



LEGAL SERVICES  
**BOARD**

Legal Services Board  
The Rookery  
2 Dyott Street  
London WC1A 1DE

[www.legalservicesboard.org.uk](http://www.legalservicesboard.org.uk)

### **FoI request (Ref: 20200122-01)**

Thank you for your request for information about SRA responses to questions from the LSB in relation the SRA's SQE application in 2018.

I confirm that LSB holds the information that you have requested, I have enclosed the responses received from the SRA as follows:

1. Enclosure 1: Correspondence from SRA dated 19 February 2018 in response to queries raised by the LSB dated 6 February 2018.
2. Enclosure 2: Correspondence from SRA dated 15 March 2018 in response to queries raised by the LSB dated 14 March 2018.

If you are dissatisfied with this response to your request for information, you have the right to ask for an internal review / to submit a complaint (see [LSB's Freedom of information – Complaints procedure](#)).

If you are dissatisfied with the outcome of your complaint, you may refer the matter to the Information Commissioner for a decision. Please be aware that the Commissioner will be unlikely to make a decision until you have been through our internal complaints procedure first. You can write to the Commissioner at:

FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

The reference for your request, which should be quoted in all correspondence, is: 20200122-01.

**Enclosure 1: Correspondence from SRA dated 19 February 2018 in response to queries raised by the LSB dated 6 February 2018**

- (i) Rule 1.1(a) states that an individual must have "successfully and satisfactorily" passed an assessment. What is the significance of "successfully" in this regulation and what does that add beyond a requirement to satisfactorily pass an assessment?**

The words "successfully" and "satisfactorily" are used in regulation 1.1(a) as they have different purposes. An individual may have been successful in an assessment but there may have been some impropriety in relation to the way in which the individual passed the assessment which would mean that it was not passed "satisfactorily". The wording in regulation 1.1(a) would allow us to decide that an individual has not complied with it if we became aware of matters that meant that the assessment was not passed "satisfactorily".

- (ii) Will the SRA undertake any monitoring or spot checks of confirmations received under regulations 2.2 and 2.3?**

The process for confirmation of the period of qualifying work experience will be automated. But checks will be built into the system. For example, the candidate will tell us when and where they did their qualifying work experience and who will confirm it. The solicitor or COLP should be known to us, as we have a regulatory relationship with them. The system will be able to contact them to request the confirmation. The solicitor or COLP will have to confirm that they know the candidate, that the qualifying work experience took place when the candidate said it did, that the candidate had the opportunity to meet the competences and that they are not aware of any character and suitability issues. We will remind the solicitor or COLP of their duties under the code of conduct when we request the confirmation. The ultimate check that the period of qualifying work experience has achieved the desired outcomes will be the SQE assessment.

- (iii) What does the reference in regulation 4.1 to "and this regulation is revoked" relate to? What is the effect of this provision?**

The reference in regulation 4.1 to "and this regulation is revoked" has been included because it is proposed that these regulations will form the first part of the Authorisation of Individuals Regulations. Therefore, the effect of regulation 4.1 is to allow the SRA Board to make an order to determine the date on which the regulations will come into force and the date on which regulation 4.1 will be revoked as it would not be appropriate to have this commencement regulation when the full regulations are in place.

- (iv) Para 9 of the application notes that the SRA will put in place additional arrangements to give effect to regulation 1.1(a) and that you will apply for approval of these "as appropriate" in due course. Please provide an indication of what additional regulatory arrangements you envisage that would require LSB approval. Please also provide an indication of when you expect to make this further application.**

In order to give effect to regulation 1.1(a), we will put in place additional awarding rules for the SQE. We have already established some of these rules but we want to discuss them with the assessment organisation, once appointed, before we finalise

them. The appropriateness of some of them will depend on assessment design. The awarding rules will include:

- Rules about re-sits, for example, candidates will be allowed three attempts to pass an assessment, they can only re-sit if they fail an assessment (they can not resit to improve their marks), they must take all resits in one assessment session, they need only resit the individual assessment they have failed
- Rules about the time taken to pass the SQE, for example, a candidate must pass both SQE1 and SQE2 within six years of taking the first assessment
- Rules about the timing of the assessments, for example, SQE1 must be taken and passed before SQE2 can be attempted
- Rules about making a complaint or appealing the outcome of an assessment.

