



THE LAW SOCIETY
of SCOTLAND

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Taking on a trainee



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Introduction

Trainees make a valuable contribution to legal firms and other organisations. There are various ways to recruit and train a trainee solicitor. As long as you have held a full practising certificate for three years, you can take on a trainee. This guide sets out the benefits and options.

More details can be found at www.lawscot.org.uk/takingonatrainee.

Benefits of taking on a trainee

Taking on a trainee will help your business flourish and grow.

- Over time, a trainee can add to your ability to serve client needs. Many trainees make a net financial contribution to their organisations over the course of the two-year traineeship.
- Trainees are immersed in a firm's culture – and trained to suit its particular needs.
- A traineeship gives you an extended chance to assess the individual's suitability for a post on qualification.
- Some organisations have a number of high-quality solicitors but little or no new blood. Taking on a trainee is a good way to redress that balance.
- A long-term strategy of taking on a trainee can help with succession planning, as partners have natural successors to potentially sell their practice to in due course.
- Those undertaking the Diploma, or those who have graduated from it, will have excellent IT abilities and an understanding of social media, which could help your practice run efficiently and more profitably.
- Many of those graduating from the Diploma will have second language skills, which may open up a new client base or allow you to better serve your clients.
- Many organisations take on a trainee out of a wider sense of professional responsibility, acknowledging that it is important to ensure the next generation of solicitors is trained appropriately in practices across Scotland.

How to recruit a trainee

There are various ways to recruit a trainee, allowing you to tailor your recruitment process to suit your needs.

Advertising for traineeships

It is free to advertise traineeships and internships on the Society's jobs page, www.lawscotjobs.co.uk. Other recruitment options include university careers services, advertising on your own website and in publications such as the Scottish Legal News, or accepting speculative applications.

Summer students and internships

Offering an internship or work experience opportunity is an ideal way to assess whether a student will fit into your organisation.

Those considering internships could use the Adopt an Intern service offered by the Centre for Scottish Public Policy. For more information, go to www.adoptanintern.org.uk.

Work placements

Organisations based near universities and Diploma units are well-placed to offer part-time work placements to students, perhaps carrying out general office administration, work shadowing or a level of paralegal work. This allows you to assess a student's skills and help to decide if he or she will be an asset to the organisation.

Paralegal and other support staff

Employing a recent graduate as a paralegal or in some other role before offering a traineeship gives you the opportunity to ensure that an individual is capable of working at a certain level.

If you use this method of recruitment and selection, it is important to remember that those you take on are likely to look for a traineeship elsewhere while employed with you (especially if there is no guarantee of a traineeship in the future).



Flexible traineeships

Traditionally, the traineeship is a full-time, two-year training contract at one organisation but there is increasing demand for more flexible options, which include:

- Shared traineeships – when a trainee works at more than one organisation over the course of the traineeship.
- Part-time traineeships – when a trainee works on a part-time basis, and the length of the traineeship is altered to reflect the part-time hours. A traineeship must be two years or the equivalent pro rata for part-time training.

Flexible traineeships can offer significant advantages to organisations and prospective trainees, including:

- Shared cost of salary and training.
- Reduced cost of salary if the trainee is working part-time.
- Potential reduction in recruitment costs for solicitors in the future.
- Trainees with unique experiences and new perspectives.
- Attracting new lawyers into your organisation.
- Developing your business profile.

How the Society can help

We have set up a database to assist organisations wishing to share a trainee. If you are considering sharing a trainee, please complete the flexible traineeship form available on the Society's website. The form will ask you for your contact information and details of what you would consider for the traineeship, eg taking a trainee for part of the week, or for longer periods, such as six or twelve months. There is no obligation to commit to taking on a trainee at any stage.

By submitting the form, you will give permission for the Society to share your details with other organisations on the list. Your details will not be shared with anyone outwith the list. The Society will share the database with every organisation that has submitted details on a monthly basis. All organisations should contact potential partner organisations directly to discuss sharing a trainee. If a shared traineeship is agreed by two or more organisations, please contact the Society for further information and advice.

Traineeships can then be advertised free of charge on www.lawscotjobs.co.uk. You can contact us at any time if you no longer wish to be included on the database. Flexible traineeships are subject to approval of the Society's Admissions Sub-Committee. For information about the procedure, contact katiewood@lawscot.org.uk.

In-house trainees

Between a quarter and a third of solicitors in Scotland work in-house – with local councils, central government, the Crown Office and Procurator Fiscal Service or as in-house counsel with commercial organisations.

At present, around 10% of traineeships take place with organisations that employ in-house solicitors. Other organisations have agreements with private firms to take trainee solicitors on secondment for part of their traineeship.

A view from the In-House Lawyers' Group

“Traineeships are not standardised, nor is everything prescriptive – they can be tailored to the needs of your business. Traineeships have similar benefits to graduate programmes – they attract bright new talent and develop it for the future benefit of your business.

“In-house secondments are also really worthwhile for all parties. Trainees bring their professional skills and up-to-the-minute legal knowledge to help the business on a flexible basis, without the need for permanent extra headcount. After the secondment, trainees return to their law firm with great experiences and an illuminating insight into what it is like being the client.”

Sara Scott, Vice Chair of the
In-House Lawyers' Group



What areas of work can a trainee work in?

