

Guidance Notes for undertaking PEAT 2 Quarterly Performance Reviews

PLEASE NOTE:

- All PEAT 2 Trainees should receive login credentials (e.g. username and password) in the early weeks of their traineeship. If you do not have your login credentials please contact legaleduc@lawscot.org.uk
- The below information is only applicable to those trainees who started their traineeship on or after 1 September 2011.

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How to undertake a PQPR

Step 1: Updating a trainee's supervising solicitor

Ensure that within the members' login area of the [Law Society of Scotland's website](#)¹ the name of the supervising solicitor is up to date.

To update the name of a supervising solicitor, a trainee must:

- (i) Go to the Society's website: <http://www.lawscot.org.uk>
- (ii) Enter the members' area via the login button on the left hand-side or at the top right of that screen.
- (iii) Once logged in there should be a series of options on the left-hand side of the screen. One of these will be 'PEAT 2'. Click on 'PEAT 2'.
- (iv) Within the 'Trainee Data' section there is an option to add or change a supervising solicitor. Ensure that the name that appears in this box is, or is changed to, the solicitor who will be conducting the PQPR. If the name of the solicitor who will be conducting the PQPR does not appear in the drop down box of options, please contact PEAT@lawscot.org.uk

Step 2: Prepare for the review

Both trainees and supervising solicitors should prepare for the Quarterly Performance Review.

A date should be set for a formal meeting between the trainee and the supervising solicitor. We recommend that a **minimum** of 45 minutes is allocated for each review.

Prior to the formal meeting, trainees and supervising solicitors should consider:

- The work that the trainee has completed to date and the outcome of any such work. Where necessary, supervising solicitors should consult with other solicitors involved in training (including, if necessary, previous supervising solicitors);
- The outcome of any informal reviews;
- The outcome of any Trainee Continuing Professional Development (TCPD); and
- At all reviews bar the 1st review, the development needs set out at the last review and whether or not these have been met.

All of the above should be considered against the [PEAT 2 Outcomes](#)². Trainees can also use their PEAT 2 Record, TCPD log and previous PQPRs to assist them in considering the above.

¹ <http://www.lawscot.org.uk/>

² <http://www.lawscot.org.uk/media/225803/peat%20%20outcomes.pdf>

Step 3: Undertake the review

PQPRs should be based on the PEAT 2 Outcomes, therefore allowing a trainee's performance against the PEAT 2 Outcomes to be measured over the course of the two years. **The important part of the review is not the completed form but the content of each review meeting.**

Each PEAT 2 Outcome has a series of '*positive indicators*'. [This is explained on Page 12 of the PEAT 2 Training Plan](#)³. These positive indicators can be referred to but **should not be used as a definitive checklist**, rather a potential basis for discussion.

Using the evidence examined in Step 2, the trainee and supervising solicitor should consider the trainee's ongoing performance against the PEAT 2 Outcomes and set development needs for the next quarter(s).

At each review, trainees should be graded as to whether they are performing above the standard required, to the standard required or below the standard required.

The meeting should be a two-way meeting with both the trainee and supervising solicitor contributing to it. The meeting can be used to identify, if relevant, the need for TCPD opportunities (not, necessarily, specific courses but identifying that the trainee needs to undertake TCPD in a given area) and other development needs.

The trainee should take notes of the meeting as they will write up the review form in due course (see Step 4).

Additional guidance on undertaking PQPRs is available in the [PEAT 2 Training Plan](#) (Pg 7-8 and also Pg 12).

Step 4: Upload the review

After the formal review meeting, the trainee should fill in the PQPR form. This '[Template PQPR form](#)' is available on the Society's website. For information, a blank version of the form can be found on pages 6 to 8 of this document.

When filling in the PQPR form, trainees should give a brief summary of the discussion which has taken place in relation to each relevant outcome. An example of a completed form can be found on pages 9 to 11 of this document.

Once the template PQPR form has been filled in, trainees should upload this to the 'PQPR' area of the [members' login](#) on the Society website. Full details of how to do this are contained on the relevant PEAT 2, PQPR section of the members' login area.

The Society recommends that all trainees also keep a Word version of their uploaded PQPR form.

³ [http://www.lawscot.org.uk/media/225806/peat%20%20training%20plan%20\(2013\).pdf](http://www.lawscot.org.uk/media/225806/peat%20%20training%20plan%20(2013).pdf)

Step 5: Supervising solicitor approval

When the trainee has submitted the review, an email will be sent to the named supervising solicitor (see Step 1).

The supervising solicitor should then log into the [members' area](#) on the Society's website. All Scottish solicitors will have been sent their login details and passwords. If they do not have the details – or require help – please contact: loginenquiries@lawscot.org.uk

Supervising solicitors have two options:

- (i) If the solicitor agrees with the content of the completed review, to 'approve' the review; or
- (ii) If the solicitor disagrees with the content of the completed review, to 'reject' the review.