We expect that these rules will sit within the SQE assessment specification. However, in addition to the awarding rules, the assessment specification will also contain a range of other guidance related to the SQE which will not give direct effect to regulation 1.1(a) and which will, therefore, not need the approval of the LSB. For example, it will contain details of the content of the assessments, the Statement of Solicitor Competence, the Statement of Legal Knowledge.

We intend to apply to the LSB for approval of the awarding rules in 2019 when the SQE assessment is finalised.

**(v) Paragraph 88 of the application notes the actions that other organisations may take in response to serious concerns about training providers. Whilst the SRA will not quality assure those with a licence to use the SQE term in their marketing, would the SRA take any action to remove a licence to use the SQE logo if any of the other agencies noted in paragraph 88 of the application found substantiated concerns about a training provider?**

The SRA intends to put in place a [fee-free](#) trade mark licence which will govern the terms of use of the SQE trade mark. We expect to grant training providers, publishers and others involved in SQE preparatory training a free, non-exclusive, perpetual right to use the SQE trade mark, subject to the terms set out in the licence.

The policy behind the licence is that it is intended to protect the integrity and reputation of the SQE qualification, and to promote a fair and competitive market in which training providers can operate. It is not the aim of the licence to act as a mechanism to provide quality assurance or control or any framework for approval or endorsement of the training services themselves.

We have not yet finalised the terms of the licence, but our current view is that the licence will include examples of acceptable and unacceptable use of the SQE trade mark, in line with this policy objective. For example, the licence might include terms preventing training providers from using the term SQE in their trading name (e.g. "SQE School"); from claiming any connection with or endorsement by the SRA or the assessment organisation; or making misleading claims about the quality of the provider's training (e.g. false information about pass rates).

The SRA's powers would depend on the exact terms of the licence. But in principle:

- The SRA could revoke the licence of a training provider to use the SQE trademark, if the training provider were found to be operating outside the terms of the licence. For

example, if serious concerns were raised in relation to a training provider which had distorted the fair competition of the market, then it is likely the licence would be revoked.

- The SRA may have the right to pursue additional causes of action too for example, trade mark infringement, unfair competition or passing off or action under consumer protection legislation – but that may depend on the local law provisions / territory (whereas the licence will apply universally).

**(vi) What risks does the SRA foresee with appointing a single assessment provider and how will these be mitigated? For example, how will you manage poor performance or insolvency?**

Because of the specialist nature of the service, the pool of potential assessment suppliers is small. We have had an extended programme of engagement with assessment suppliers since 2015 and we have a competitive procurement process involving a small number of credible suppliers. We need to get the balance of risks and benefits right in the contractual terms to appeal to the strongest potential suppliers. But at the same time, we must retain our ability to have proper oversight and the contractual mechanisms are designed to ensure the delivery of high quality and value for money assessment services.

We have carefully considered different sourcing models and have concluded that the appointment of a single assessment supplier, to deliver the SQE on our behalf, is most likely to achieve our objectives of assuring consistent standards of assessment and appointing the strongest supplier. We are confident that appointing a single supplier would be lawful.

Sourcing multiple suppliers is not a guarantee of avoiding service failure. That is dependent on sourcing the right supplier with the necessary capability and capacity and having the appropriate contractual terms and contract management arrangements in place.

If we were to source multiple suppliers to deliver the SQE, we would have to establish a mechanism to ensure consistent and comparable performance standards across the different assessments. It would be harder to have statistically reliable assessments with a split candidate group, sitting different assessments. Having more than one assessment supplier, and a competitive market between them for candidates, would also run the risk that, in competing for candidates, they lower standards.

