recognised training (PRT) to qualify as a solicitor. The economic impact report by Malcolm (2015) and produced by the Bridge Group for the SRA identified the attractiveness of the apprenticeship route for those who are from a lower income backgrounds (at p.56). It was found that a work-based learning pathway would give access to a wider sector of society. Malcolm (2015) believes entry to the legal profession would be accessible to a wider ranging applicant through the apprenticeship model. However, Malcolm's perception of the candidature and why they would follow the apprenticeship route is disconcerting as it suggests the apprentice needs additional support in order to acquire the appropriate knowledge to practise law. This was evident in the following statement which was made when the trailblazer solicitor apprenticeship was sanctioned and introduced by the SRA:

*The apprenticeship route provides a longer period of time in which individuals can assimilate information and also get used to an unfamiliar culture of a corporate environment. It was thought that apprenticeships*

*may be a more forgiving environment in early years compared to graduate routes and by the time graduates arrive at the same firm, those from lower income backgrounds have the advantage of knowing the firm better than the new trainees.*

(Malcolm, at p.56)

This statement is reflective of the time it was made as the trailblazer solicitor apprenticeship has been constructed and introduced as a degree apprenticeship. There is an entry qualification for the apprenticeship. The apprentice must obtain three A Levels and five GCSEs which includes English Language and Maths. This is a similar entry requirement at higher educational institutions in the UK. Many of the apprentices who contributed to this research had been offered a place at University but chose, instead, to follow the apprenticeship pathway. They had the choice to follow the academic route but having been successful in their application they have pursued the apprenticeship pathway. It will be shown why they made their choice but at this juncture it is interesting to observe the commentary when considering an apprenticeship pathway and how the stigma of choosing an apprenticeship instead of enrolling as a full-time student is viewed. As an example, this very point was raised by one of the solicitor apprentices during an interview who stated:

*... there's a bit of a stigma around apprenticeship that sometimes people see it as the easy way out. I definitely noticed that when I got, when I told my school that I was going to do an apprenticeship. There was a lot of like ... not a fantastic reaction. It was a bit of a stigma. Like why aren't you going to University instead but I would say that the apprenticeship is probably more difficult than the University route. Obviously trying to secure a training contract is very difficult. With the apprenticeship you're trying to balance your University work and your work, work. That can be quite difficult.*

(Solicitor apprentice No.19, 30<sup>th</sup> October 2021, p.14)

Many of the solicitor apprentices who took part in this research are the first trailblazer solicitor apprentices. They are a vital component of this research as they are able to provide a narrative which has been captured in the written word for the first time.

For this apprentice they felt the decision they were making was not approved by their school. The apprentice had a place at University but having been successful at interview chose the apprenticeship pathway to qualify. The essence of the above

statement draws out some of the components that make up this apprenticeship model. As a contemporary apprenticeship it offers the opportunity to acquire the knowledge from experiential learning and classroom learning. It is distinguishable from the earlier research undertaken by Lave and Wenger (1991) or the work of Billett (2001, 2002 and 2012) as the trailblazer apprenticeship is incorporating two forms of knowledge which a professional practitioner needs to be a competent solicitor on day-one of qualifying. This will be developed but at this point it needs to be made clear that the trailblazer apprenticeship model is employer-led. It is based on occupational standards of a practitioner and not on a framework apprenticeship which is based on learning outcomes. The framework apprenticeships in England have been phased out and are being replaced by the trailblazer apprenticeship(s). This apprenticeship model is subject to an external assessment and, in this instance, is controlled by a regulatory body the SRA (Malcolm, 2015). These are factors which demonstrate the differences between this apprenticeship model and previous models (ibid).

