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Article

Law firms as learning environments: are Higher Apprenticeships in law an emerging face of clinical legal education in England?

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Abstract

This article explores the impact of Higher Apprenticeships in Law in England on clinical legal education and the evolving pedagogy of using the legal workplace as a site of learning. While existing literature has addressed elements of work-based legal learning and clinical pedagogy separately, there remains a significant gap in understanding how the apprenticeship model interacts with – and potentially reshapes – clinical legal education frameworks. Drawing on the author’s extensive and long-standing experience within the Northumbria University Student Law Office, one of the UK’s leading law clinics, this article offers a practitioner-informed perspective on how Higher Apprenticeships are influencing the design, delivery, and pedagogical assumptions of legal education. It sheds new light on the challenges and opportunities of integrating structured workplace learning into academic clinical environments, offering original insights into how these dual systems can be aligned to better support student development and ethical practice. In doing so, this article makes an original contribution by bridging the theory-practice divide and identifying practical strategies for enhancing clinical pedagogy in the context of legal apprenticeships.

The article argues that the NU Solicitor Apprenticeship presents a unique opportunity to innovate clinical legal education by integrating work-based learning with established clinical methodologies. It demonstrates how the apprenticeship model can deliver the same pedagogical benefits as traditional clinics, such as ethical awareness, research, teamwork and independent learning, while also deepening engagement with the legal profession. This integration has the potential to enrich both clinical programmes and professional relationships, positioning legal clinicians to lead in shaping the future of legal education.

Keywords: Clinical Legal Education, Solicitor Higher Apprenticeship, Work-Based Learning

Introduction

After a review of legal services education and training in 2013,¹ the Regulator for solicitors in England and Wales, the Solicitors Regulation Authority ('SRA'), began a radical reform of legal education.² This reform led to the creation of the solicitors qualifying examination ('SQE'), which was introduced in 2021.³ The SQE is a centralised exam, made up of two tests, SQE1 and SQE2. SQE1 is a functioning legal knowledge single best answer multiple choice exam. SQE2 is a practical skills assessment which also tests functioning legal knowledge.⁴ The creation of the SQE opened the pathways available to those seeking to qualify as a solicitor. Prior to 2021, the SRA had already worked with a group of legal employers to create a Solicitor Apprenticeship, which incorporated the SQE as the apprenticeship end-point assessment.⁵ This apprenticeship was ready to be delivered in September 2015, several years before SQE was approved as a form of assessment by The Legal Services Board.⁶

This article considers the relationship between this pathway to qualification and clinical legal education. To create context, it concisely explores the historical development of the apprenticeship model of learning in the UK, tracing its evolution to the current apprenticeship standards in place today. The article examines Northumbria University's engagement with work-based learning within its law school, highlighting the integration of such learning into its legal education programmes. It considers how work-based learning has been developed alongside the institution's clinical legal education provision. This discussion is situated within the broader context of workplace pedagogy, with particular attention to the challenges and opportunities presented by the apprenticeship pathway.

Background to Apprenticeships

An apprenticeship can be defined simply as 'a system of training whereby an individual develops skills and knowledge whilst at the same time working for an employer.'⁷

Whilst conceptualising the workplace as a learning environment has only occurred in the last two decades,⁸ the concept of learning 'from work, at work' can be traced back to the middle ages; young people learning their trade whilst working alongside a master in their field.⁹ Although the workplace and methods of training have considerably changed since the middle ages, the philosophy behind this

¹ WEBB, J., CHING, P., MAHARG, A., & SHERR, A. 2013. Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales. *Legal Education and Training Review*. Online.

² Solicitors Regulation Authority. 2013. *Training for Tomorrow Ensuring the lawyers of today have the skills for tomorrow* [Online]. Solicitors Regulation Authority. Available: <https://www.sra.org.uk/globalassets/documents/sra/training-tomorrow.pdf?version=49a4a5> [Accessed 03.05.24].

³ Legal Services Board 2020. Legal Services Board approves significant changes to how solicitors qualify. online: The Legal Services Board.

⁴ Solicitors Regulation Authority 2024. *The Solicitors Qualifying Examination* [Online]. Available: <https://sqa.sra.org.uk/about-sqa/what-is-the-sqa> [Accessed 06.05.25].

⁵ Institute for Apprenticeships and Technical Education (2015) Solicitor ST0246]. Available at: [<https://www.instituteforapprenticeships.org/apprenticeship-standards/st0246-v1-0>].

⁶ Legal Services Board 2020. Legal Services Board approves significant changes to how solicitors qualify. online: The Legal Services Board.

⁷ LEE, D. 2012. Apprenticeships in England: an overview of current issues. *Higher education, skills and work-based learning*, 2, 225-239. P.225

⁸ HARTEIS, C. & BILLET, S. 2008. The workplace as learning environment: Introduction. *International Journal of Educational Research*, 47, 209-212.