It would also extend the suppliers' financial risk because it would increase the uncertainty about candidate numbers and the time-frame in which they would recover their start-up costs. On a sector-wide basis, the creation of duplicate assessments would double or treble costs (depending on the numbers of assessment suppliers).

We have also considered and rejected sourcing one assessment supplier to deliver the SQE stage 1 functioning legal knowledge assessments and one supplier to deliver the SQE stage 1 and 2 practical legal skills assessments. The skills assessments are significantly more expensive to run than the knowledge assessments because they are more labour and resource intensive (requiring markers, role play actors, particular types of venues). The variable costs for skills assessments increase in proportion with the number of candidates unlike the computer-marked, objective testing proposed for the functioning legal knowledge assessments. A contract for the practical legal skills assessments only is unlikely,

therefore, to be commercially attractive because fixed operating costs and overheads could not be distributed across both types of assessments. Splitting the sourcing in this way could also restrict our ability to make changes to the overall SQE design, make it more difficult to set a reliable and consistent performance standard, and make contract management of the suppliers more complex and resource intensive.

However, we expect that most, if not all, of the bids we receive will take the form of a lead supplier who sub-contracts aspects of the assessment provision to a third party(s).

We have included a range of mechanisms in our contract with the assessment supplier to enable us to monitor the performance of the assessment supplier and minimise the risk of appointing a single assessment supplier.

The contract will include a number of provisions that:

- give us protections against the financial instability of the assessment supplier, including:
  - an obligation on the assessment supplier to provide an annual report on its financial standing
  - an obligation on the assessment supplier to procure a parent company guarantee
  - an obligation on the assessment supplier to notify the SRA if there is a material change in its financial standing or that of the guarantor.
- are aimed to ensure that the services provided by the assessment supplier represent value for money, including:
  - our agreement of maximum candidate fees and of any subsequent changes to fees
  - visibility of the assessment supplier's financial information
  - a specified threshold profit margin, after which a proportion of profits will be paid into an 'access and re-investment fund', which they administer (with appropriate safeguards), to provide candidate bursaries and to develop the SQE
  - an obligation to continuously work to improve the delivery of the services in accordance with good industry practice, which may lead to a reduction in the cost of delivery.
- give us oversight of the assessment supplier to assure standards and the ability to remedy breaches in the delivery of the services, including:
  - approval of deliverables, and approval of all assessment processes and procedures by ourselves and by an independent scrutineer we appoint
  - approval of changes to key personnel
  - the right to spot-check, audit and step-in
  - ability to implement a remediable plan process to remedy any failure
  - service credit penalties for failure to meet milestones, deliverables or service level agreements
  - the right to terminate with cause without payment
  - the right to terminate for convenience but with a termination payment, to be calculated by reference to the supplier's costs (not lost profits).

**(vii) What thought has been given to the need to provide assessment opportunities in Wales? Will you require your provider to offer a Welsh language assessment?**

We are increasingly providing material in Welsh. For example, we have published our core strategies, public facing information and documentation in Welsh and have just circulated our new annual report in Welsh. We continue to issue over 700 practising certificates in Welsh every year and we have also added a Welsh translation facility to our website and can provide additional material on request. Importantly, we are recording all requests for Welsh language translations and services and will review demand from stakeholders, as well as the uptake of bilingual options and services, and assess whether we can do more.

However, we have been advised that the SRA is not currently subject to a duty to provide any part of the SQE or related material in Welsh. The relevant statute is the Welsh Language (Wales) Measure 2011 (the 2011 Measure). The 2011 Measure lists certain bodies which are subject to a duty to comply with standards relating to the Welsh Language. The SRA is not currently included in the list. The SRA could, however, be added at some point in the future because one of the categories of organisations which can be added to the list are “persons overseeing the regulations of a profession”.