### **A statutory right to work-based learning and classroom learning**

The trailblazer apprenticeship has a statutory right to one-fifth study leave. This equates to four-days in work and one-day study leave. This allows solicitor apprentices to read for their degree and train to be a solicitor at the same time. These apprentices will have the same qualifications as those who go to University, prior to undertaking qualifying work experience. The main difference is that the trailblazer solicitor apprentice's employer pays the higher education tuition fees, who in turn is able to draw down government funds from the apprenticeship levy. Tuition fees and incurring debt was one of the reasons why many solicitor apprentices have chosen this pathway. During an interview with a solicitor apprentice who was asked: "So, why did you choose to follow the apprenticeship pathway? The response provided a real insight to the decision-making process and how this was the right choice for them:

*I've always wanted to get my foot in the door so I didn't want to be just one of those University graduates that maybe have a first under their belt and was trying to find a job but with the apprenticeship pathway that I've been offered and undertaking you're getting all that experience as you're going along. Getting a degree at the same time. That's just specific to the apprenticeship that I'm doing because it's a degree apprenticeship but*

*you're completely debt free and learning on the job. You're qualified as anyone else doing it.*

(Solicitor apprentice No.18, 28<sup>th</sup> October 2021 at p.2)

This was a common theme that kept reoccurring when discussing the reason why these solicitor apprentices decided to take the work-based learning route instead of going to University full-time. Also, many apprentices feel that the solicitor apprenticeship is misunderstood and there is a negative view of vocational education or a vocational pathway. For example, in an interview with one apprentice it was apparent that the apprenticeship pathway was not understood and tends to be viewed in a parallel mind set:

When I'm introduced as a solicitor apprentice, you have to explain it. So, you have to tell them what you're doing, you know. What your level of qualification is and things like that. So, I think people are just wary because they don't quite understand what it is and like we, we're saying the word apprentice can have a negative connotation because they might think that you're still training, so you don't know anything, or you weren't smart enough to go to University and things like that. I hate it when people say why did you do an apprenticeship instead of going to University? That really, really gets on my nerves because I didn't do an apprenticeship instead of going to University. I did an apprenticeship so I could go to University.

(Solicitor No.14, 17<sup>th</sup> March 2021, p.13)

This solicitor apprentice was in their fifth year of their apprenticeship at the time of the interview. When the apprentice was asked about their early educational background they said: "My educational background is quite standard to be honest. I went to a state school. I've never been to sort of an independent or selective school or anything like that" (Solicitor No.14, 17<sup>th</sup> March 2021 at page 2). It was later revealed during the interview that this apprentice obtained a first-class honours law degree and is on course to qualify as a solicitor. This is one example and this theme dealing with entry to the legal profession and social economic background comes through in a number of interviews.

It is important to draw out the issues of inequality and how they may be addressed and this was the core of the Social Mobility Commission (the Commission) which was established in 2012. Its raison d'être was to evaluate and recommend change in order to address the issues of entry to the elitist professions, such as the legal profession. The Commission found that the educational background of a sector of society was at the core of the social divide (Sutton Trust, 2019). The work of Friedman and Laurison (2019) found that:

*... those what went to Russell Group Universities, those from privileged backgrounds who only got a lower second class degree are still most likely to enter a top occupation than those from working class backgrounds who come out of Universities with a first.*

The most pressing question is why? It is by listening to these apprentices' experiences and how they see their development as a professional practitioners and whether the trailblazer solicitor apprenticeship is addressing some of these issue. It is the solicitor apprentice who is best placed to explain if entry into the profession is accessible and how learning is taking place inside this apprenticeship model. The interviews are providing answers and one of these answers is economic background. The apprentice had the grades to go to University but was not able to afford to go. Also, many apprentices felt the fees were a gamble if there was no training contract. It is their perspective and narrative which is providing this insight on why they chose the apprenticeship pathway. How they see themselves as a professional practitioner and their professional identity is developing through the apprenticeship model.

### **The trailblazer apprenticeship – a devolved matter**

The first half of this paper has provided examples of learning through qualifying work experience. This section of the paper provides some background to this apprenticeship model and why it is available in England.

