

Overarching aim of the SQE:

**Key aim of the SQE is to create diverse pathways to qualification which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.**

The SRA states that the SQE will provide a level playing field for all candidates, whatever their backgrounds. It will assess all candidates to the same standard regardless of their training or prior achievement. Candidates who attended less prestigious universities, or who choose new routes to qualification, can demonstrate to employers that they have reached the same standard as candidates who attended more prestigious universities or followed more traditional routes.

The SRA has had advice and published a report from the Bridge Group, specialists in research on social equality, in 2017 and an updated report on 10 July 2020, and has updated and published the SRA EDI Risk Assessment.

The Bridge Group report 2020 concluded:

- that there is no silver bullet to address diversity in the legal profession, because it is constructed with a complex range of factors at every stage on the journey to the profession. Therefore, diversity implications cannot be precisely predicted, given the variety and multiplicity of these factors. This absence of precise prediction is the main driver for encouraging the SRA to: redouble its emphasis on the gathering and analysis of accurate data, throughout the implementation process and beyond; robustly and transparently review and evaluate impact; and take evidence-informed decisions regarding the continued development of the SQE.
- increasing diversity in the profession is dependent critically on the actions of employers and training providers, with actions by the SRA likely to achieve only modest gains without corresponding action from stakeholders in the sector.
- managing stakeholder relationships, and increasing and maintaining employer confidence in SQE, must remain a top priority.

**Issues in the table below which were open at the time of the discussion with SLT:**

- **Availability of professional loans to meet the cost of the SQE (issue 2)**
- **QWE can be undertaken on an unpaid basis and EDI concerns this presents (issue 5) (awaiting reply from SRA on one follow up question)**
- **SQE not cheaper than status quo (issue 7)**
- **Differential performance (issue 9)**
- **Piloting (issue 10)**
- **Monitoring and Evaluation (issue 11)**

Issue no.	Issue	Raised by	SRA application/ response to LSB/stakeholders	LSB provisional assessment	Issue status (closed open)	Refusal criteria engaged?
Overall diversity impacts						
1	<p><b>Accessibility: Reasonable adjustments, including concerns around the inclusion of multiple-choice questions for students with disabilities; accessibility of oral assessment centres (three centres initially, rising to five):</b></p> <ul style="list-style-type: none"> <li>• Reasonable adjustments: TLS and JLD both raise the matter of reasonable adjustments that will need to be made. TLS said in their letter to the SRA that (at the time of writing at least), it is unclear how alternative arrangements will be made on the scale necessary for the introduction of the SQE. Essential that the reasonable adjustments have independent oversight.</li> <li>• The JLD draw on the SRA citing Kaplan’s previous experience of handling reasonable adjustments for QLTS assessments. They say this cannot be relied on as the number of candidates taking the SQE (and in turn, possible requests for reasonable adjustments) will be higher.</li> </ul>	TLS, JLD	<p><u>Reasonable adjustments</u></p> <p>Application: Policy and procedure on reasonable adjustments is covered in the Assessment Regulations.</p> <p>Paragraph 452 states that a wide range of reasonable adjustments will be made for those with disabilities. These might include, but are not limited to, additional time, enlarged/coloured assessments, special seating/lighting, rest breaks, a personal assistant, a scribe, a reader, a separate room and invigilation, use of specialist equipment, rescheduling of assessments. SRA add that each SQE assessment centre will be compliant with all applicable equalities’ legislation.</p> <p>Paragraph 430-431: Kaplan has many years’ experience of making reasonable</p>	<p>Examples provided at paragraph 452. We have not seen the reasonable adjustments policy yet. The SRA said to us that this is due for publication by the end of October.</p> <p>We asked the SRA whether the policy is intended to cover reasonable adjustments which may need to be considered other than for disabilities (for example for those candidates which may need to ensure head coverings for religious reasons are taken into account). In its response, the SRA explained that the policy covers reasonable adjustments for those who are disabled and for those who want adjustments because of a condition which does not</p>	Closed	Refusal criteria not engaged.