Full details of how to approve or reject a submitted PQPR form are contained on the relevant PEAT 2, PQPR section of the members' login area.

NB: Solicitors cannot edit a PQPR. If a supervising solicitor disagrees with the content of a review they should 'reject' it and then speak to the trainee.

The trainee will then receive an email informing them that the review has been 'approved' or 'rejected' by their supervising solicitor.

If the supervising solicitor rejects the review, the trainee should, as soon as possible, discuss with their supervising solicitor the reasons for this, amend the review and resubmit it for approval.

Step 6: Monitor

The reviews should not be a 'box-ticking exercise' nor should they be viewed in isolation. Trainees, and supervising solicitors, should consider the development needs identified on an ongoing basis and should consider the trainee's progress against the PEAT 2 Outcomes throughout the traineeship.

Reminders

Trainees, and supervising solicitors, will receive email reminders to the email address they have given to the Society before each PQPR is due.

What to do in the event of an underperforming trainee

If problems have been identified with the ability of a trainee to make sufficient progress towards the achievement of one or more of the PEAT 2 Outcomes - either via informal reviews or via the formal PEAT 2 Quarterly Performance Reviews - practice units are expected to put in place, as early as possible, the necessary support, feedback and monitoring arrangements aiming at getting the trainee's performance back to an acceptable level. Such support might include:

- More regular support/feedback from the supervising solicitor
- One-to-one coaching with an experienced practitioner
- Greater hands on experience within the working environment
- Fuller instruction prior to starting a task
- Detailed discussion after work has been undertaken
- Where necessary, the identification and completion of appropriate Trainee Continuing Professional Development or other training⁴.

It is important to remember that a trainee is not supposed to be at a certain level by, for example, month 3, 6 or 9 of the traineeship but rather should achieve the PEAT 2 Outcomes, and the standard of the qualifying solicitor, by month 24 of the traineeship.

Whilst such early intervention is likely to be effective in most cases, the Society recognises that, based on historical trends, there may be a very small number of trainees each year who continue to have problems in achieving the outcomes. In some cases, the solution may be to extend the traineeship for a short period to allow further opportunity for the outcome or outcomes to be achieved.

The Society would expect to be alerted to any such case at the earliest possible juncture, with the aim of providing additional support and guidance on how such cases should be addressed. If the supervising solicitor has serious concerns about the trainee's ability to achieve the outcomes, or because of their fitness and properness, they should contact the Society as a matter of urgency.

If a trainee has concerns about the training that they are receiving, they too should contact the Society. Trainees can contact the Society to discuss any issue they might have with their traineeship on a confidential or anonymous basis.

Trainees and/or supervising solicitors should contact Katie Wood, the Manager of the Registrar's Department - KatieWood@lawscot.org.uk

⁴ A list of authorised TCPD providers can be found here: <http://www.lawscot.org.uk/education-and-careers/the-traineeship/during-your-traineeship/tcpd-providers>



PEAT 2 Quarterly Performance Review Form

Evidence (E): this can be taken from the online trainee record, informal reviews, work undertaken and on development needs being met.

Development needs (DN): trainees should note how their development needs will be met (including through TCPD).

Please see the Guidance Notes for undertaking PEAT 2 Quarterly Performance Reviews for more information.

Please complete the form and upload the saved file to the appropriate section of the members' login area. To maximise the number of words you can use, please feel free to delete this paragraph, the previous three paragraphs and the wording at the end of this document.

Professionalism

E:

DN:

Professional Communication

Professional relationships and team-working

E:

DN:

Communications with clients

E:

DN:

Provide legal advice

E:

DN:

Legal Research

E:

DN:

Interviewing

E:

DN:

Negotiation

E:

DN:

Writing & Drafting

E:
DN:

Use of Technology

E:
DN:

Advocacy:

E:
DN:

Presentation

E:
DN:

Professional Ethics & Standards

Regulatory framework & professional standards

E:
DN:

Duties to the court

E:
DN:

Duties to the profession

E:
DN:

The client-solicitor relationship

E:
DN:

Conflict of interest

E:
DN:

Confidentiality

E:
DN:

Business, commercial, financial & practice awareness

Business, commercial & financial awareness

E:
DN:

Practice awareness & work management

E:
DN:

Substantive & relevant legal knowledge

E:
DN:

At this stage of PEAT 2 the trainee is performing (delete as appropriate)

- above the standard required
- to the standard required
- below the standard required

In the final box (above) trainees and supervising solicitors should agree on whether the trainee is performing above the standard required; to the standard required or below the standard required.

Having completed a blank PQPR form, a trainee solicitor should upload it via the PQPR section of the members' login area of the Society's website. They should then press the button marked "submit". This will send it to their supervising solicitor for approval.