⁹ GILLARD, D. 2011. Education in England: a brief history.

mode of learning as a ‘meaningful vehicle for the development and transference of occupational skills, knowledge and understanding’ remains the same.¹⁰

The virtues of learning whilst working, have been noted by successive UK governments, and various initiatives have been formulated over the years to rejuvenate and adapt the system of apprenticeships in the UK.¹¹ In 1993, the government announced the new Modern Apprenticeships scheme.¹² As these apprenticeships developed, national frameworks were introduced in the early 2000’s, that defined ‘the minimum standards required for each apprenticeship’.¹³ In 2013, the UK government announced the creation of groups of ‘Trailblazers’ who were tasked with designing new standards for Higher and Degree Apprenticeships. This was in response to recommendations made by Doug Richard, an entrepreneur, educator and founder of School for Startups,¹⁴ who was tasked by the UK government with conducting a review of the apprenticeship system.¹⁵

The shift from frameworks to standards was a move to improve the quality of apprenticeships and place the employers at the centre of their design.¹⁶ The underpinning motivation for the latest reform of apprenticeships in the UK, was the need to increase the UK’s skills base and increase productivity to compete in the global market.¹⁷ The Apprenticeship Standards enable employers to define the knowledge, skills and behaviours required for occupations within their sector. The aim of this employer led approach, is to ensure that the apprenticeship meets the needs of industry. Higher and degree apprenticeships can also provide a pathway into regulated professions, enabling apprentices to develop ‘the higher level technical skills needed to improve productivity and support businesses to compete internationally.’¹⁸

Productivity is not the sole purpose behind apprenticeship reform. Apprenticeships are viewed as one of the most effective tools available to the UK government to address the issue of social mobility.¹⁹ Some argue that in the UK there is a stagnation in social mobility, and an increasing gulf between

¹⁰ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173. P.154

¹¹ LEE, D. 2012. Apprenticeships in England: an overview of current issues. *Higher education, skills and work-based learning*, 2, 225-239.

¹² MIRZA-DAVIES, J. 2015. *A short history of apprenticeships in England: from medieval craft guilds to the twenty-first century* [Online]. Online: Uk Parliament. Available: <https://commonslibrary.parliament.uk/a-short-history-of-apprenticeships-in-england-from-medieval-craft-guilds-to-the-twenty-first-century/#:~:text=The%20first%20national%20apprenticeship%20system,apprenticeships%20should%20last%20seven%20years.> [Accessed 11.06.24].

¹³ Ibid.

¹⁴ Department for Education (2013) *The Future of Apprenticeships in England: Next Steps from the Richard Review*. London: Department for Education. Contains public sector information licensed under the Open Government Licence v3.0.

¹⁵ Richard, D. (2012). *The Richard Review of Apprenticeships*. Department for Business, Innovation and Skills, London. Contains public sector information licensed under the Open Government Licence v3.0.

¹⁶ Department for Business, Innovation & Skills (2015) *Apprenticeships (in England): vision for 2020*. Available at: GOV.UK Accessed: 02.05.25. Contains public sector information licensed under the Open Government Licence v3.0.

¹⁷ LEITCH, S. 2006. *Review of Skills: Prosperity for All in the Global Economy - World Class Skills*. In: TREASURY, H. (ed.). London: Her Majesty's Stationary Office.

¹⁸ Department for Business, Innovation & Skills (2015) *Apprenticeships (in England): vision for 2020*. Available at: GOV.UK [Accessed: 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0. p.18.

¹⁹ Social Mobility Commission (2020). *Apprenticeships and Social Mobility: Fulfilling Potential*. Available at: <https://www.gov.uk/government/publications/apprenticeships-and-social-mobility-fulfilling-potential/apprenticeships-and-social-mobility-fulfilling-potential> [Accessed: 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0.

classes.²⁰ This has resulted in increased scrutiny on the diversity in traditionally viewed elitist professions such as law.²¹

Whilst apprenticeships have historically been seen as an alternative to Higher Education (HE), the UK government's drive to see them as not only a genuine alternative to HE but as part of HE, means Higher Education Institutions (HEI's) need to understand what they are. As the UK economy becomes increasingly skills based, universities need to adapt and ensure that the programmes they develop are fit for purpose.²²

In the UK there are higher and degree apprenticeships. As defined by the UK government, '[h]igher apprenticeships go from level 4 to 7 and are equivalent to a foundation degree and above. Degree apprenticeships are available at levels 6 and 7 and are equivalent to a full bachelor's and Master's.'²³ The Solicitor Apprenticeship is a level 7 higher apprenticeship.²⁴

The creation and inception of this route of study raises questions, particularly to clinicians and advocates of experiential and work-based learning. The integration of practical skills into academic programmes and the value of experiential learning through real legal work are well-established principles within clinical legal education. There is no universal definition of clinical legal education,²⁵ and clinical legal education can take many different forms.²⁶ Clinical activities are rooted in experiential learning, students learning from their experiences.²⁷ The question is whether apprenticeships are a natural continuation of this work?