	<ul style="list-style-type: none"> <li>The JLD raise that the increase in multiple choice questions rather than written exam style answers poses problems and adds to the burden for students with various disabilities. Multiple choice questions are often speed tests and if the student has visual impairments and must work through a scribe or speech software, this increases the challenge. Extra time is arbitrary if the design of the testing is wrong for the end user. The JLD add that the special arrangements must have independent oversight to understand and ensure that the process provides fair and equal access to the assessments.</li> <li>Location of test centres: Possible issues for disabled candidates and some ethnic minority candidates in attending test centres which are not located in their vicinity and the possible need for overnight stays. Would also incur costs for these candidates.</li> </ul>		<p>adjustments, including for the QLTS assessments. The SRA is planning for an increase in requests for reasonable adjustments for the SQE. The SRA has oversight of Kaplan's obligation to make reasonable adjustments. Kaplan will report to the SRA on reasonable adjustments requested and granted on a regular basis and the SRA will monitor Kaplan's responses to requests received.</p> <p><i>Reasonable adjustments in respect of multiple-choice tests:</i></p> <p>Paragraph 123 - 124: Any risks of disadvantage for disabled students are mitigated by the fact that Kaplan has a clear obligation to make reasonable adjustments for disabled candidates. This will be subject to individual circumstances and may include the provision to take the assessment over a longer period of time to minimise any fatigue from travelling. Can also include, subject suitable medical evidence, the provision to take</p>	<p>fall under the definition of disability under the Equality Act 2010. Kaplan would also expect to provide individual arrangements for candidates in relation to religious observance in appropriate circumstances. The SRA added that it is not Kaplan's intention to include religious observance as part of the reasonable adjustments policy. Instead, reference will be made to "individual arrangements" rather than "reasonable adjustments" in the context of religious observance.</p> <p>Extent to which the concerns impact on the SRA's aims that the SQE will encourage a more diverse profession?</p> <p>Reassurance by independent Bridge Group report.</p>		
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			<p>the assessment in an alternative venue.</p> <p>Paragraph 133: QLTS has been running since 2011 with assessments similar to those to be introduced for SQE, namely a single best answer multiple choice test and legal skills assessments. SRA has comprehensive data from these assessments covering more than 16,000 candidate attempts spread across 19 multiple choice tests and 18 legal skills exams.</p> <p>Bridge Group report: "We are reassured that the SRA has considered effective practices in relation to reasonable adjustment."</p> <p>Response letters to TLS and JLD:</p> <p>The Lawyers with Disabilities Division at the SRA says that about 13% of LPC students receive a reasonable adjustment. Kaplan is planning for 25% of SQE candidates to have a reasonable adjustment. Kaplan have extensive</p>	<p>Recommendations made by the Bridge Group feed through to the EDI assessment.</p> <p>SRA has provided details of ways in which Kaplan would approach requests for reasonable adjustments (noting that this would be dependent on individual circumstances) and the SRA's monitoring of Kaplan's responses to requests received. Kaplan's experience in handling reasonable adjustments includes assessments other than QLTS.</p> <p>The SRA and Kaplan recognise and are planning for reasonable adjustments for the SQE to be greater than for the QLTS.</p> <p>Issue should possibly be closed in respect of reasonable adjustments</p>		
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			<p>experience of making adjustments, not just on the QLTS, but also across other assessments.</p> <p>Response letter to JLD:</p> <p>Making reasonable adjustments for candidates with disabilities is a legal requirement and a contractual requirement that the SRA has placed on Kaplan which the SRA will monitor. Kaplan’s previous experience in making reasonable adjustments covers over 16,000 candidate attempts spread across multiple choice and legal skills assessments which are similar to the SQE.</p> <p>Reasonable adjustments policy for the SQE assessments will be published (currently in draft). The SRA is committed to publishing this and wider resources on for example, support for travel.</p> <p><u>Location of oral assessment centres</u></p> <p>Decision on the number of oral assessment centres needs to</p>	<p>based on considerations in application.</p> <p>Location issue somewhat addressed. Reasonable adjustments will be considered on a case by case basis. Possible scope to take assessment at an alternative venue.</p>		
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			strike a balance between a number of factors and the SRA cites two of these. Firstly, that oral skills assessments need to be standardised (SRA refers to other licensing assessment such as the Royal College of General Practitioners Clinical Skills Exam which takes place only at one venue in London). Secondly, the SRA says that costs need to keep to a minimum where possible (any unnecessary costs will increase the candidate fee).			
2	<p><b>Availability of professional loans to meet the cost of the SQE:</b></p> <ul style="list-style-type: none"> <li>• TLS raise that securing funding for the SQE assessments is essential to ensuring that the introduction of the SQE does not negatively impact social mobility within the profession. They say that without access to, or the ability secure funding, SQE costs will act as a barrier for people from lower-socio economic backgrounds wishing to enter the profession.</li> <li>• The JLD makes a similar point: Without access to graduate student loans, SQE costs may prove to be too costly for many without access</li> </ul>	TLS, JLD/LSB	<p>Application: It is correct that student loan funding and Disabled Students Allowances are not currently available for the cost of the SQE assessment itself, or for the cost of private courses that a candidate may choose to take. The schemes are operated by government.</p> <p>Paragraph 359 – 364: There is government funding for degree courses which incorporate SQE training. There is also funding for SQE costs through the solicitor apprenticeship. This can include individuals with prior learning joining the apprenticeship programme for</p>	<p>Lack of access to finance support could present a possible barrier for those from lower socio-economic backgrounds.</p> <p>SRA highlight in the application and across response letters that funding for SQE costs is available through the solicitor apprenticeship and that this can include graduates for the last years of their training (confirmed by the ESFA). This could offer some support.</p>	Closed	On balance refusal criteria not engaged.