If the SRA were to subcontract the writing and marking of SQE assessments to a body which is subject to its own duty to comply with standards relating to the Welsh Language (“Welsh Language Standards”) then that body would need to comply with any relevant standards.

In relation to the education sector, the only such bodies are listed in Regulation 3 of the Welsh Language Standards (no. 6) Regulations 2017 (“the No.6 Regulations”). An education body not listed in Regulation 3 (whether situated in Wales or England) is not subject to Welsh Language Standards based on the legislation as it currently stands.

In any event, even where an organisation is subject to a Welsh Language Standard, there is no current requirement to provide assessments in Welsh. The only relevant Welsh Language Standard is the right conferred on candidates to submit written work (ie the answers to an assessment) in Welsh. Therefore, at most, the assessment supplier would have to be able to mark answers to written assessments which were in the Welsh Language. In addition, the No.6 Regulations only apply in relation to Wales and so would not apply to a Welsh speaker sitting an assessment in England. None of the bidders we have shortlisted as potential assessment suppliers for the SQE are listed in Regulation 3.

We know from talking to Welsh universities that they do not currently offer the LPC in Welsh, and that they have not identified demand for provision in Welsh. We are mindful of the additional expense of offering the assessment in Welsh, which would ultimately be borne by candidates, and also of the risk, were we to offer the SQE in Welsh, that the standard might not match exactly that of the assessment in English.

**(viii) Does the SRA have a risk register and implementation plan for the next stage of development of the SQE that could be shared?**

We have asked bidders to provide us with detailed timescales for developing, testing and piloting the SQE. So we won’t be able to confirm the detailed timescales for the next phase of SQE development until we appoint the supplier. We are happy to share this with you when it is available.

We do not consider it appropriate to share our risk registers with the LSB. But we can confirm we are managing and mitigating risk carefully, in a number of ways:

- We maintain a risk register for implementation of new approach to authorisation of individuals/admission (including the SQE). This is regularly reviewed by our internal SQE project board and any significant risks escalated.

- We maintain a risk register for the contract with the SQE assessment supplier through our contract management process, this too allows for internal escalation when necessary.
- We will expect the assessment supplier to have in place and to follow appropriate systems to identify and manage risk. We would expect them to do so, among other things, by having their own SQE risk register. We will ask for reporting against this as part of our regular contract management meetings.
- We have published a full equality impact assessment. We will monitor the outcomes of the SQE testing and piloting and identification of any risks to any candidate group. This will be overseen by our external scrutineer.
- We continue to gather information through our programme of stakeholder engagement about the readiness of the legal education and training market and employers to respond to our reforms.

## **Enclosure 2: Correspondence from SRA dated 15 March 2018 in response to queries raised by the LSB dated 14 March 2018**

### **Concern that students who have not completed a law degree could pass the centralised assessment without the depth of knowledge that a qualifying law degree or recognised conversion course provided**

Our requirements for qualification under the SQE are based on candidates demonstrating the core competences required for safe practice as a solicitor. This is in line with the regulatory objectives to protect and promote the interests of consumers, encourage an independent, strong, diverse and effective legal profession and promoting competition in the provision of legal services. It is also in line with the LSB's statutory guidance on education and training.

The core competences required for safe practice are set out in the Statement of Solicitor Competence. They are supplemented by the Statement of Legal Knowledge which sets out, in some detail, the core areas of functioning knowledge that a candidate will need in order to pass the SQE. The Statement of Solicitor Competence and the Knowledge Statement were developed with extensive input from stakeholders. We consulted on them in 2014. Respondents to the online survey that we conducted to develop the Competence Statement included 1070 solicitors from private practice (78%) and in-house practice (22%) across all major practice areas as well as 503 individual consumers of legal services and 204 businesses who had used solicitors in the last three years. The findings from the quantitative testing were positive with 87%, 87% and 90% of practitioners, individual consumers and business consumers respectively giving ratings of between 7 and 10 on a 10-point scale in relation to the Competence Statement (where 1 is low and 10 is high).