Moving learning to the workplace

Northumbria University's Student Law Office (SLO) is an in-house legal clinic operating in a similar way to a law firm. The students engage in experiential learning, working on live client cases under the supervision of qualified lawyers and case workers. They undertake this work in a secure legal clinic within the university. Various projects have been delivered by the SLO over the years, some of which involved students delivering legal advice in external settings, such as libraries, or delivering advice to the local community with the support of local law firms, in their legal office. It was an entirely new challenge for Northumbria University Law School ('the law school') to move a learner's entire experiential experience to the workplace. It was done on a smaller scale as part of the SRA's Work-based Learning pilot in 2011.²⁸ As part of this pilot, the law school created a fully qualifying degree, which took the student through all stages of education and training required to be a solicitor within 5 years. The qualification titled 'M Law (Solicitor)' introduced external placements/internships in the summer between years 3 and 4 of the student's academic law degree programme. The student was required to spend 3 months working in a law firm or legal organisation, during this time they were required to comply with low level learning outcomes such as 'becoming familiar with a legal

²⁰ Ibid.

²¹ Bridge Group. (2018). *Socio-economic background and early career progression in the law*. [online] The Bridge Group. Available at <https://www.thebridgegroup.org.uk/research-1/2018/9/3/career-progression-in-the-law> [Accessed 02.05.25].

²² Ibid.

²³ Department for Education. (2022) *Guidance: Higher and degree apprenticeships*. [online] Available at: <https://www.gov.uk/government/publications/higher-and-degree-apprenticeships> [Accessed 11.06.24]. Contains public sector information licensed under the Open Government Licence v3.0.

²⁴ HOOD, C. & SIMMONDS, C. 2022. The solicitor apprenticeship. *The Law Teacher*, 1-7.

²⁵ KERRIGAN, K. A. M., VICTORIA 2011. *A Student Guide to Clinical Legal Education and Pro Bono*, Basingstoke, Palgrave.

²⁶ AMSTERDAM, A. G. 1984. Clinical Legal Education—A 21st Century Perspective. *Journal of Legal Education*, 34, 612-618.

²⁷ Ibid.

²⁸ BMG RESEARCH - JUNE WISEMAN, P. R. E. D. 2012. Final evaluation of the Work-Based Learning (WBL) pilot. Online.

environment'. In year 4 of their studies, they returned to university and completed their academic studies, whilst also completing a double module in the SLO. In essence, they were given the opportunity to experience two different areas of law in our clinic during the academic year, and work with two different academic practitioner supervisors. As standard assessment practice in our law clinic, they produced a portfolio of their work that was assessed in accordance with the clinical module grade descriptors. At the end of the academic year, they then returned to the law firm/legal organisation and undertook a paid period of work. This lasted 15 months. During this time, they were required to compile a further comprehensive portfolio of their work, demonstrating their competency against the SRA Day One Outcomes for a solicitor.

On completion of their 15-month placement and subject to successful completion of all academic modules and competency of their portfolio, they were granted admission to the roll as a qualified solicitor, as well as awarded an honours law degree with integrated masters.

Moving the learning into the workplace created a new dynamic learning experience. In our in-house clinic we provide an authentic replication of real practice due to the fact we conduct live client work. Their office is a student office, situated in a university. The students are surrounded by other students. Whilst this has benefits as they can collaborate and support each other in their learning, placing students in the workplace involves them learning from other professionals and employees of a legal organisation; from 'experienced others'.²⁹ Billett states, that by placing the learner into the workplace environment they are surrounded by 'important clues, cues and models that assist individuals thinking and acting and hence, their learning and understanding.'³⁰

As part of our clinical teaching in the SLO we embrace the experiential learning theories of Lewy, Piaget, Dewey, and Kolb, encouraging students to reflect upon their learning experiences and develop deeper level of insight into their practice.³¹ We can slow down and break down the experience, encouraging reflection.³² We pride ourselves on the fact that the students 'learn by doing'. The '[c]linical pedagogy involves a system of self-critique and supervisory feedback so that law students learn how to learn from their experience. The high staff-student ratio and collaborative learning environments support a climate in which each student is motivated to improve and perform at their best.'³³ They learn from the feedback they receive, and we support them in developing their own style. This is true of the work done in the SLO, the learning is controlled by the student, they complete the work and receive feedback. Whilst they work in groups, it is an individual learning experience.

The workplace on the other hand creates a 'home' for the learner in which they can experience, observe, and develop all within a 'community of practice.'³⁴ Not only experiencing legal work in real time, but also observing colleagues dealing with the same and facing the challenges of everyday practice. Learners' knowledge can be developed by indirect guidance. Observation and directly interacting with experienced co-workers whilst they complete tasks, play a critical role in the learning experience.³⁵

²⁹ BILLETT, S. 2000b. Guided learning at work. *The journal of workplace learning*, 12, 272-285. P.272.

³⁰ Ibid. p.1.

³¹ KOLB, A. Y. & KOLB, D. A. 2005. Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education. *Academy of Management learning & education*, 4, 193-212.

³² ROGER BURRDIGE, K. H., ABDUL PALIWALA, TRACEY VARNAVA 2002. *Effective learning and teaching in law*, London, London : Kogan Page.

³³ RICE, S., EVANS, A., NOONE, M., GIDDINGS, J., CODY, A. & COPELAND, A. 2012. *Best practices: Australian clinical legal education*.

³⁴ LAVE, J. & WENGER, E. 1991. *Situated Learning: Legitimate Peripheral Participation*, Cambridge, Cambridge University Press.

³⁵ BILLETT, S. 2000a. Guided learning at work. *Journal of Workplace Learning*, 12, 272-285.