** Advocacy: The Society understands that not all trainees will appear in court during PEAT 2.*

With this in mind advocacy should only be considered where relevant to a trainee's area of practice. Therefore, all trainees should be able to demonstrate competence in practice in the PEAT 1 advocacy Outcomes.

'The Qualifying Solicitor' should be able to advocate a case on behalf of a client effectively and efficiently and exercise solicitors' rights of audience in both the civil and criminal courts in accordance with relevant rules and procedure.

An example of a completed PQPR form

Below is an example of a completed PQPR form. The PQPR form is different from the form which supervising solicitors will have previously filled in and focuses on achievement of the PEAT 2 Outcomes.

Professionalism

E: Agreed that I/I am: good with clients; act in a professional manner; courteous with colleagues; understand regulatory framework reasonably well. I need to be more aware of how my work affects others.

DN: Need to reflect more on past transactions and concentrate on improving legal knowledge. Instructed to read Standards For Scottish Solicitors.

Professional Communication

Professional relationships and team-working

E: I work well with others and communicate information clearly.

DN: Need to be more aware of when to ask colleagues for guidance. As above, need to consider how my work can affect others.

Communications with clients

E: Good but limited exposure to clients thus far. Written and oral communication is clear and sufficiently detailed

DN: Need more exposure to clients on a regular basis. This will be ramped up over the next 3-6 months.

Provide legal advice

E: Legal advice is good and I show an understanding what is important to a transaction. More Legal knowledge could improve this.

DN: Need more exposure to clients. To undertake more reading around relevant law.

Legal Research

E: No issue – this is good. Can use LexisNexis, WestLaw and library sources well. Have had a lot of practice at this during first three months.

DN: Not at this stage.

Interviewing

E: Below the standard required. Noted that I can become flustered and forget to fully explore matters with the client.

DN: TCPD courses to be identified in this area. Over next three months I am to get a more (structured) exposure to interviews. Supervisors to brief more thoroughly and meet post-interviews.

Negotiation

E: Written negotiation is strong. All transactions undertaken have resulted in a strong legal position for the client

DN: Better legal knowledge will reinforce the ability to negotiate verbally. As elsewhere, sourcing knowledge-based TCPD is a priority as is further reading.

Writing & Drafting

E: Letters are well drafted and are grammatically correct. Most legal documents are of a high standard but my use of styles requires more thought.

DN: Further exposure to drafting should ensure the correct standard clauses are used. Must familiarise myself with the firm's styles – some internal training may be necessary.

Use of Technology

E: No issue generally with use of technology. Some slight issues with personal email usage.

DN: Need to use the phone more – it makes for a more effective transaction.

Advocacy*

E: No opportunity to demonstrate.

DN: Court seat in the second year of traineeship. The firm will source some TCPD prior to this on court practice and general advocacy training.

Presentation

E: No opportunity to demonstrate.

DN: Will have to do a mandatory presentation to the department in due course on a pertinent transaction or legal matter.

Professional Ethics & Standards

Regulatory framework & professional standards

E: I have shown that I understand the accounts rules and work in a way which meets the standards for solicitors.

DN: To go on Mandatory Ethics Course next quarter

Duties to the court

E: No opportunity to exhibit

DN: There will be a court seat in second year. TCPD will be sourced at the beginning of this seat. Will also have one-to-one briefings on this matter with my supervising solicitor.

Duties to the profession

E: I treat other solicitors with the utmost respect. This has been commented on more than once by partners at the firm.

DN: none at this stage.

The client-solicitor relationship

E: I treat clients with the utmost respect. I work competently and diligently on behalf of clients but must ensure that ALL instructions are taken and CLEARLY understood.

DN: Further exposure to taking instructions. TCPD could be sourced here if possible. As above, more exposure to clients will develop this.

Conflict of interest

E: No opportunity to exhibit as yet. I have been asked on a number of occasions what I thought about particular potential conflicts by my supervising solicitor to assist my development.

DN: to go on Mandatory Ethics course next quarter

Confidentiality

E: I have a good understanding of client confidentiality.
DN: to go on Mandatory ethics course next quarter

Business, commercial, financial & practice awareness

Business, commercial & financial awareness

E: I have a good grasp of tax but require a deeper understanding of external business factors

DN: I need to read industry journals – as well as legal texts - and keep abreast of the global and local financial situation – attendance at weekly update seminars are a must.

Practice awareness & work management

E: I manage my workload well but require to be more aware of how my work impacts on the team. File management is excellent.

DN: Should source a time management TCPD session

Substantive & relevant legal knowledge

E: Generally good but could improve in certain areas. Knowledge underpins many of the outcomes above.

DN: More reading on legal matters, relating to shipping law in particular, would be useful. Attendance at weekly firm update seminars is a must.

At this stage of PEAT 2 the trainee is performing (delete as appropriate)

- above the standard required
- to the standard required
- below the standard required

In this example, we have left all three options. When filling in the form, only one option should be chosen and the other two should be deleted.