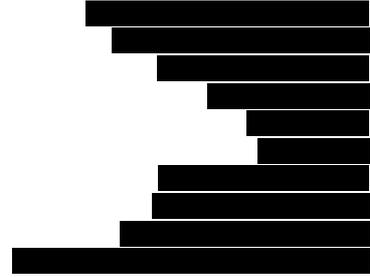




CARDIFF & DISTRICT

LAW SOCIETY



7 March 2018

Dr Helen Phillips
Interim Chair of the Legal Services Board
One Kemble Street
London
WC2B 4AN

Dear Sirs

Application to LSB for the approval of amendments to the SRA's regulatory arrangements in respect of the introduction of the Solicitors Qualifying Examination (SQE)

Cardiff & District Law Society (The Society) represents 1,700 solicitors in the city of Cardiff and its surrounding district. The Society has responded to the SRA's consultations in relation to the proposed introduction of the SQE and whilst we have welcomed some of the changes that the SRA has introduced in response to the consultation responses, we remain concerned about a number of aspects of the proposed regulations.

Our concerns can be summarised as follows:

Maintaining standards

We believe that there is a very real risk that the SQE will lead to a drop in standards. Presently, all potential solicitors are required to undertake the academic stage of training which requires a qualifying law degree or another degree plus the Graduate Diploma in Law (GDL) which is a year-long course (subject to exemptions).

In practice, the firms we represent do not appear to find much distinction, if any, in new trainees who have studied for a qualifying law degree versus those who have studied for another degree and passed the GDL. However, our member firms are concerned that the SQE will not provide an adequate replacement for the depth of study provided by a qualifying law degree or the GDL and we have not been satisfied by the SRA's responses on this point. In particular we are concerned that a multiple choice test will lack the rigour to be able to test a student's analytical skills rather than their ability to learn facts by rote.

If the SQE is to be introduced then we would prefer to see multiple choice tests used alongside longer written exercises.



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Breadth of the SQE

We are concerned that the SQE as proposed has too narrow a focus as it concentrates on reserved legal activities. We believe that this concern is one that is mainly of relevance to commercial practices and niche practices whose areas of business largely fall outside the areas covered by reserved legal services. We believe that this will be compounded by the changes to the vocational stage of training and there is a real possibility that the SQE will not produce candidates that are fit for purpose in commercial firms.

Two Tier System

We understand that City and large regional firms have expressed the view that they will continue to recruit trainees much as they have done in the past. City firms have developed their own bespoke LPC with BPP and we have heard anecdotally that they intend to require graduate recruits to undertake that training in preparation for a period of recognised training with the firms. City firms already fund all or a significant part of the cost of the LPC anyway, a cost that smaller firms simply cannot match. This is the system those firms know and they are confident that it will deliver trainees of the requisite standard for them so they have no incentive to change.

We are therefore concerned that the introduction of the SQE will lead to a two tier system with those going on to train in City and large regional firms getting different and more extensive training than those who just undertake the LPC.

At present it is possible for solicitors who have trained with small and regional firms to make the transition to City and large regional firms and we are concerned that it will be more difficult to make that transition in the future. This would seem to go against the SRA's stated aims of improving diversity in the profession and reducing barriers to entry.

The LPC

Employers represented by the Society do not generally appear to be of the view that the current system is broken and needs to be replaced and we do not believe that the SRA has made its case in this regard.

The SRA has put forward a number of reasons to justify the proposed changes but we believe the two principal reasons are:

- 1 inconsistency in the quality of law degrees and in the results from different LPC providers; and
- 2 the cost of the LPC which is seen to be a barrier to entry to the profession particularly to students from BAME and lower socio-economic backgrounds.

Dealing with each of these in turn:

- 1 We acknowledge that there are differences between different educational establishments and that a 2:1 degree from one institution may not be the same as a 2:1 degree from another. However, in practice we believe that this is recognised and



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understood by employers who make allowances for this in their assessment of candidates.

Where we believe the problem is more acute is with the students themselves in terms of the information available to them to make an informed assessment of one academic institution versus another, particularly if they are the first in their family to go to university or attend a school where the careers advice is poor.

2 We recognise that the cost of the LPC is high but accept that there are good reasons for it being more expensive to deliver than the SQE potentially will be (although we don't know the cost of the SQE yet and are merely going on the SRA's pronouncements that it will be less expensive). The LPC is a skills based course and the teaching is necessarily going to be expensive.

We do note that there is likely to be a proliferation of courses to help students prepare for the SQE and these courses will not be regulated by the SRA. The same criticisms will undoubtedly be made of these course in due course as there are bound to be wide variations between institutions. We also note that the cost of these courses is unknown at present.

While many firms do cover the cost of the LPC or provide bursaries we note and accept this level of financial support may be beyond the reach of many smaller and medium sized firms and that the students are often left to fund the cost of the LPC (and GDL) themselves. In practice, we have noticed an increase in the number of students opting to undertake the LPC and GDL on a part-time basis and work at the same time. My own firm has or has had three students working and studying at the same time and from the perspective of a prospective employer it is to the credit of the student to be able to demonstrate that they can achieve good academic results whilst in part-time or, even in some instances, full time work. We think that there is scope within the present system to overcome cost as a barrier to entry to the profession and that is without taking into account the option of qualifying via the equivalent means route which increases the flexibility available to students.

There are already too many students undertaking the LPC than there are periods of recognised training available. Increasing the supply of students by making it easier for them to complete the academic requirements will not increase the number of jobs available.

I respectfully ask that the Legal Services Board takes into account the views of the profession in coming to a decision on the SRA's application regarding the introduction of the SQE and does not approve the draft regulations at this present time until the SRA have properly dealt with the issues raised.

Kind regards

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