Much can also be said for learning by observing those more experienced. Lave and Wenger developed the concept of legitimate peripheral participation.³⁶ Their research established that learning takes place by the less experienced on the periphery of the community in which they practice. As the learner gains experience, they take on more responsibility within that community and move from the role of 'novice' to expert.³⁷

Experienced co-workers can assist the learner in navigating their way through their experiences as well as providing insight and guidance. As stated by Billett, 'the knowledge required for vocational practice does not emanate from within the individual. Instead, it is socially constituted and refined over time.....Direct guidance by experienced co-workers and indirect support and guidance from workplace artifacts and other workers aid access to socially derived knowledge and assist in the development of the intrapsychological (within the individual) attributes required for workplace performance.'³⁸ Whilst we pride ourselves on teaching 'best practice' in clinic, many 'tricks and tactics' required to thrive in a legal environment can arguably be taught better in the workplace. In the workplace a learner can develop skills that cannot necessarily be taught in clinic, such as the importance of time recording and billing.

Interestingly working in a legal environment can also develop the learner's sense of identity as a legal professional and, the identity of the legal profession within that learning environment. It can also give them motivation to learn and develop. The concept of identity as part of the learning process, is noted in Lave's work, a 'motivation to learn is stimulated by recognition of the gap between themselves, and more knowledgeable and skilful "colleagues" (full participants), and awareness that increased learning brings benefits in terms of the development of adult identities which are associated with occupational status.'³⁹

The workplace as a learning environment, is obviously not without its challenges. Whilst surrounding yourself with experienced co-workers could assist learning, it can also be detrimental if the practices taught by those co-workers are incorrect or unethical. Studies have found that 'learning accessed through participation at work alone may not be sufficient for developing the requirements of expertise at work.'⁴⁰ One of the reasons offered for this was that learners were learning 'short cuts and aspects of inappropriate practices.'⁴¹

Further the impact of co-workers is only positive if they can provide appropriate guidance and support to enable the learner to make sense of the tasks. 'Simply because people are knowledgeable, it does not automatically follow that they will be able to teach.'⁴² Cole suggests that 'time' and 'desire' are two of the important factors in a workplace 'mentor'.⁴³ Time is not something which many legal practitioners have, whilst we could argue we have little time in clinic it is our role and responsibility, to make that time. To those in legal practice this is unlikely to be their role or primary responsibility.

The motivation and goals of a law firm or legal organisation are in general, different to that of an academic institution whose focus is on the learner and learning activity. The tension between those

³⁶ LAVE, J. & WENGER, E. 1991. *Situated Learning: Legitimate Peripheral Participation*, Cambridge, Cambridge University Press.

³⁷ Ibid.

³⁸ BILLETT, S. 2002. Toward a Workplace Pedagogy: Guidance, Participation, and Engagement. *Adult Education Quarterly*, 53, 27-43. P.32.

³⁹ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173. P. 160.

⁴⁰ BILLETT, S. 2000b. Guided learning at work. *The journal of workplace learning*, 12, 272-285.

⁴¹ Ibid.

⁴² COLE, L. R. 1989. Training the Mentor: Improving the Ability of Legal Experts to Teach Students and New Lawyers Symposium 1989 *N. M. L. Rev*, 19, 163. p.165.

⁴³ Ibid.

motives may have a detrimental impact on the learner.⁴⁴ There is always a fear when placing a learner in the workplace that they are not exposed to adequate learning experiences, which are required for the development of their learning.⁴⁵ The lack of control had over the learners on our M Law (Solicitor) programme whilst they were in the workplace was in stark contrast to the control we have over students in the SLO. On the M Law (Solicitor), we relied on the student to update us if they had concerns about the level of support and guidance they were receiving. We were relying on the law firms to guide, support and provide adequate experiences whereas in the SLO as academics and practitioners, we have that responsibility.

As stated by Fergusson:

*'[i]t has been established that human beings learn via a significant number of separate, but often overlapping and interconnected, channels of exchange. These channels have been variously called learning strategies, learning methodologies, learning conditions, pedagogical practices and approaches to learning.'*⁴⁶

Participation in the workplace can provide a learner with a rich learning experience, but arguably to become a knowledgeable, experienced legal practitioner, you need an appreciation for the underlying legal basis upon which decisions are made and actions taken. It is the combination of theory and practice which will enable the learner to develop deep levels of learning.⁴⁷ This knowledge needs to be 'transmitted' to the learner, something which requires formal teaching.

It is acknowledged that a key element of experiential learning is that of self-reflection. Having the ability and time to 'stocktake' and 'reflect', enables the learner to place their experiences into context.⁴⁸ It creates a deeper level of learning. Whilst most individuals reflect naturally, the process if less obvious to some, often requires a facilitator to encourage and assist in the reflective process. In clinical legal education, the slowing down of the work and the facilitation we as clinicians offer to assist in the reflective process, is not something which the workplace can always offer. Reasons for this could be due to time constraints on those in the workplace or a lack of understanding and knowledge about reflection and its importance to learning and development.

Apprenticeships are by their nature, work-based learning programmes, using a workplace as the learning environment. The question is how to address the negative aspects of using the workplace learning environment and support a learner to learn effectively on a legal apprenticeship.