The trailblazer apprenticeship model was introduced in England as a devolved matter and it is based on the development of occupational standards. These standards are defined and produced by a body of individuals who represent their profession and are referred to as the trailblazers. In this instance the trailblazers are a group of legal

practitioners and the Solicitors Regulatory Authority (SRA). Together they have formulated the occupational standards expected of a day-one qualified solicitor. These standards align with the SRA's Statement of Solicitor Competence, Threshold Standards and Legal Knowledge.

As a relatively new apprenticeship model, incorporated by the Solicitors Regulatory Authority (SRA), it forms part of the new legal education framework. The first intake of solicitor apprentices began their learning journey in 2015. It is a journey made up of two-halves but with the same destination: the Solicitors Qualifying Exam. The main-body of this journey takes place in the workplace. They are exposed to authentic workplace activities and deal with clients. The work-based activities are shared with the apprentice who will be able to ask questions and contribute to the activities under the guidance of an experienced practitioner. This form of learning is reflected in the work of Lave and Wenger (1991) who discussed how learning is initiated by the community of practitioners from within the workplace. They focussed on how the apprentices internalises knowledge which is transmitted from others or an experienced interaction with their community of practitioners which contributed to the development of practical knowledge, which over a period of time they were able to put into practise (ibid, p.47). Their work discussed the craft-apprenticeship which formed part of their empirical study of various forms of craft-apprenticeships (1991). They provided a conceptual framework which allows you to visualise the journey of the apprentice who would start from the outside, become a member of the community and develop the skills and knowledge by participating from inside the workplace.

### **Guided learning**

Guided learning by experienced practitioners acts as a role model for the apprentice who is able to observe, listen and reflect on how the law is put in to practise through day-to-day activities. The use of the apprenticeship as a model of learning has shown that learning is taking place through active engagement through interdependent work-based tasks. Billett (2016) sees this form of learning as self-initiated learning which builds learner's occupational capacities which will sustain their on-going development throughout their working lives. Billett (2016) sees this form of learning as constructing

knowledge and skills from individual experiences. He describes this process as “constructing knowledge ... premised upon what we already know, can do and value arising from earlier experiences” (Billett, 2016, P.615). Whereas the work of anthropologists such as Marchand (2008) and social constructivist such as Vygotsky (1978 and 1986) focussed on the way an individual constructs a schematic framework through their engagement with their everyday experiences. Their interaction with their community, society and their workplace provide an opportunity to generate knowledge through shared activities. According to Vygotsky (1978) the workplace is a cultural tool which builds upon prior experiences and supports independent learning. Knowledge developed through work-based activities is implicit and absorbed by the participant. These shared experiences shape the way an individual perceives, interprets and constructs knowledge. It is vital that the appropriate guidance is provided and supported by an experienced practitioners. It is the practitioner who will be passing on their skills and knowledge. Marchand (2008) describes this form of learning as:

*Immersion in a learning environment that, in addition to facilitating technical know-how, structures the practitioner’s hard-earned acquisition of social knowledge, worldviews and moral principles that denote membership and status in a trade (p.246).*

The literature reveals how the personal epistemological practices support with the learning process. However, it is important to understand how these theoretical concepts dealing with learning are taking place inside the trailblazer solicitor apprenticeship.

### **Routes to qualify as a solicitor under the new legal education framework**

The new legal educational framework has made fundamental changes to the way aspiring solicitors enter the legal profession and qualify. The fundamental change is qualifying work experience which is placed at the beginning of the qualifying pathway and not at the latter part of the journey. This is in complete contrast to the traditional route to qualify where the aspiring solicitor would complete the academic stage prior to acquiring the qualifying work experience. Below is an illustration of a comparison between the legal education framework that is being phased out and the new legal

education framework. This diagram provided by the SRA (2021b) which formed part of a series of webinars which discussed the new qualifying route and the significant changes that have now taken place. The diagram illustrates both the old and new legal education framework and the SRA are placing qualifying work experience, or as it was referred to as a training contract, at the latter part of the qualifying pathway. Whereas, for the solicitor apprentice qualifying work experience is at the beginning of their qualifying journey. The apprenticeship is synonymous with a journey which in essence is creating an occupational identity (Fuller and Unwin, 2009). The individual experiences of the apprentice will contribute to the formation of a professional practitioner who will be dealing with legal issues on a daily basis, such as corporate law, civil litigation, property law, commercial law and criminal litigation.

