

CPD Requirements and Guidance

1. Annual requirements

Solicitors holding a practising certificate under the Solicitors (Scotland) Act 1980 must complete a minimum of 20 hours Continuing Professional Development (CPD) in each practice year.

Of those minimum 20 hours:

- a) a minimum of 15 must meet the criteria for verifiable CPD ;
- b) a minimum of one hour must be risk management CPD (further guidance is below); and
- c) up to five hours may be by private study.

The requirements are not reduced for solicitors working part-time.

2. Definition of CPD

CPD is defined by the Society as ‘relevant education and study by a solicitor to develop their professional knowledge, skills, and abilities’.

This can mean education and training relating to:

- a) Specific updates on law, legal knowledge, or legal procedure;
- b) Practice management skills;
- c) Personal professional skills;
- d) Risk management skills;
- e) Trauma informed practice training or vicarious trauma awareness training;
- f) Ethics, attitudes and values; and
- g) Development towards a particular career milestone.

3. Planning, record and reflecting

Solicitors are required to plan their annual CPD at the start of each practice year. Planning should take into account the learning needs of the individual solicitor and the sorts of development that they believe they need to undertake, rather than focus unduly on exact activities on specific dates.

Solicitors are required to record the CPD they undertake in a practice year. Solicitors are encouraged to record any CPD hours they undertake over and above the minimum 20 hours.



Solicitors are required to reflect upon the CPD activity they undertake and to be able to evidence this reflection.

Solicitors are encouraged to do all of this in the Members' login area of the Society's website.

4. Method

The Society wishes solicitors to have as much control over their own personal development as possible.

5. Verifiable CPD

A minimum of 15 hours of CPD per annum must meet the following criteria for "verifiable CPD":

- a) Have clear aims and outcomes relevant to the solicitor's professional development;
- b) Provide interaction and/or the opportunity for feedback;
- c) Be able to be evidenced; and
- d) Is not part of a solicitor's daily work.

The preparation and delivery of training is a very effective means of learning. Solicitors involved as lectures, tutors, or leaders in any form of relevant group study may count preparation time up to a maximum of four hours towards the verifiable CPD requirement. Any preparation and delivery of training in advance of four hours can also count towards a solicitor's total of 20 hours of CPD but only in relation to the five hours of private study.

6. Guidance on compulsory risk management CPD

All solicitors who hold a practising certificate are required to undertake, annually, a minimum of one hour of risk management CPD that is relevant to them and their roles. This requirement is part of the existing 20 hours of CPD required each year and will be monitored as part of the annual CPD review conducted by the Society.

The risk management CPD can be either private study or verifiable CPD or a combination of both.

6.1 What types of topics may count as risk management CPD?

Risk management is a process of identifying, assessing and prioritising risks, which results in some form of action to control and manage those risks.

Solicitors can count CPD in the following areas towards their risk management CPD:

- a) Anti-money laundering



- b) Complaints handling and complaints avoidance
- c) Client communication
- d) Business Continuity Planning
- e) Cybersecurity
- f) Equality and diversity
- g) Organisational culture including the prevention of bullying and harassment and the promotion of well-being
- h) Prioritisation, time management, workflow and processes
- i) Terms of business.

Current risk management topics are highlighted in the Journal's monthly column from the Society's insurance brokers (Lockton) and their website for Scottish solicitors www.locktonlaw.scot.

6.2 Risk Management CPD for In-house solicitors

We recognise that an in-house solicitor's role is often closely linked to managing risk for their employer, whether by proactively identifying possible risks or mitigating the impact of unavoidable risk factors.

Given this broad remit, many in-house solicitors will already be doing CPD that relates to risk management as a matter of course. In addition to some of the topics above, the following areas may also constitute appropriate risk management CPD for in-house solicitors:

- a) Sector specific regulatory or compliance obligations
- b) Health and safety standards
- c) Protection of intellectual property rights
- d) Privilege
- e) Company secretarial matters
- f) Professional ethics

If you are an in-house solicitor with any questions in connection with the risk management CPD requirement, please contact inhouse@lawscot.org.uk.

7. Private study

Private study includes the reading of relevant periodicals, journals and books. No more than five hours private study per annum can be counted towards fulfilling the requirement.

The only exception is for those solicitors who write a relevant book or an article in a periodical (which is published). In such instances, the solicitor may claim up to ten verifiable hours of the minimum 20 hours for the practice year.



8. Double training relief

Solicitors who are required to do compulsory training for reasons other than these CPD requirements may count that training towards their verifiable CPD for the year (provided that they can evidence this). This might include, but is not limited to:

- Practice Management Course: Solicitors who require to attend a Practice Management Course as per Rule D.2.2.
- Extended Rights of Audience: Solicitors who require to attend a training course as per Rule C.4.
- Family Law Mediators: Accredited Family Law Mediators are required to undertake 15 hours of CPD per annum.
- Solicitors undertaking CPD for another professional or regulatory body when such CPD is relevant to their development as a solicitor.

9. Monitoring and enforcement

Solicitors are expected to keep an accurate and up to date annual CPD record and will be required – upon request – to produce their record. The Society will study in detail a sample of a minimum of five per cent of solicitors on an annual basis to ensure compliance.

If a solicitor hasn't met these requirements and doesn't qualify for an exemption, they will be given more time to comply as a first sanction. They will then need to provide independent proof of their CPD to show they have met the requirements.

Continued failure to comply may be referred to the Practising Certificate Sub-Committee of the Society for consideration as professional misconduct.

In selecting what is relevant to their professional development a solicitor exercises his or her professional judgement. The Society would not seek to second-guess the solicitor's professional judgement unless the decision reached is so unreasonable that no other competent or reputable solicitor would come to the same conclusion.

10. Exemptions and waivers

There are a number of formal exemptions from the CPD requirements:

- a) Solicitors suffering long-term illness – and absent from work - for 10 weeks or more in respect of the same illness in any practice year;
- b) Solicitors on maternity, paternity or adoption leave; and
- c) Solicitors who return to practice during the practice year, may all reduce their CPD requirement in proportion to the number of weeks worked in the practice year.



In each of the above three exemptions the proportions of verifiable CPD and private study must be reduced pro-rata.

To calculate the reduced number of hours, divide the number of weeks worked by 2.6 and round up to the nearest whole number. For example, solicitors who work between 37 and 39 weeks in a practice year will require to undertake a total of 15 hours of CPD.

- d) Trainees who are admitted and hold a restricted practising certificate are not required to undertake any CPD until the start of the practice year following the date on which their training contract ends. However, the separate rules on Trainee CPD (TCPD) still apply to those trainees.

Solicitors can also apply to the Society for a waiver of the requirements. Circumstances where a waiver may be considered include but are not limited to redundancy and retirement.

If you have any queries about this guidance, please contact memberservices@lawscot.org.uk.

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