Northumbria University Solicitor Apprenticeship

The Northumbria University Solicitor Apprenticeship ('NU Solicitor Apprenticeship') was delivered to its first cohort in September 2018.⁴⁹

⁴⁴ EVANS, A. & HYAMS, R. 2015. Specialist Legal Clinics: their pedagogy, risks and payoffs as externships. *International Journal of Clinical Legal Education*, 22, 34.

⁴⁵ BILLETT, S. 2000a. Guided learning at work. *Journal of Workplace Learning*, 12, 272-285.

⁴⁶ FERGUSSON, L. 2022. Learning by... Knowledge and skills acquisition through work-based learning and research. *Journal of Work-Applied Management*, 14, 184-199. P.184.

⁴⁷ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁴⁸ HELYER, R. 2011. Aligning higher education with the world of work. *Higher Education, Skills and Work-Based Learning*, 1, 95-105.

⁴⁹ The Northumbria Solicitor Apprenticeship is based on the original Standard approved for delivery from 2015. It is noted that this Standard was revised in January 2024. This article does not address the revisions required to the apprenticeship to meet the revised Standard.

The Solicitor Higher Apprenticeship has an approved Apprenticeship Standard.⁵⁰ This Standard sets out the knowledge, skills and behaviours ('KSBs') the apprentice must demonstrate to be deemed competent to practice as a solicitor. The specified assessment for this apprenticeship is in two parts. There is an on-programme assessment and an end-point assessment. The on-programme assessment is the formal specified assessment required whilst the apprentice is on their apprenticeship. This takes the form of a work-based portfolio demonstrating competency of the KSBs to the SRA competence statement threshold standard,⁵¹ and completion of Solicitors Qualifying Examination 1 (SQE1).⁵² The end-point assessment, is the impartial final assessment of the apprenticeship, which is the Solicitors Qualifying Examination 2 (SQE2).⁵³

The apprentices are subject to the same assessments as anyone seeking to enter the legal profession as solicitors. The SQE assessments which were introduced in 2021, are externally delivered, centralised tests split into SQE1, which tests functioning legal knowledge and SQE2 which assesses skills and practice.⁵⁴ As well as these centralised assessments, it is a requirement that training providers also assess the apprentices during their apprenticeship in both their legal knowledge and skills, to ensure that they are developing the KSBs to enable them to pass their on-programme and end-point assessment.⁵⁵ The completion of the on-programme assessment and SQE, already speaks to the robust nature of this pathway to qualification as a solicitor.

The formal rules governing apprenticeships require the apprentice and employer to have an apprentice agreement of which the training provider must have a copy.⁵⁶ As well as this apprenticeship agreement being in place, prior to the start of an apprenticeship there is a requirement for a 'Statement of Commitment' which is signed by the apprentice, employer and training provider. This statement 'is intended to reassure apprentices that they are undertaking a valuable and well-structured training programme.'⁵⁷ Working together the training provider and employer support the apprentice on their learning journey. A journey which should enable them to successfully meet the requirements of the apprenticeship. This journey must be clearly recorded and monitored.⁵⁸

Arguably the requirements of this programme are stricter than that of an undergraduate law degree programme. Due to the funding of apprenticeships, the Education Skills Funding Agency sets strict

⁵⁰ Institute for Apprenticeships and Technical Education (2015) Solicitor [ST0246]. Available at: <https://www.instituteforapprenticeships.org/apprenticeship-standards/st0246-v1-0>

⁵¹ Solicitors Regulation Authority. (2019) *Statement of solicitor competence*. [online] Available at: <https://www.sra.org.uk/solicitors/resources/continuing-competence/competence-statement/> [Accessed 15.08.23].

⁵² Institute for Apprenticeships and Technical Education 2021. *Apprenticeship standard leading to qualification as a solicitor Assessment Plan* [Online]. Online: Institute for Apprenticeships. Available: <https://www.instituteforapprenticeships.org/media/5124/solicitor-apprenticeship-assessment-plan-v4-280521.pdf> [Accessed 17.02.22].

⁵³ Ibid.

⁵⁴ Solicitors Regulation Authority 2024. *The Solicitors Qualifying Examination* [Online]. Available: <https://sqa.sra.org.uk/SQEHomePage> [Accessed 26.04.24].

⁵⁵ Institute for Apprenticeships and Technical Education 2021. *Apprenticeship standard leading to qualification as a solicitor Assessment Plan* [Online]. Online: Institute for Apprenticeships. Available: <https://www.instituteforapprenticeships.org/media/5124/solicitor-apprenticeship-assessment-plan-v4-280521.pdf> [Accessed 17.02.22].

⁵⁶ GOV.UK 2024. Apprenticeship Funding Rules. online: Crown. Contains public sector information licensed under the Open Government Licence v3.0.

⁵⁷ Department for Business, Innovation & Skills (2015) Apprenticeships (in England): vision for 2020. Available at: GOV.UK Accessed: 02.05.25. Contains public sector information licensed under the Open Government Licence v3.0.