	<p>to capital or a training contract at a City firm to enter the profession. They say this is particularly relevant at a time when the government has discontinued the use of Professional Career and Development Loans (which, in light of the current financial climate, the JLD believes is unlikely to be reversed). It notes that this could encourage the uptake of high street bank loans, leaving applicants in high interest debt on top of their undergraduate student loans. Further, the JLD notes that this may force aspiring solicitors to save up the necessary funding, delaying their assessments. The JLD raise that this would leave many applicants in a disadvantaged position compared to those able to financially fund the assessments immediately.</p> <ul style="list-style-type: none"> <li>• TLS say that if it is not possible to secure funding for loans for SQE candidates, it is essential that the SRA have in place a plan 'B' to ensure that finances do not hinder access to the profession for candidates who cannot rely on their own capital or student funding.</li> </ul>		<p>the last years of their training (see below).</p> <p>Paragraphs 395 – 415: The Education and Skills Funding Agency has confirmed that it is possible for graduates to join the apprenticeship programme for the last years of their training, in which case the cost of their training and assessment (on a pro rata basis) is recoverable through apprenticeship funding.</p> <p>Application:</p> <p>The upfront cost is very significantly lower and the SQE offers flexibility (e.g. online training or integrated approaches combining classroom and workplace learning), providing more scope for “earning while you learn”. The Disabled Students’ Allowance and student loan funding are schemes operated by the Government. The SRA has discussed the funding issue with TLS and together they will continue to ask government to consider this point. Further,</p>	<p>SRA put forth in response letters and its application that the upfront cost is “very significantly lower”, the flexibility that the SQE offers and that the SQE would represent a lower financial risk compared to the LPC as candidates can decide based on SQE1 results whether to pursue SQE2.</p> <p>While the professional loans matter itself is outside of the SRA’s control as it lies with government, the concerns remain about the lack of access to funding and possible finance-related issues for aspiring solicitors linked to this.</p> <p>Note that some funding available via apprenticeship route which could provide some support.</p> <p>We have asked the SRA to provide a response to</p>		
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	<ul style="list-style-type: none"> <li>• TLS <a href="#">wrote to the LSB on 10 September</a> setting out its expectations for the SRA in respect of EDI and re-iterating the outstanding issue regarding lack of funding. TLS also provided its <a href="#">suggested actions for the SRA in respect of EDI</a>.</li> </ul>		<p>paragraph 41 states that government have told the SRA that consideration of this issue would be assisted by having final approval (from the LSB).</p> <p>The SRA say they know from talking to law firms, that some employers are considering paying SQE costs for employees, as they currently do (for example) for their CILEX (Chartered Institute of Legal Executives) employees, and for PSC fees.</p> <p>Response letters to TLS and JLD:</p> <p>Speaking with the MoJ about the funding possibilities. The upfront cost is very significantly lower and the SQE offers real flexibility. SQE offers candidates more opportunity to learn while they earn. Funding is available to cover the costs of solicitor apprentices, both for school leavers, and, on a pro-rata basis for graduates during their QWE to cover the cost of SQE 1 and SQE 2.</p>	<p>the LSB in respect of each of the proposed EDI actions raised by TLS. Response was provided on 22 September and addresses all EDI concerns.</p> <p>A University of Law scheme allows LPC students studying the course alongside their masters or LLM degrees to apply for a £10,000 loan from the Student Loans Company.</p>		
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			<p>Aspiring solicitors can take SQE1 and then decide, based on their results, whether to continue on to SQE2, representing a significantly lower financial risk compared with the cost of the LPC.</p> <p>In its response letter to TLS, the SRA said it thinks that the Solicitor Apprenticeship funding (on a pro rata basis) being used for graduates is something which would particularly benefit small firms and it would welcome a discussion about how best this might be drawn to their attention.</p>			
3	<p><b>Risk of employer practices contributing to a two-tier profession</b></p> <ul style="list-style-type: none"> <li>Under the current system, many firms cannot afford to pay for a candidate's LPC costs and so candidates must take the financial risk upon themselves. This is also the case if candidates seek to complete the LPC before securing a training contract. If firms require a higher standard of training than is necessary under the SQE, because of their lack of faith in the quality of the SQE, candidates may have to</li> </ul>	JLD	<p>Paragraph 416: The SQE will provide a level playing field for all candidates, whatever their backgrounds. It will assess all candidates to the same standard regardless of their training or prior achievement. Candidates who attended less prestigious universities, or who choose new routes to qualification, can demonstrate to employers that they have reached the same standard as candidates who attended more prestigious</p>	<p>If some firms do prescribe that SQE 1 and SQE 2 must be taken and passed before QWE (which the SRA recognises could happen and would not restrict), then this could see some candidates seeking out and paying for further courses. The financial burden issue presents possible disadvantages for those from lower socio-economic backgrounds.</p>	Closed	<p>Possible prejudice to the regulatory objectives now addressed by SRA's reply on costs.</p> <p><b>RO6: Encouraging and independent, strong, diverse and effective legal profession</b></p>