We noted stakeholders' concerns about our decision not to specify training in our response to our 2016 consultation. We recognised that our proposals are a move away from the current system. But we reported that we did not receive compelling evidence through the consultation that regulating educational processes would be as effective as checking that those we admit as solicitors are competent as setting an end point assessment. We said that our proposed model has checks and balances in place to encourage good teaching and good learning. In other words, if the knowledge and skills being assessed are the right areas, intending solicitors will be encouraged to learn what they need to know for safe practice.

The requirement to demonstrate the core competences and the knowledge in the Statement of Legal Knowledge will drive the study and learning that is necessary to pass the SQE. Candidates will not be able to pass the SQE unless they have taken appropriate steps to gain this knowledge through a course of study or through self-directed learning. Although we currently require candidates to undertake a QLD or a CPE, our requirements do not set out in any detail what should be taught on these courses, this is up to providers.

The areas of functioning legal knowledge required to pass the SQE are specified to a far greater level of detail (14 pages in the draft Assessment Specification) than the current requirements for QLD and CPE providers (2 pages in the Joint Statement). In most cases, the Joint Statement simply specifies the subjects to be taught by the title of the area of law – for example, “criminal law” or “property law”. Some respondents to our 2014 consultation on the Competence and Knowledge Statements, including the City of London Law Society, commented that the Knowledge Statement needed to provide more detail to indicate the depth and breadth of coverage needed to qualify as a solicitor. But others, mostly academic providers, said that the Knowledge Statement was too detailed, too prescriptive and too



wide. The Society of Legal Scholars said that there was a risk of over-regulation and the possibility that the development of the solicitors' profession could be unnecessarily stifled.

In our response to the 2014 consultation, we acknowledged that the Competence Statement does not cover any of the areas covered in Part 2 of the LPC (the electives) but we pointed out that it is not a requirement of the current system that a solicitor must have studied any of these subjects to be admitted as a solicitor or practise in a specific area. The Competence Statement represents the core building blocks to be a solicitor. We noted that individuals will still need detailed knowledge of their own areas of practise but we do not think it is for us to specify that.

Respondents to our 2016 consultation also raised concerns that the SQE is narrower in focus than the full range of subjects studied by current students and it does not include an assessment of the wide range of practice areas in which solicitors work. In our consultation response, we acknowledged that the SQE is narrower in focus than the current requirements but we said that the SQE is deliberately focused on the reserved activities because we must assess candidates in areas where they gain practice rights with the award of title. More broadly, its purpose is to check core knowledge and skills and through that give assurance that successful candidates have the ability to develop expertise in other specialist areas when necessary.

In practice, candidates will require a significant period of study in order to pass the SQE, whether as part of a law degree, a new type of conversion course for non-law graduates or some kind of stand-alone SQE preparatory course. As we said in our 2016 consultation, we continue to view robust and effective training as an essential part of becoming a solicitor.

But we cannot justify a requirement for candidates to undertake a specific type or period of study in order to gain this knowledge. We cannot justify the acquisition of a particular qualification whose purpose is broader than preparation for admission as a solicitor. As the Law Benchmarking Statement 2015 makes clear,

“Studying law at undergraduate level is an academic matter. Law graduates do not, by virtue of their degree, have a right to practise law professionally. The study of law involves the acquisition of legal knowledge, general intellectual skills and certain skills that are specific to the study of law. The balance that there will be between the acquisition of legal knowledge, general intellectual skills and subject specific skills in a curriculum will vary between law schools.”

This position lies at the heart of the new system. It flows from one of the key objectives behind our reforms – the desire to increase flexibility in the qualification system by removing any unnecessary regulatory requirements. It is also in line with the LSB's statutory guidance on education and training. We consulted on this position in our first consultation in 2015. Our Board agreed to this position in April 2017, following the second consultation, and following a decision to retain a requirement for a degree or equivalent as part of the requirements for admission as a solicitor.