⁵⁸ Ibid.

rules on the time apprentices are required to be off-the-job training for their role.⁵⁹ Off-the-job training is another requirement of the apprenticeship. The apprentice must take time in their normal working hours, to develop the KSBs as defined above. This is usually time with their training provider. In the case of the NU Solicitor Apprenticeship, the apprentices have a set programme of study. Some of this study time is delivered remotely with on-campus, face-to-face attendance throughout the year. This programme incorporates core substantive and practical law modules, such as contract, tort, land and criminal law, as well as practice-based law modules such as criminal process, civil dispute resolution, property law and practice and business law and practice. These modules ensure the apprentice has the legal knowledge required and teaches them fundamental legal skills such as legal research, writing and interviewing.

As well as core law modules, on the NU Solicitor Apprenticeship we incorporate work-based learning modules into the first three years of study. These modules support the apprentice in identifying the skills and behaviours that they need to develop during their apprenticeship. They use the modules to set aims and objectives for their development. Further, these modules are used to teach and develop reflective practice. A key element of our clinical teaching involves the use of reflective theory, it is also a key feature of work-based learning.⁶⁰ This is mirrored in professional practice. As practitioners it is part of our continuing competence requirements to reflect on and learn from our practice.⁶¹ These modules are key to ensuring that the apprenticeship is a true experiential learning experience. As already stated, often in practice there is limited time to reflect on our learning and development. These modules build this time into the apprenticeship.

The work-based learning modules also enable academic staff to engage directly with the apprentice in respect of the learning that is taking place in the workplace. Whilst we are not checking and approving their legal work daily, we can ensure that they are completing tasks that are developing their skills and competencies and that they align to the KSBs, as set out in the Solicitor Apprenticeship Standard. The apprentices produce an individual work-based learning plan, conduct a skills analysis, and reflect upon their performance. They also work on developing their work-based learning portfolio and produce a legal essay, critically analysing a piece of law or procedure that they engage with in practice. This work is all checked by academic staff, the apprentice receives feedback, and the modules are awarded academic credit. Whilst the learner is in the workplace, the University as training provider, has very good insight into the work they are conducting and their level of ability. This is supported by a workplace coach.

All our apprentices are assigned a workplace coach. This is a member of university staff, whose role it is to mentor, support and track the apprentice's progression towards meeting the KSBs. They hold progress review meetings with the employer and apprentice four times a year. Having a coach provides the apprentice with pastoral support, as well as ensuring that the work they are completing in the workplace is appropriate for the apprenticeship, in that it is not too complex or so basic that they cannot demonstrate they are meeting the KSBs. It also provides direct regular engagement between us as the training provider and the employer. Without this level communication we cannot work as a team supporting the apprentice.

⁵⁹Department for Education (2023) *Apprenticeship off-the-job training: Policy background and examples*. [online] London: Department for Education. Available at: <https://www.gov.uk/government/publications/apprenticeship-off-the-job-training-policy-background-and-examples> [Accessed 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0.

⁶⁰ FERGUSSON, L. 2022. Learning by... Knowledge and skills acquisition through work-based learning and research. *Journal of Work-Applied Management*, 14, 184-199.

⁶¹ Solicitors Regulation Authority 2022. *Reflect and identify* [Online]. Online: Solicitors Regulation Authority. Available: <https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/reflect-identify/> [Accessed 17.02.23].

The positive feature of the NU Solicitor Apprenticeship is that whilst it is based in the workplace and the workplace is a learning environment, the University is also a learning environment as they attend in person as part of their apprenticeship. The apprentices arguably take advantage of the benefits of both learning environments. Their development is also closely monitored and supported due to the workplace learning modules and the workplace coaches.

Is this an extension of clinical legal education?

Numerous writers have offered a definition of clinical legal education and as stated, there is not one universally recognised definition. Kerrigan and Murray define it as “learning through participation in real or realistic legal interactions coupled with reflection on this experience.”⁶² They state that ‘clinical schemes’ can encompass a range of activities from functioning law offices, such as the Student Law Office to street law projects.⁶³ Brayne et al support the notion that university-based clinics are not the only form of clinical legal education, noting that working with external agencies to deliver placements or out-house clinics, which they define as a clinic operating outside of the university, in for example a private law firm or voluntary sector organisation.⁶⁴ They suggest however that the longer a student spends on any form of placement away from the academic institution, the more the ‘placement providers objectives dominates’ and the experience has the danger of becoming useful work experience as opposed to a clinical experience.⁶⁵

Clinical legal education is rooted in experiential learning theory.⁶⁶ ‘Learning by doing exposes students to real or realistic settings in which both basic concepts and substantive rules can be studied.’⁶⁷ A further aspect to this is reflective practice. Reflection upon your experiences is central to clinical legal education.⁶⁸ It is the reflective element of clinical legal education that supports the learner become a life-long learner.⁶⁹

A key feature of clinical legal education is placing the ‘learner at its heart.’⁷⁰ Legal apprenticeships differ to law school-controlled placements and externship programmes, in that they are to be employer led and employer driven. Does employer controlled and driven placements, using the workplace as the learning environment stop them being classed as a form of clinical legal education?