	<p>take the financial burden of this themselves. This means that the profession will remain a "pay to access" profession for those that don't head to the larger firms and/or create a two-tier standard. Does not meet the SRA's aim, for the SQE, of creating a more accessible, diverse profession.</p> <ul style="list-style-type: none"> <li>• Firms that cannot afford to pay for additional training are likely to bear the brunt of criticism for not advancing social mobility if they choose to recruit those who have pursued further education, at their own cost, instead of those from a larger, more diverse pool of candidates, but which includes many that can't afford to take on additional studies.</li> <li>• The JLD fear that in attempting to increase diversity, the approach the SRA is currently taking will only increase elitism and make the importance of a candidate's degree, University attended, and any extra-curricular or additional education, of even more importance to law firms.</li> </ul>		<p>universities or followed more traditional routes</p> <p>Paragraph 353: The cost of any training will be additional and is discretionary. The SRA anticipate there will be a wide range of training models and price points and set these out in its application. Points covered are:</p> <ul style="list-style-type: none"> <li>• SQE-inclusive law degrees</li> <li>• Apprenticeships funded through the apprenticeship levy</li> <li>• Bespoke SQE-focused training courses for law and non-law graduates</li> <li>• New post-graduate professional law programmes which may include the current GDL content within an SQE training package.</li> </ul> <p>Response letter to JLD:</p> <p>Updated Equality Impact Assessment and the report of the independent Bridge Group report in 2017 (the 2020 report hadn't been published at the time) shows the planned SQE is</p>	<p>JLD has not advanced any evidence to support their concern, i.e. that firms will require a higher standard of training than the SQE provides. A consortium of magic circle firms have contracted with BPP law school to provide additional bespoke training for their firms (but they have been doing this under the current system through promoting the 'City LPC' which is a more expensive course.</p> <p>Bridge Group's 2017 report found that the SQE:</p> <p>a) can help the sector to understand better the causes of, and potential solutions to, the lack of diversity, due to the greater standardisation and transparency the SQE affords</p>		
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			likely to help to address the existing barriers.	<p>b) has the potential to increase the range and choice of legal training, while maintaining high standards; and may drive down costs for trainees through competitive pressures in the market.</p> <p>Issue that also exists in the current system e.g. access to top up courses easier for those who can afford it. In this respect SQE could encourage two-tier profession.</p> <p>We asked the SRA for further information in respect of costs, see respective section. But much will depend on the different business models that firms operate.</p> <p>Bridge Group's latest report notes:</p> <ol style="list-style-type: none"><li>1) Employer practices could serve to reduce the potential</li></ol>		
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				<p>benefits of SQE and the increased flexibility it provides</p> <p>2) However, this does not mean that it should not be done or that the overall impact will be negative</p> <p>3) It stresses the importance of the SRA working with employers to build trust and encourage them to engage openly with new flexibility.</p> <p>SRA is doing work to act on Bridge Group recommendations and build trust with employers – see issue 4 below.</p>		
QWE						
4	<p><b>SRA should prescribe that QWE should be completed before SQE 2 (also see Standards log issue 7 where the issue is closed):</b></p> <ul style="list-style-type: none"> <li>The JLD believes that the SRA should prescribe that SQE 2 can</li> </ul>	JLD	<p>Paragraphs 223 – 224:</p> <p>The SRA says it has considered carefully whether it should have a requirement for QWE to be completed before SQE2. It does not see a regulatory justification</p>	<p>The SRA recognise that some firms may choose to dictate that SQE1 should be completed before SQE2 however, they don't consider blocking this, on account</p>	Closed	<p>Possible prejudice to the regulatory objectives now addressed by SRA reply.</p>