There are many ways in which candidates could gain the knowledge and skills necessary to demonstrate, through the SQE, that they meet the requirements for safe practice as a solicitor. We want to give candidates the flexibility to choose for themselves what course of study best suits their individual needs. The SQE will provide us, and our stakeholders, with the assurance that, whatever the course of study and whatever its length, all candidates have achieved the core competences set out in the Statement of Solicitor Competence and have gained the knowledge set out in the Knowledge Statement. Although we have not based the SQE on the Framework for Higher Education Qualification (because the SQE is a

professional, not academic qualification), an independent assessment of the SQE which we commissioned from AlphaPlus concluded that it is comparable in demand to a level 6/7 qualification.

In addition, having a clear standard which candidates must meet at the point of qualification allows the labour market to innovate and promotes competition. This, in turn, should result in lower costs in the training market which will aid international competitiveness by making the English and Welsh market a more attractive one in which to qualify. This is good for UK growth, inward investment and promoting the law of England and Wales.

Our obligation to ensure that our regulation is proportionate and targeted means that we cannot justify requiring candidates to take a course of study that will teach them more or to study for longer than is necessary to gain the core competences needed to practise as a solicitor. This could result in unnecessary cost for candidates and act as a barrier to qualification.

Under the new system, providers will be free to design the courses they choose. This may include learning in addition to that required to pass the SQE, particularly if they choose to design these courses in collaboration with law firms wishing to prepare their trainees for practice in their specific area of practice. But our requirements must be limited to those which will provide assurance that the candidate is safe to practise as a solicitor.

As we set out in our application, our decision not to require a specific course of study is in line with the regulatory objectives because:

- The SQE will both ensure competent standards and give consumers confidence that the services they use are provided to a competent standard (paragraph 127)
- In removing artificial barriers (such as the requirement for a particular course of study) the SQE may also enable more individuals to qualify and therefore help address problems of access to justice (paragraphs 128 and 130)
- The market will be as open as it can, whilst at the same time still securing high and consistent standards. This will allow more varied pathways which encourage greater diversity. The SQE should also provide market credibility for new routes to qualification such as apprenticeships. (paragraph 136)

**Concern that if universities seek to amend the syllabus of their law degrees to reflect the content of centralised assessment, they may need to reduce the depth of knowledge and analytical skills that are currently taught**

Under the current system, many law degrees include content that falls outside the requirements of the Joint Statement. In the future, providers will still be able to include additional elements in their degree courses that fall outside our requirements for the SQE. We have spoken to a number of providers that have already designed new courses that will include SQE preparation as well as additional, elective elements (similar to the current system).

As we said above, some respondents to our 2014 consultation on the Competence Statement, mostly academic providers, said that the Knowledge Statement was too detailed, too prescriptive and too wide and that there was a risk of over-regulation and unnecessary stifling of the development of the profession. In response, we recognised that the Knowledge Statement specified a level of detail beyond that in the Joint Statement. We said that it was inevitable, as we shifted from a focus on process to a focus on standards, that we will have to prescribe the outcomes more closely whilst at the same time relaxing the regulatory requirements about how those outcomes are achieved. We said that we did not agree that

our approach stifles academic freedom as it is for universities to decide what they should teach. It is for the SRA to prescribe what a competent solicitor must be able to do and therefore what the requirements are for admission to the profession.

Responding to stakeholders' concerns raised during the 2016 consultation, we emphasised that the SQE provides threshold confidence that solicitors are safe to practise. It creates new freedoms for the profession and universities to collaborate in the training they think their firm or sector needs, without unnecessary interference from the regulator. Employers can build on the SQE to develop targeted training programmes which provide the range of additional skills and knowledge needed for practice sectors.