The purpose of clinical legal education is the ‘learning experience’. To ensure the student receive the appropriate learning experience and for it to have educational value, then Brayne et al suggest that the clinical activity needs to be integrated into the degree.⁷¹ In this context, it means that the activities

⁶² KERRIGAN, K. A. M., VICTORIA 2011. *A Student Guide to Clinical Legal Education and Pro Bono*, Basingstoke, Palgrave. p.5.

⁶³ Ibid.

⁶⁴ BRAYNE, H., DUNCAN, N. & GRIMES, R. 1998. *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press. p.14.

⁶⁵ Ibid. p.172.

⁶⁶ KOLB, D. A. 2014a. *Experiential Learning*, Pearson Education, KOLB, D. A. 2014b. *Experiential learning: Experience as the source of learning and development*, FT press, KOLB, D. A. 2015. *Experiential learning : experience as the source of learning and development*, Upper Saddle River, New Jersey : Pearson Education, Inc.

⁶⁷ BRAYNE, H., DUNCAN, N. & GRIMES, R. 1998. *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press. p.1.

⁶⁸ RICE, S., EVANS, A., NOONE, M., GIDDINGS, J., CODY, A. & COPELAND, A. 2012. *Best practices: Australian clinical legal education.-* p. 153.

⁶⁹ STUCKEY, R. T. & CLINICAL LEGAL EDUCATION, A. 2007. *Best practices for legal education : a vision and a road map*, [New York], Clinical Legal Education Association.

⁷⁰ KERRIGAN, K. A. M., VICTORIA 2011. *A Student Guide to Clinical Legal Education and Pro Bono*, Basingstoke, Palgrave.

⁷¹ BRAYNE, H., DUNCAN, N. & GRIMES, R. 1998. *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press. P.157

undertaken can be linked to their course of study. This requires supervision from the institution to ensure that the learner is receiving a meaningful educational experience.⁷²

Apprenticeships by their nature will stand apart from conventional degree programmes, albeit some have scope for a degree award. At Northumbria University, our apprentices study the same core modules as our M Law students. This is likely to be similar in all English solicitor apprenticeship programmes, that students study all core law modules since the apprentices are required to sit SQE. The apprenticeship is a different pathway to qualification but ultimately the gateway to qualification as a solicitor is the same for all those seeking to qualify as a solicitor in England.⁷³

The NU Solicitor apprenticeship combines workplace training, work-based learning, and experiential learning. Whilst the apprenticeship vision is to place the employer at the “heart of the system for design and delivery”,⁷⁴ HEIs in the support they provide to the apprentice, can ensure that whilst engaging with employers, the learner is at the ‘heart’ of the learning experience whilst on their apprenticeship journey. The key to this is the apprenticeship design. The apprenticeship must encourage and enable the learner to consolidate their learning, reflect and apply theoretical knowledge.⁷⁵ This is done on the NU Solicitor Apprenticeship, in the work-based learning modules and by the support of the workplace coaches. If the apprenticeship is suitably integrated into a HEI’s law programme and is sufficiently supported and monitored by university staff, then surely the solicitor apprenticeship can be a form of clinical legal education.

Challenges and Opportunities

Northumbria University is now approximately 7 years into its solicitor apprenticeship journey and remains one of the few HEIs to deliver this pathway. This is an innovative and developing form of legal education. Those institutions with clinical programmes appear best placed to design and develop legal apprenticeships that are fit for purpose.

In the UK [t]he widening participation agenda in higher education has been in place for decades. Widening participation strategy aims to address discrepancies in the take-up of higher education opportunities between different under-represented groups of students. Students from disadvantaged backgrounds, lower income households and other under-represented groups may face barriers to entry to higher education. Widen participation schemes attempt to remove these barriers and improve access to education, progress within higher education and to improve graduate outcomes and employability.⁷⁶

The SRA’s reforms to legal education have opened the pathways to qualification and enabled us to engage in more creative ways to educate our law students.⁷⁷ It supports us in widening access to the legal profession, which is a large topic and beyond the scope of this article. It gives us the opportunity

⁷² Ibid. P.162

⁷³ Solicitors Regulation Authority 2021. *Pathways to qualification* [Online]. Online: Solicitors Regulation Authority. Available: <https://www.sra.org.uk/become-solicitor/admission/pathways-qualification/> [Accessed 17.03.23].

⁷⁴ Department for Business, Innovation & Skills (2015) *Apprenticeships (in England): vision for 2020*. Available at: GOV.UK [Accessed: 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0.

⁷⁵ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁷⁶ CONNELL-SMITH, S. H. A. A. 2018. *Widening participation strategy in higher education in England*. Online: House of Commons Library. P.3.