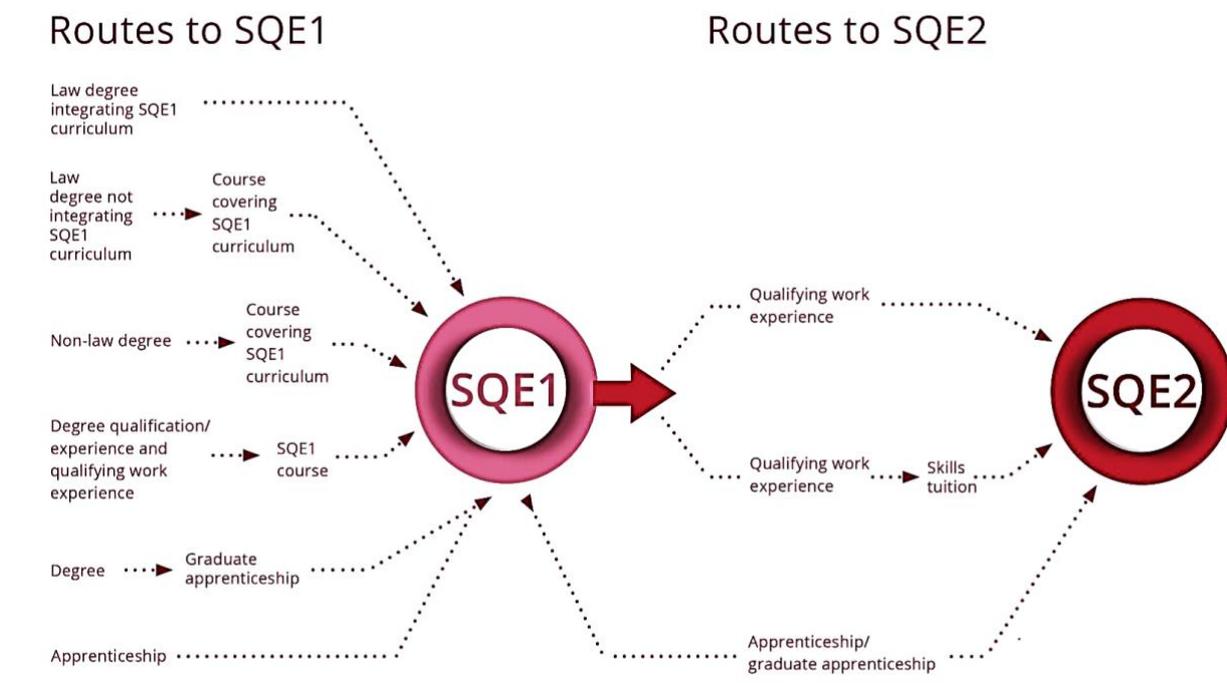
**Below is an illustration of the old framework and the new legal education framework.**



(SRA, 2021b)

## Navigating the solicitor apprenticeship journey

The solicitor apprentice will need to navigate their personal journey and integrate within their community of practitioners (Lave and Wenger, 1991). They will have to develop their role and will need to adopt the workplace norms, such as using the appropriate mannerisms and language when dealing with clients. It was during the interviews with the solicitor apprentices you were able to gauge their experience through the language they used and how they related to their professional practice. The apprenticeship pathway is but one of the new routes and to capture the essence of the alternative routes, created by the SRA, a diagram has been produced by the SRA (2021b) and is provided below. You will see from the left-hand side of the diagram that there have been five pathways created. This research will focus on the fifth route, which is located at the bottom of the diagram on the left-hand side. The progression moves from the left across to the right and this is the trajectory for learning and qualifying as a solicitor through a six-year solicitor apprenticeship.