	<p>only be taken after a significant period of the two years' QWE has been completed. It says that mandating this is vital in order to ensure that becoming a solicitor does not remain a pay-to-access profession but is instead about attracting the best and the brightest talent, regardless of their socio-economic background.</p> <ul style="list-style-type: none"> <li>A number of City firms have made it clear that they will take require completion of SQE 1 and SQE 2 before taking on candidates for QWE. When other firms follow suit, candidates will inevitably be forced to take further preparatory courses (similar to the LPC) in order to pass SQE 2 so that they can secure QWE. SQE 2 will then become a test of the quality of these courses and not a test of the quality of training from firms and the competence of a candidate at the point of admission.</li> </ul>		<p>for this restriction. It knows concerns have been expressed that not having this rule will lead to all candidates taking both SQE1 and 2 before QWE, and that the consequential increased training costs will deter those from lower socio-economic backgrounds from qualifying. SRA says it knows that different parts of the market are taking different approaches which suit their business models. Some firms are planning to introduce training covering SQE1 and 2 before QWE. But others are introducing an approach which integrates SQE1 and 2 with QWE.</p> <p>The SRA says that provided standards are met at point of admission, it sees no reason to restrict flexibility in how employers recruit and train their future solicitors. Allowing this flexibility can help encourage an independent, strong, diverse and effective legal profession. SRA says that if it required SQE2 to be taken after work</p>	<p>of their view regarding the flexibility of the SQE.</p> <p>If firms do prescribe completion of SQE1 and SQE2 before QWE, then it's possible that lack of access to funds could disadvantage those from lower socio-economic background that can't afford to pay this upfront cost. Also links back to the issue of funding to cover costs of SQE. However, the SRA might argue that QWE could be undertaken with up to four different legal employers and so offers flexibility this regard.</p> <p>Bridge Group makes references to this. Their main points on this are:</p> <ol style="list-style-type: none"> <li>1) Employer practices could serve to reduce the potential benefits of SQE and the increased flexibility it provides</li> <li>2) However, this does not mean that it</li> </ol>		<p>RO6: Encouraging and independent, strong, diverse and effective legal profession</p>
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			<p>experience, candidates would be in limbo at the end of QWE while they waited to take SQE2 and get their results. Say, alternatively, it could permit SQE2 to be taken at some point during QWE. But, in this case, it would need to specify an arbitrary minimum period of QWE before which SQE2 could not be attempted. It is not clear what the rationale would be for any such minimum period. SRA says it will keep this under review once the SQE is implemented.</p> <p>Paragraphs 366 – 380. Response to JLD’s letter:</p> <p>QWE will test candidates’ competence consistently against the day one solicitor standard through SQE1 and SQE2. The purpose of QWE is to help candidates develop the skills they need as a solicitor, and to expose them to working ethically in a regulated environment. Does not involve any assessment of competence.</p>	<p>should not be done or that the overall impact will be negative</p> <p>3) It stresses the importance of the SRA working with employers to build trust and encourage them to engage openly with new flexibility.</p> <p>In respect of point 3 above, which is set out at paragraph 84 of the Bridge Group report, the SRA plans to action this recommendation by:</p> <ul style="list-style-type: none"> <li>• Continuing to engage with providers to help them to understand the benefits of the new system and the role that they can play in creating a competitive and healthy market for SQE training.</li> <li>• launching a community of</li> </ul>		
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			<p>QWE can help candidates develop their skills, perhaps alongside some classroom training, and there is data from the SQE2 pilot that shows that work experience is one way of gaining the skills necessary for SQE 2. It is the SRA's responsibility is to assure competence at point of admission standard, not to restrict or prescribe how competence is developed. See a range of different approaches emerging in the market e.g. as JLD says some city firms will require their future trainees to pass SQE1 and SQE2 before they start their QWE. There is, however, no indication that where the city leads, the rest of the profession will follow. Already see other approaches being planned, for example, Kennedys and Deloitte Legal have announced they will be introducing a training system which will integrate QWE with SQE 1 and SQE 2. Flexibility for all firms and employers, as well as for the candidates, offers opportunities for all concerned.</p>	<p>practice for providers to facilitate the above</p> <p><b>Update post-SLT:</b> We requested further information from the SRA on the actions it will be taking to build trust amongst employers, in line with recommendations from the Bridge Group. In its response of 2 October, the SRA said it recognised that it has limited influence over how employers respond to the changes. The SRA said what it can do is make sure that information on the potential benefits of the changes are widely available to employers and monitor the extent of change over time and also work with others e.g. TLS to make the case for change. The SRA noted that until the SQE has been in place for a number of years, there will not be a large</p>		
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				<p>amount of data available from it to encourage changes in recruitment practices and that employers will continue to recruit some candidates from the old system for some time. It hopes that the SQE will give employers an opportunity, right from the start, to review their recruitment practices and to review and tailor their training in response to the flexibility provided by QWE.</p> <p>The SRA said it will set out in its Information Strategy (to be published later this year) how it will engage with employers. The SRA added that it plans to publish resources explaining how the SQE can encourage employers to think differently about how they recruit their solicitors and the opportunities around apprenticeships, early</p>		
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				<p>next year. It will also, before the end of the year, undertake research with stakeholders, including law firms, to make sure that it publishes the right data about candidate performance on SQE and in a way that is useful for employers.</p> <p>Some risk of possible disadvantages to those from lower socio-economic background if some firms prescribe SQE 2 before QWE (but this would be no more than the status quo) SRA's approach is designed to at least create the opportunity for improved diversity through earn while you learn. Again, it will depend on the different business models of the sector and this is where the impact of the SQE on the diversity is uncertain. At the very least it should</p>		
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				not be prejudicial to diversity.		
5	<p><b>QWE can be undertaken on an unpaid basis and EDI concerns this presents:</b></p> <ul style="list-style-type: none"> <li>Unpaid internships: The SLSA say it is unclear whether aspiring solicitors who use an internship to count as part of the QWE would be able to claim universal credit during the period. The SLSA sent a FoIA request to the Department for Work and Pensions and claim that based on the advice given, volunteering whilst claiming universal credit is somewhat uncertain.</li> <li>The SLSA recommend that the SRA consults with the Government and outline how internships might fit with universal credit and other public support. They also recommend that the SRA considers whether aspiring solicitors undertaking QWE might be considered “employees” or “workers”, thereby becoming entitled to the minimum wage.</li> <li>The SLSA say that the fact that QWE can be undertaken may be undertaken on an unpaid basis</li> </ul>	SLSA	<p>SQE FAQs confirm that internships can be used to count towards QWE:  <a href="https://www.sra.org.uk/trainees/qualifying-work-experience/qualifying-work-experience-trainees/qa/">https://www.sra.org.uk/trainees/qualifying-work-experience/qualifying-work-experience-trainees/qa/</a></p> <p>No references to QWE relative to Universal Credit in the application.</p> <p>Paragraph 366: SRA make reference to concerns of some stakeholders, including the JLD that “widening of the scope of QWE could encourage less responsible employers to take on candidates without providing appropriate training, or to exploit them by, for example, making them work for free”. Paragraphs 367-380 set out the SRA’s response. Point of particular significance:</p> <ul style="list-style-type: none"> <li>SRA requirements for solicitors’ conduct include not to take unfair advantage, to properly supervise and manage staff.</li> </ul>	<p>Issue raised around unpaid internships may be a possible area to explore further with the SRA.</p> <p>Possible, as the SLSA say that candidates from lower socio-economic backgrounds could be exploited if they are offered QWE. However, SRA might argue that QWE could be undertaken with up to four different legal employers and so offers flexibility this regard. Does this kind of issue exist in the current system?</p> <p><b>Regulatory oversight</b>  We also had concerns about the level of regulatory oversight that the SRA was proposing to take to QWE, noting in particular that the lack of any clear and direct regulatory requirements</p>	Open for one follow up question.	<p>Possible prejudice to the regulatory objectives now addressed by SRA reply of 6 October.</p> <p><b>RO6: Encouraging and independent, strong, diverse and effective legal profession</b></p>