Organisations of all sizes and types take on trainees so it is impossible to describe a typical traineeship. The work that a trainee undertakes will differ from organisation to organisation.

Some organisations use different seats – or areas of work – over the course of the two years. Others work in the same area of law throughout. There is no requirement to offer different seats during a traineeship.

A traineeship programme could be in the following areas of work:

Agriculture	Conveyancing (domestic)	Conveyancing
Banking	Corporate finance	Local government law
Commercial leasing	Employment law	Pensions law
Commercial law	Family law	Planning law
Competition and regulation	Housing law	Private finance initiative
Construction and engineering	Intellectual property	Social security
Consumer law	Liquor licensing	Trusts and asset management
Conveyancing (commercial)	Litigation (civil)	Wills and executries
	Litigation (criminal)	
	Local government	

The Society can advise you on how to put a trainee programme together.



What can your trainee do?

There are many ways that your trainee can help your business. However, there are some areas of work that must only be done by solicitors, or trainees holding a restricted practising certificate. So it is important that you are aware of what trainees can do during their traineeship, and at what stage. Ultimately, you need to be sure that your trainee has the necessary skills and knowledge to carry out work on your behalf.

A trainee is not required to have a practising certificate and in many instances will not need one but if the firm deems it necessary, they must successfully complete one year of their traineeship before applying. The procedure for admission usually takes about six weeks.

The table opposite highlights the do's and don'ts for your trainee. For the guidance in detail, including information about specific areas of work, please go to the Society's website www.lawscot.co.uk/takingonatrainee.



Can your trainee...?	Trainee – without a practising certificate	Trainee – holding a restricted practising certificate
Sit with counsel in any court including the High Court and the Court of Session	Yes	Yes
Represent a client in the criminal courts (not the High Court)	No	Yes – although it's not recommended that they appear in solemn cases at such an early stage of their career
Grant legal advice and assistance	No	Yes – but they can't be the nominated solicitor on a legal aid certificate
Appear on behalf of clients in any civil matter in the sheriff court	No – but they may be able to appear as an 'authorised lay representative' in a small claim or summary cause	Yes
Sign documents requiring to be signed as a solicitor	No	Yes
Become a notary public	No	Yes
Engage in private practice in their own name	No	No – they can only act as an assistant
Undertake legal aid work in their own name	No	No
Hold themselves out as a solicitor	No – they must always declare that they are a trainee solicitor, this includes business cards	No – they must always declare that they are a trainee solicitor, this includes business cards

What you need to do

Once you have recruited a trainee here are the steps that you need to take

There is no requirement to notify the Society if you are taking on a trainee though you may find it helpful to discuss what's involved in more detail. The exception is if you plan to share a trainee with another firm/organisation, or take on a trainee on a part-time basis, in which case you must contact us to agree the arrangements for the traineeship. For all queries, please email katiewood@lawscot.org.uk or call 0131 476 8367.

- **Agree a start date with your trainee.** They must have applied for their entrance certificate from the Society no less than four weeks before they start, and the onus is on the trainee to make sure they do that.
- **Sign the training contract.** Your trainee will receive a training contract when they are granted their entrance certificate. You should sign the contract, and again the onus is on the trainee to make sure it is signed and returned to the Society within three months of starting.
- **Meet with your trainee every three months to complete a review.** After the review is complete, your trainee should upload the review to the Society's website for your approval. Make sure you know your Law Society login and password (for assistance contact loginenquiries@lawscot.org.uk).
- **Use the quarterly reviews** to check your trainee is meeting the specific outcomes set by the Society and identify any training needs. Guidance is available at www.lawscot.org.uk/takingonatrainee.
- **Decide towards the end of the first year** whether it would benefit your firm/organisation for your trainee to apply for a restricted practising certificate (more details on page 7). If so, your trainee should get in touch with the Society to begin this application, which they can do after nine months of the traineeship following a Disclosure Scotland check.
- **Discharge** - at the end of the traineeship (which is normally two years) ensure your trainee has met all of the outcomes to reach a standard of the qualifying solicitor.

Costs of a traineeship

Salary

A trainee solicitor must be paid at least the national minimum wage.

As well as this, each year the Society sets out a recommended salary for a trainee. The rates are reviewed in June each year. See website for details.

Trainee continuing professional development (TCPD)

Over the course of the two years, your trainee must undertake a minimum of 60 hours of TCPD. Of these 60 hours, the breakdown is:

- A minimum of 40 hours from an authorised provider of TCPD (a list of authorised providers is available on the Society's website).
- The mandatory ethics course – a minimum of four hours, which is a subset of the 40 hours and is completed between months 9 and 15.
- Up to 20 hours may come from a non-authorised provider (eg local faculties, local chambers of commerce, advocates' stables, organisations that employ in-house lawyers etc).

The cost of TCPD will vary from provider to provider. Some providers offer packages where 60 hours of TCPD will cost under £1,000. Travel and other associated costs would need to be factored in.

Rates

A trainee with a restricted practising certificate in private practice can be charged out at a solicitor's rate. Even without a practising certificate, a trainee can be charged out at half the qualified rate or another rate that the organisation puts in their terms of business.

For any further information or advice about taking on a trainee, go to www.lawscot.org.uk/takingonatrainee or contact registrar@lawscot.org.uk.

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