## The development of a professional identity

This paper has captured the experiences of the interviewees who took part in this research. Speaking to these individuals about why they undertook the apprenticeship pathway and how learning is taking place inside the workplace has been revealing. As young adults who left school and started work in a legal firm it was interesting to hear how they saw themselves and how they see their professional identity forming through practising their legal skills whilst working with their clients. It is this social engagement with their mentors in the workplace and their relationship with their clients which is instrumental to the formation of a professional identity. They develop a moral responsibility for their clients, the general public, who place their trust in this fiduciary relationship. This requires solicitor apprentices to practise law in accordance with a code of practice produced by their governing body, the SRA. As an apprentice they are introduced to these ethical codes of practice through their work and as part of their academic studies. For example, they will receive guidance and tuition on professional conduct and regulation in matters such as the SRA Account Rules and how a solicitor should handle money belonging to a client or third party. Working practices such as this will be brought to the attention of the solicitor apprentice during the early stages of their apprenticeship. The importance of disseminating this knowledge of the Rules is reflected in Rule 1.2 which places managers as jointly and severally responsible for compliance by all employees. This apprenticeship model creates the opportunity to work with these codes of conduct by putting them in to practise through the work they undertake.

The solicitor apprentices are dealing with real clients and it is not a simulated classroom exercise. They are developing an understanding of their role as a professional practitioner through their relationships with a range of stakeholders which include their clients, the courts, probation service, and social services whilst being guided by their mentor or supervisor inside the legal practice. The ethics of legal practice is introduced to these apprentices as part of their legal studies as part-time students. They will be introduced to ethical dilemmas which confront them with questions to answer (Katz, 2013). They develop this role in the workplace as a legal practitioner which continues to shape their professional identity.

## The nature of learning inside the solicitor apprenticeship

Classroom learning and work-based learning develops different forms of knowledge. This is discussed in the work by Sfard (1998) who developed two metaphors for learning and how different forms of knowledge are acquired. She used the terms acquisition metaphor which relates to abstract knowledge acquired in the classroom from textbooks. Whereas the second type she describes as the participation metaphor. This is where you become a participant, such as an apprentice and gain the knowledge and skills related to your work or profession. Lave and Wenger (1991, p.29) use the phrase “situated learning” which refers to the apprentice’s situation, their environment, where they are adopting the mannerisms, culture and business practices within their workplace. This perspective has been adopted in this research as the site of learning for these apprentices is the workplace, alongside part-time study. Professional development is cultivated from within the workplace. Horden (2015) supports this approach and he believes the working environment will have its own socio-cultural characteristics and this will have a range of experiential learning aspects for the apprentice (Hordern, 2015, p.178). The different forms of learning and how they contribute to professional identity was discussed with solicitor apprentices. One interviewee was asked: “Do you think there is a good relationship with your academic course and your day-to-day experience as a practitioner?” The response to this question was:

*Yes in terms of learning the law and how it all work. How it all fits in to practise. Even though it is not necessarily how you might imagine if you went to University at 18 and had worked in a law firm or anything. A lot of it makes more sense than through the traditional route because even just basics like how the court systems work and how the English legal system works all of that I've learnt from experience. We have to do lots of meetings and drafting at University and it is exactly the same as the things I read on a daily basis from Barristers and Solicitors.*

(Solicitor Apprentice No.7, 18<sup>th</sup> January 2021, pp.8-9)

This demonstrates a good blend of classroom learning and work-based learning. For this apprentice they were able to build on their studies in the classroom through their

workplace experience. The apprenticeship model is well suited for aspiring solicitors as it places the student-apprentice in the role of a professional practitioner. They are exposed to authentic working practices which will develop their relationship with any complex ethical issues and at the same time shapes and forms their professional identity (Katz, 2013).