	<p>carries enormous risks of pricing poorer candidates out of the market. They may have to take on a second job whilst undertaking QWE, in order to fund themselves. That will mean the whole process takes longer for those candidates than for wealthier ones.</p>		<p>This is set out in the Codes of Conduct for firms and for individual solicitors. The SRA’s disciplinary approach is set out in its Enforcement Strategy and it can take action when it has evidence that employers are not meeting their obligation.</p> <p>Poor employment practices can arise under the current system. SQE cannot eradicate them. However, the SRA hope that it can help. It says, for example, the wider availability of QWE means people may be less likely to put up with poor treatment than in the present system where there is a scarcity of alternative training contracts.</p>	<p>on the provision of QWE was of concern.</p> <p><b>Update post SLT:</b> On 6 October, as part of its response to a request from the LSB, the SRA provided an outline of the key areas that its QWE guidance (which will be published in November 2020) will cover. The additional guidance for candidates on how to get the best out of the QWE will cover issues such as:</p> <ul style="list-style-type: none"> <li>• What the SRA expects organisations offering QWE to do, (and therefore what candidates can reasonably expect)</li> <li>• Questions, prompts and suggestions for candidates, for example about clarifying role expectations with the organisation; supervision arrangements; feedback and</li> </ul>		
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				<p>reflection; developing professionalism and ethics</p> <ul style="list-style-type: none"><li>• Signing off QWE.</li></ul> <p>The SRA will also publish guidance for firms, solicitors and Compliance Office for Legal Practice on signing off work experience. We attach a draft of the key areas that this guidance will cover.</p> <p>The SRA also advised that it would setup a dedicated hotline for QWE candidates to report issues with QWE to the SRA. Staff will be trained to support distressed callers and those in difficulties. The function of the hotline would be to provide advice to candidates about the SRA rules and how to report to The hotline will act as a tool to provide early warning to the SRA of systemic issues, or serious or repeated concerns in relation to a</p>		
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				<p>particular provider which may need follow up action.</p> <p><b>Regulatory oversight</b> The SRA has stated as the candidate will generally be working within a regulated environment or under the supervision of a regulated individual, they will make clear that the SRA Codes of Conduct require them to ensure that individuals delivering work develop their competence to carry out their role, and keep their professional knowledge and skills up to date, as well as their understanding of their legal, ethical and regulatory obligations. Regulated organisations and solicitors are also required to ensure effective systems for supervision are in place. Where the SRA has evidence that these standards have not been met, it will apply robust</p>		
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				<p>and proportionate sanctions. In terms of poor treatment, the SRA would also take action were employers to take unfair advantage of candidates, act without integrity in their dealings with them (including bullying, harassment or other poor workplace practices) or fail to promote equality, diversity and inclusion.</p> <p>We will be sending a further request to the SRA to explain what process it will have in place to intervene where there are concerns about providers reported through the hotline? In particular, please confirm that the SRA will be able to follow up on such information without the candidate having to make a formal referral to the SRA.</p> <p>We noted that the hotline was not referenced in the</p>		
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				draft QWE guidance and raised this with the SRA. The SRA confirmed that the final guidance will include references to the specific code provisions that could be engaged by abusive practices. It will also ensure that the final candidate guidance will make reference to the hotline for reporting concerns.		
Provision in Welsh						
6	<p>During our assessment of the first application, we received representations from a number of sources, including the Welsh Language Commissioner, who expressed concern about whether the SQE would be provided in Welsh. Recent report of the Commission on Justice in Wales includes a recommendation on provision of professional examinations in Welsh.</p> <p>We communicated that we see that the SRA’s ultimate decision on this issue is likely to have an impact on RO6 and that we:</p> <p>a) expect the next application to clearly explain the SRA’s decision and the</p>	LSB	<p>Paragraphs 319 - 329:</p> <p>From autumn 2021: Candidates will be able to provide responses to SQE2 written assessments in Welsh. SRA says that the approach avoids translation costs and therefore keeps costs low at a time when we expect candidate numbers to be low.</p> <p>Second year of SQE: Candidates will provide their responses to SQE2 oral and written assessments in Welsh. This means that Welsh provision will</p>	The application states that the SRA has discussed its proposed phased approach to provision of the SQE in Welsh with stakeholders in Wales and also references comments made by Counsel General Jeremy Miles to the Welsh Parliament. As part of our follow-up enquiries to the SRA, we asked for a further brief summary on how the SRA is assured that Welsh stakeholders are content with the settlement. The	Closed	Refusal criteria not engaged.