⁷⁷ Solicitors Regulation Authority. 2013. *Training for Tomorrow Ensuring the lawyers of today have the skills for tomorrow* [Online]. Solicitors Regulation Authority. Available: <https://www.sra.org.uk/globalassets/documents/sra/training-tomorrow.pdf?version=49a4a5> [Accessed 03/05/24 2024].

to develop clinical legal education, as well as potentially giving an opportunity to those who may be unable to access traditional forms of higher education. As indicated by Hymes and Evans, if we are teaching clinic properly outside of the educational institution, then it is not a 'cheap' or 'easy' option.⁷⁸ Our challenge is to ensure that the learners on an apprenticeship programme receive a quality learning experience and that the ethos of 'learning by doing', is not eroded or downplayed. At Northumbria University we have learnt important lessons about the infrastructure required to ensure the apprenticeship is effective. It is a team approach, which includes academic, support staff and coaches. The apprentice is surrounded by support within the academic institution to provide them with rounded, specialist guidance. The academic providing the knowledge and skills training required for completion of the apprenticeship, as well as pastoral support when required. The coaches provide mentoring and guidance and can support the apprentice in the workplace as they speak directly with the apprentice's workplace mentors. The support teams which include all teams within the University that provide student guidance and support, including academic support and governance which ensures the quality and compliance of the apprenticeship with regulatory rules, to student support and wellbeing, who can provide appropriate pastoral support. Every element of this support is vital to ensure the apprenticeship is effective. Whilst this level of support undoubtedly comes at a cost, it can arguably vitally support those embarking on this type of pathway and foster and encourage their development and success on the apprenticeship.

Clinicians have stressed the importance of clinical legal education but noted the limitations of some clinical models and questioned whether they replicate the reality of real practice.⁷⁹ The solicitor apprenticeship is an opportunity to apply the clinical approach to education,⁸⁰ to a fully qualifying law programme. The key to this is the design of curriculum which embraces our philosophy of a student-centred approach to learning, whilst accepting that we are working with a diverse range of learners. At Northumbria University in our core undergraduate law degree, we gradually build clinical work into the curriculum, allowing the students to increase their exposure to clinical work as they begin to 'mature' as learners. At the early stages of the apprenticeship the learners may not have the experience to control their own learning; they are likely to require direction and depend on the teacher for guidance.⁸¹ It will be important to ensure that theoretical knowledge is integrated into the programme at an appropriate level and time,⁸² as well as in conjunction with their practical learning experience in the workplace. The challenge with apprenticeships is the different level of experience of the cohort, as some may join an apprenticeship directly from school, whilst others may have worked for a legal employer for many years. They also as a cohort, may engage in very different areas of law and work for different types of legal organisations. This can pose challenges in ensuring that they are all supported appropriately and for those more able, are provided with the stretch they need to excel. On a positive, they can learn from each other's experiences in a community of practice.

If it is acknowledged that as educators we have a lack of control over the learners in the workplace, if we design a curriculum that requires them to engage with the educational institution as part of their work, for example with use of work-based learning modules, then we can monitor and guide their learning as much as possible. Whilst embracing technological advances and the ability to use a range of media to present and convey the core knowledge content, the role of the 'teacher' is still pivotal to

⁷⁸ EVANS, A. & HYAMS, R. 2015. Specialist Legal Clinics: their pedagogy, risks and payoffs as externships. *International Journal of Clinical Legal Education*, 22, 34.

⁷⁹ MARSON, J., WILSON, A. & HOOREBEEK, M. 2005. The Necessity of Clinical Legal Education In University Law Schools: A UK Perspective. *Ibid.* 7.

⁸⁰ *Ibid.*

⁸¹ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁸² BRUNER, J. S. 1960. *The process of education*, Cambridge, Harvard University Press.

the learning experience.⁸³ Solicitor apprentices will spend a considerable period in the workplace supported by their workplace mentor and other experienced colleagues and will still require strong academic support. Our understanding of the importance of reflection and the need to encapsulate and contextualise learning activities,⁸⁴ will enable us to support the learner and encourage reflective thinking.

The NU Solicitor Apprenticeship gives us an opportunity to develop the concept of clinical teaching and create new and interesting ways to integrate working and learning. As noted by Griffiths, in respect of the development of clinical legal education programmes, to meet the resources challenge of clinical legal education we need to enhance our understanding of different clinical methodologies.⁸⁵ Brayne et al, neatly summarise the contribution that the clinical approach to teaching can have on undergraduate legal education. In essence, it provides experience of how the law impacts on people, it encourages reflection, engagement with ethical dilemmas, develops research skills and can support and develop team working as well as self-reliance and independent skills.⁸⁶ The NU Solicitor Apprenticeship can also do this. It further enables us to engage with the legal profession, observe current practices and utilise their expertise and knowledge more actively. This in turn could shape and enhance the alternative clinical programmes we offer as well as enhance our profile in the professional world and possibly, open future employment opportunities for our students. Legal clinicians are best placed to drive forward legal apprenticeships and make them an integrated part of our clinical work – we need to embrace the apprenticeship model and make it part of our law school clinical provision.

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⁸³ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁸⁴ SCHÖN, D. A. 1987. *Educating the reflective practitioner: Toward a new design for teaching and learning in the professions*, San Francisco, CA, US, Jossey-Bass.

⁸⁵ GIDDINGS, J., BURRIDGE, R., GAVIGAN, S. A. M. & KLEIN, C. F. 2010. The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia. In: BLOCH, F. S. (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice*. Oxford University Press, GIDDINGS, J. 2014. Contemplating the Future of Clinical Legal Education. *Griffith Law Review*, 17.

⁸⁶ BRAYNE, H. 1998. *Clinical legal education : active learning in your law school*, London, London : Blackstone Press. P xiv

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