Many of the solicitor apprentices that were interviewed had been in practice for between three or five years and it was interesting to hear them talk about their identity. How they see their professional development and how their experiences have shaped them as practitioners. This was evident when one apprentice was asked: "So, how do you see your professional identity now?" The response provided a working interpretation of how an individual was initiated and has evolved whilst being exposed to a working legal environment:

*Oh, that's a great question. I, I'm so focussed I think on progressing. So now that I'm almost qualified, at the moment I'm seeing myself as you know trainee slash trainee lawyer and I think people at work, that I work with see me as a junior lawyer and they absolutely trust me. So I feel very confident and secure in my position and I'm just thinking ahead now to qualification next year. So, I should qualify next year slash July, Summer-time. And my next thoughts on my sort of business personality is to just progress and I want to take on more responsibility. Learn more and all this time is going to be freed-up from studying. To then put into my work and also to have a personal life back, which will be great. So, I think once you've got the bug it's always there so I'm already looking at Masters Degrees that I want to do and you know postgrad certificates in Intellectual Property [Law]. So I see myself sort of progressing hopefully a lot quicker than I would have progressed had I done the traditional routes because I've got all this experience behind me.*

(Solicitor apprentice No.14, 17<sup>th</sup> March 2021, p.14)

This is the nature of the apprenticeship which cultivates the identity of the solicitor apprentice through engaging them in work activities. It was clear from the discussions that took place that the workplace had contributed to the development of their professional identity. Their earlier experiences provided them with the foundation to construct a body of work-based knowledge which supported them in their formation as a professional practitioner. The workplace was constructing their knowledge and this form of learning was tacit. They were interpreting their individual experiences during

the interviews which allowed you to see how they had been constructing their knowledge from their experiences. This form of learning was an active and on-going process which they were drawing upon past experiences and how they had built upon that knowledge in the present.

The Solicitors Qualifying Exam(s) (SQE) have influenced and shaped the education of these legal practitioners as it is the solicitor apprenticeship which has been used as the blueprint for the new legal education framework. It is attempting to address some of the inequalities that have existed in the past whilst making the main site for learning the workplace. It is inside this model the professional practitioner will develop their ethical and moral code of practice.

## Acknowledgement

The author wishes to acknowledge the contributions of those solicitor apprentices and the SRA who have contributed to this research. Without their contribution this paper would not have been possible. Thank you.

## Reference List

Billett, S. (2001) *Learning in the Workplace: Strategies for effective practice*, Australia: Allen & Unwin.

Billett, S. (2012). *Towards an account of learning through practice: Traditions, practices and potentials*. University of Paderborn, Department of Business and Human Resources and The Centre for Vocational Education and Training, [Online Video]. Available from: <https://www.youtube.com/watch?v=dh7FI1oJpuo> [Accessed: 23 August 2017].

Billett, S. (2016) Apprenticeship as a mode of learning and model of education, *Education + Training*, Vol.58, Issue.6, pp.613-628.

Bridge Group (2017) *Introduction of the Solicitors Qualifying Examination: Monitoring and Maximising Diversity*, Available at <https://static1.squarespace.com/static/5c18e090b40b9d6b43b093d8/t/5cd1814424a694c851539d54/1557234002824/06+Research+2017+Solicitors.pdf> [Accessed June 2018]

Bridge Group (2020a) *SQE: Monitoring and Maximising Diversity*, Available at <https://www.sra.org.uk/globalassets/documents/sra/news/sqe-monitoring-and-maximising-diversity.pdf?version=4a00fc> [Accessed 21 May 2021].

Bridge Group (2020b) *Research, Action, Equality: Socio-economic background and progression to Partner in the law*, 25<sup>th</sup> September 2022 webinar, Available at: [Bridge Group launches report on socio-economic diversity and progression to partner in the law — Bridge Group \(thebridgegroup.org.uk\)](https://www.thebridgegroup.org.uk/news/research-action-equality) [Accessed 13<sup>th</sup> July 2022].

Eraut, M. (2001) The Role and Use of Vocational Qualifications, *National Institute Economic Review*, No.178, pp.88-98.

Freidman, S. and Laurison, D. (2019) *The Class Ceiling – Why it Pays to be Privileged*, Bristol: Policy Press.