	<p>potential impact on the above regulatory objective.</p> <p>b) will also require assurance that the SRA’s proposal is consistent with legislative requirements</p>		<p>be extended to all SQE2 assessments.</p> <p>Third year of SQE: Questions for oral and written skills from the assessments will be translated into Welsh.</p> <p>Fourth year of SQE: The FLK questions will be translated into Welsh.</p> <p>Application notes that the SRA has discussed its proposed approach with stakeholders in Wales and that Counsel General Jeremy Miles MS told the Welsh Parliament that he was “very pleased to see that the Solicitors Regulation Authority have committed now to make the solicitors qualifying examination qualification available in Welsh</p>	<p>further assurances offered by the SRA were as follows:</p> <ul style="list-style-type: none"> <li>• Over the course of autumn and winter 2019, it held meetings with the Welsh Government, the Coleg Cymraeg Cenedlaethol and the WJEC to discuss its emerging approach.</li> <li>• The SRA has met with the Welsh Justice Commissioner, Welsh Language Commissioner (and says that the commissioner ‘recognised our approach as a practical and pragmatic way forward’). The SRA has also met with the Welsh Counsel General and Welsh Government officials.</li> <li>• It wrote to all six Welsh universities</li> </ul>		
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				<p>who teach law degrees and/or the LPC to ask about their Welsh language provision.</p> <ul style="list-style-type: none"><li>• It met Welsh-speaking staff and students at the University of Swansea. Has spoken to the Translation Service at HM Courts and Tribunals Service in Canaerfon and to the Translation Unit at the Centre for Welsh Language Services at the University of Bangor.</li><li>• The SRA has been in contact with the Welsh Government and that they are content with its proposed approach as expressed by Jeremy Miles in his comments to the Welsh Parliament</li></ul>		
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				<ul style="list-style-type: none"><li>• The SRA says it has had warm support from TLS on its position on delivering SQE in Welsh as well as support from their Cardiff office.</li></ul> <p><b>Update post-SLT:</b> We requested that the SRA provide further evidence that Welsh stakeholders are content with the position reached on the provision of the SQE in Welsh. For example, if it has letters or agreed notes of meetings with Welsh Government officials or the Welsh Language Commissioner. The SRA provided a letter from Jeremy Miles, Counsel General for Wales dated 30 June 2020, in which he says “I welcome the Board’s decision of taking a phased approach to providing the SQE in Welsh until there is full commitment to parity between Welsh and</p>		
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				English within 4 years of introduction”.		
				The SRA has set out a development process for provision of assessments in Welsh. which appears to meet statutory requirements and has the approval of key stakeholders in Wales		
<b>Cost</b>						
<b>7</b>	<p><b>Not cheaper than status quo</b></p> <ul style="list-style-type: none"> <li>The JLD highlight that SQE costs do not include the costs of training courses likely to be taken in preparation for the SQE. They add that the Risk Assessment outlined several risks associated with funding and the SQE, including that the cost of preparatory training, combined with the cost of the SQE assessment, could be the same as, or more than, the cost of the LPC. This echoes their fear that because the preparatory training for the SQE would not be included within an undergraduate or post-graduate degree, it would not be eligible for government- backed student loans.</li> </ul>	JLD, ALT, CHULS, SLS and SLSA	<p>Annex 10 (confidential) which sets out the SRA’s comparison of costs in the current and proposed system.</p> <p>Paragraph 346 - 364: The SRA says that some of the options for training (which are set out at paragraph 354) will be materially cheaper than the current route to admission.</p> <p>The structure of the SQE helps address the “LPC gamble” i.e. where candidates may have to pay upfront for the LPC before they have secured a training contract. SQE1 is a much cheaper initial pre-work-based-</p>	<p>In our follow-up enquiries to the SRA, we raised the following points:</p> <p>The joint letter from the five law subject associations (noted in II SQE design above), identifies lower costs for the LPC, challenging the cost savings the SQE will provide. We said it would be helpful if the SRA could comment on this.</p> <p>Related to the above, paragraph 398 notes that early market indications suggest that training costs ‘could’ be lower</p>	Closed	<p>Possible prejudice to the regulatory objectives now addressed by SRA reply of 6 October.</p> <p><b>RO6:</b> Encouraging and independent, strong, diverse and effective legal profession</p>

	<ul style="list-style-type: none"> <li>The law subject associations say that while there may be some cost saving arising from the reduction in the scope of the assessments required by the SQE by comparison with the LPC, this is offset by the fact that no public funding is currently available for SQE preparation outside an undergraduate or postgraduate LLM course. They say that uncertainty as to employability that arises from the abolition of recognised training routes and combined with the likelihood of additional real costs this will tend to reduce rather than enhance diversity in the legal profession. They add that the SQE is unlikely in practice to be significantly cheaper in real terms than the current arrangements. They question some of the figures provided by the SRA on LPC costs.</li> <li>The SLSA raise that a number of firms have indicated that they would expect non-law graduates to have passed course equivalent to the CPE in addition to passing the SQE. BPP state at <a href="https://www.bpp.com/courses/law/sqe">https://www.bpp.com/courses/law/sqe</a>: “According to research 77% of firms say they will still expect their</li> </ul>		<p>learning assessment than the LPC.</p> <p>Paragraph 413: Early indications show that a range of options for SQE preparatory training will emerge. These will offer choice and a range of price points for candidates, with some options coming in cheaper than the cost of the LPC.</p> <p>Response to the JLD’s letter: Early market indications are that training costs for the SQE will include options which are substantially cheaper than the LPC and the Professional Skills Course, which together can cost over £18,000.</p>	<p>than the LPC. Given that one of the key drivers of this reform is to reduce costs, we asked if the SRA could provide further assurance that costs will be lower overall (i.e. even by those providers who have the most successful outcomes)?</p> <p>Bridge Group note the SRA’s take on costs that the SQE will result in a reduction in the cost of training and the SRA’s consideration that training products will emerge at a range of price points, with competitive pressures driving down costs and lowering the financial barrier for trainees. The Bridge Group say this feels instinctively right and while the market is still developing, only limited evidence currently exists to substantiate this.</p>		
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	<p>future trainees to undertake additional training, to gain key legal skills and specialist knowledge, before starting their qualifying work experience</p>			<p>Bridge Group also says that graduates being able to join an apprenticeship programme to complete QWE and SQE as a 'positive development'. Bridge Group also note that early market indications such as the Barbi course suggest that training costs could be substantially lower than the LPC. They cite Barbi International's SQE 1 and 2 fees of £7,000 as an example.</p> <p>The diversity impact of this will depend on the business models employed by the legal sector.</p> <p>SRA response – Note they consider the details below to be confidential:</p> <p>The SRA says that lower cost of qualification is a likely potential benefit of the introduction of the SQE. It adds that it expects the SQE to offer candidates a far wider</p>		
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				<p>range of choices than under the current system and that <b>many of these options will be cheaper; a small number may be more expensive, but all candidates will have choices</b> and will demonstrate that they have met the same standard, regardless of their choice of pathway, through the SQE.</p> <p>The indicative cost savings set out in confidential annex 10 of the application are based on the average cost (£14,000) for the current LPC course. It is correct that there are a range of LPC fees from £7,600 - £17,300. SRA notes that the potential savings for candidates who would have chosen a more expensive LPC course would be higher than those stated in the application and lower for those who would have</p>		
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				<p>chosen the least expensive LPC course. SRA says that data suggests that a large majority of candidates currently choose to study at the more expensive LPC providers. It's evidence – in 2018 only 217 candidates studied at providers that currently charge less than £9,999 and 1674 studied at providers who charge less than £13,999. The vast majority, almost 11,000 students, studied with providers who charge more than £14,000 for the LPC. It is for this reason, that the SRA says it set out its indicative data at this level. The cost savings for the vast majority of applicants would have been at least those set out in the application, or more, if they had taken the SQE.</p>		
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				<p>SRA has provided its justification for its take on costs being lower.</p> <p>Our provisional assessment is that on a pure cost basis, the SRA's modelling appears to be based on fair assumptions and demonstrates that cheaper routes to qualification will be available. However, this should be interrogated further by SLT and Board members.</p> <p>In addition, there remain concerns about affordability related to available funding, due to the lack of available government funding. This is largely outside of the SRA's hands and the impact is offset to some extent by the lower overall costs and increased opportunities for earn as you learn. However, this is an issue</p>		
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				<p>that needs further consideration.</p> <p><b>Update post SLT:</b> With input from the LSB’s Head of Finance, we undertook independent analysis of GDL and LPC costs using figures that are available externally.</p> <p>For the GDL (graduate diploma in law), I have looked at 4 leading law schools and 1 cheaper option:</p> <p>BPP Law: £9,260 University of law (regional): £9,700 (London): £12,050 City Law school (London): £11,960 Cardiff university: £9,450 University of Westminster: £4,250 pa (part time, over 2 years)</p> <p>For the LPC, we verified figures quoted by looking at the relevant law school websites.</p>		
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				Looking at the data for LPC costs, it is broadly in line with the High, Low, Average figures provided in the previous documentation provided by the SRA, so this provides some assurance.		
8	<p><b>Kaplan will become the monopoly assessment provider</b></p> <p>What discipline will there be on Kaplan not increasing the costs of the SQE given there are no competitive constraints.</p>	LSB	We requested additional information via a request sent on 10 September.	<p>Note that they consider the following to be confidential information:</p> <p>In response to our request, the SRA said the contract with Kaplan requires that the SQE fees are set at the lowest level possible. Any increase to the fees must be submitted to the SRA and agreed by the SRA Board.</p> <p>Control mechanisms in place via the SRA Board.</p>	Closed	Does not engage the refusal criteria
Piloting						
9	<p><b>Differential performance:</b></p> <ul style="list-style-type: none"> <li>Both pilot results have raised serious questions over the performance and pass rates of different groups of candidates. Kaplan report for SQE 1 found that</li> </ul>	TLS/JLD/SLSA /5 law associations	Paragraph 94: No evidence that the differential performance identified in the pilot was due to the design of the assessments or the assessment tasks. Also know that this is a problem across higher	SRA explains that the issue of differential attainment is not something unique to the SQE. This is evidenced by published material. The SRA says that it found no	Closed	Possible prejudice to the regulatory objectives now addressed by SRA reply.