Any university offering a law degree, both those that include SQE preparation as well as those that don't, will have to validate their courses through their internal quality assurance processes to ensure they meet the required standards for degree courses. They will also have to meet quality benchmarks set by the Quality Assurance Agency for Higher Education. These include the Framework for Higher Education Qualifications, the Quality Code and the subject benchmarks statements. These quality benchmarks will provide external assurance that any degree meets requirements relating to content, standards and academic rigour in the same way as they do now. In any event, as you would expect, there is a broad alignment between the requirements of the [Law Benchmarking Statement](#) and the [Statement of Solicitor Competence](#).

Our requirement for candidates to have a degree or equivalent to be admitted as a solicitor will also ensure that candidates have achieved the necessary cognitive, analytical and other transferable skills that are associated with degree level study.

### **Concern that removing the requirement for academic study of law would impact on the reputation and international competitiveness of the England and Wales profession**

Whilst the need to assure the reputation and international competitiveness of the profession in England and Wales is not the same as the regulatory objectives, we have been very aware of stakeholders' concerns in this area and have considered the impact of our reforms on the standing and reputation of the profession.

We have said from the start, in response to our consultation on the Competence Statement, that an assessment framework which is valid, consistent, reliable, fair, feasible and encourages innovation and flexibility in legal education and training will provide a high level of protection for consumers of legal services and a high degree of confidence in the profession both in this country and internationally.

We also said in our 2015 consultation that we are very aware of the importance of upholding public confidence, both here and abroad, in the solicitors' profession. And in our second consultation in 2016, we responded to concerns raised in response to our 2015 consultation about the reputation of the solicitors' profession by saying that we recognised that the way in which solicitors qualify underpins the reputation of solicitors in England and Wales throughout the world. We said that the new package of measures that we proposed was the best way to assure high professional standards and to underpin the reputation of the profession both in England and Wales and internationally.

We also responded to concerns raised by stakeholders in the 2015 consultation by announcing in our 2016 consultation that we would retain the requirement for solicitors to have a degree or equivalent. We said that this decision would help underpin the high reputation of all solicitors of England and Wales and the global City law firms in the international market.

The requirement for a QLD or CPE is an input measure that we can no longer justify (for the reasons set out above). We are replacing this requirement with a more effective measure of assuring standards (the SQE). Retaining the current distributed system of assessment, where we cannot provide assurances about the consistency of standards being achieved, could have an adverse impact on the reputation of the profession. We said in our second consultation that, whilst we had considered the option of simply adjusting the current system and improving our quality assurance system to address concerns about consistency of standards, we do not believe that specifying particular courses or qualifications and quality assuring teaching through an Ofsted style regime of inspections and visits can be the best way to encourage high quality teaching. There are other, better, ways to improve quality, for example though using market information and open data to create competitive pressures from students and recruiters for high quality legal education and training.

As we say in our application, the SQE provides a standardised assessment which will ensure consistent, high standards of competence. These high standards will underpin the strength and effectiveness of the legal profession (paragraph 132). It will promote high standards. This will assure solicitors' standing both at home and abroad. This in turn should maintain the strong standing of the profession (paragraph 133). Introducing the requirement for a centralised assessment will bring us in line with other jurisdictions, the majority of which already have some form of centralised assessment. This will enhance, not reduce, the standing of the profession internationally.

The SQE should improve competition in the international labour market, through wider opportunities for qualified lawyers to requalify, and this should in turn enhance the reputation of the English and Welsh solicitors' profession globally. There is already considerable interest internationally in the introduction of the SQE. Training providers from Australia and the US have already contacted us to talk about setting up SQE training programmes in their local jurisdictions so that their local lawyers can obtain the solicitors' qualification. This will encourage the spread of English and Welsh law internationally and will support the reputation of England and Wales as a jurisdiction of choice. It will also make the SQE an international qualification of choice to rank alongside the New York Bar exam. The National Conference of Bar Examiners has already conducted an initial benchmarking exercise of the SQE against the New York Bar examination and concluded that the SQE could be perceived as being comparable to, if not more robust than, the New York Bar in terms of difficulty and design.