Fuller, A. and Unwin, L. (2009) Changes and continuity in apprenticeship: the resilience of a model of learning. *Journal of Education and Work*, Vol.22, No.5, pp.405-416.

Hordern, J. (2015) Higher apprenticeships in England: professional and vocational formation. *International Journal of Training Research*, Vol.13, No.3, pp.174-193.

Katz, J. (2013) Teaching Professional Identity in Law School, *The Colorado Lawyer*, Vol.42, No.10, pp.45-48.

Lave, J. and Wenger, E. (1991) *Situated Learning: Legitimate Peripheral Participation*, New York: Cambridge University Press.

Marchand, T.H.J. (2008) Muscles, Morals and Mind: Craft Apprenticeship and the Formation of Person, *British Journal of Educational Studies*, Vol.56, No.3, pp.245-271.

Malcolm, K. (2015) *Indicative economic impacts of a new qualification framework for solicitors*, A report for the SRA, October 2015 available at: [Indicative economic impacts of a new qualification framework for solicitors \(sra.org.uk\)](http://www.sra.org.uk/indicative-economic-impacts-of-a-new-qualification-framework-for-solicitors) [Accessed January 2022].

Sfard, A. (1998) On Two Metaphors for Learning and the Dangers of Choosing Just One, *American Education Research*, Vol.27, No.2, pp.4-13.

Solicitors Regulatory Authority, (2013). *Policy Statement: Training for Tomorrow. Ensuring the Lawyers of Today have the skills for tomorrow*, available at <http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/policy-statement.page> [Accessed 17 August 2017]

Solicitors Regulatory Authority (2015) *Training for Tomorrow: Assessing Competence*. Available at <http://www.sra.org.uk/sra/consultations/t4t-assessing-competence.page> [Accessed 9th July 2018].

Solicitors Regulatory Authority (2021a) *Qualifying Work Experience – Answers to Common Queries*, SRA Webinar 21 January 2021 [Online Video]. Available from: [Qualifying work experience - answers to common queries - YouTube](#) [Accessed 18 March 2021].

Solicitors Regulatory Authority (2021b) *How Qualifying as a Solicitor is Changing*, 17th June 2021. Available at: [SQE - how qualifying as a solicitor is changing - Bing video](#) [Accessed 28<sup>th</sup> July 2022].

Solicitors Regulatory Authority (2022c) *Qualifying Work Experience Explained*, 6<sup>th</sup> April 2022. Available from: [Qualifying work experience explained - YouTube](#) [Accessed 12<sup>th</sup> July 2022].

Sutton Trust (2019) *Elitist Britain 2019: The educational backgrounds of Britain's leading people*, The Social Mobility Commission. Available at: [Elitist-Britain-2019.pdf \(suttontrust.com\)](#) [Accessed 14<sup>th</sup> July 2022].

The Law Society (2022) *Trends in the solicitors' profession Annual Statistics Report 2020*, March 2022. Available at: [Annual statistics report 2020 | The Law Society](#) [Accessed 16 April 2022].

Vygotsky, L. (1978) *Mind in Society: The development of higher psychological processes*, ed. M. Cole et al, Cambridge, MA: Harvard University Press.

Vygotsky, L. (1986) *Thought and Language*, London: MIT Press.

Zemblyas, M. (2006) Work-based learning, power and subjectivity: creating space for a Foucauldian research ethic, *Journal of Education and Work*, Vol.19, No.3, pp.291-303.

## **Interviews**

Solicitor Apprentice No.2, 16<sup>th</sup> October 2020

Solicitor Apprentice No.7, 18<sup>th</sup> January 2021

Solicitor Apprentice No.8, 26<sup>th</sup> January 2021

Solicitor Apprentice No.14, 17<sup>th</sup> March 2021

Solicitor Apprentice No.16 12<sup>th</sup> October 2021

Solicitor Apprentice No.18, 28<sup>th</sup> October 2021

Solicitor Apprentice No.19, 30<sup>th</sup> October 2021

SRA Representative, 8<sup>th</sup> February 2022