	<p>ethnicity and disability were both factors affecting performance. The SQE 1 pilot was reported to have 18 candidates who were provided with alternative arrangements for the assessment. The JLD says it is unclear what measures were taken to provide alternative arrangements. They also note that the Kaplan report on the SQE 1 pilot highlighted that there was a difference in performance by disability in the pilot FLK test but the numbers who declared themselves as disabled under the Equality Act 2010 were too few for conclusions to be drawn.</p> <ul style="list-style-type: none"> <li>• Not clear whether the barrier to qualification for BAME candidates which was identified in the SQE 1 pilot and resulted in the skills test removal will reappear at SQE 2. JLD highlight that the SRA anticipates that there would not be the same problems with the skills tasks in SQE 2. <b>Yet it is also acknowledged that it is not known why BAME candidates performed worse. If this is the case, it cannot be said that BAME candidates will necessarily perform on par with other candidates in the skills assessments in SQE 2.</b> The JLD</li> </ul>		<p>education and other professional assessments. Pilot did show that this is an issue which the SRA must monitor in the live assessments. See the section on EDI at paragraphs 380-451 and the draft EDI Risk Assessment at Annex 4 for more.</p> <p>Paragraphs 141 – 144 on differential attainment: Kaplan's univariate analysis showed no significant difference overall between men and women, but that women significantly out-performed men in the criminal specialty. White candidates significantly outperformed those of BAME ethnicity. The multivariate analysis showed that binary ethnicity became a much less significant predictor of performance in the legal skills when performance in the multiple-choice test was entered as a variable.</p> <p>Pattern of differential attainment by ethnicity is consistent with current experience in assessments in</p>	<p>evidence that the differential performance identified in the SQE1 pilot was due to the design of the assessments or the assessment tasks. The Bridge Group Report took into account stakeholder concerns about sample size. The Bridge Group say they are “reassured by the approach to data collection and analysis in the SQE1 and SQE2 pilot studies, considering the specific metrics collated and the way in which the relationship between these and performance has been scrutinised.</p> <p>One of the Bridge Group’s main points in favour of SQE is that it will allow for a much better, data driven debate about differential performance in assessment and, as long as data is collected properly, it will allow for targeted action to address this. It therefore</p>	<p><b>RO6: Encouraging and independent, strong, diverse and effective legal profession</b></p>
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	<p>says it finds this assumption to be incredibly concerning and says it is not clear how the SRA considers that the final assessment model can be reliable. The report of the SQE 2 pilot does not address this issue in any detail.</p> <p>The JLD is concerned that not enough is being done before SQE implementation to assess why BAME candidates did not perform as well as other candidates and that removing skills testing from SQE1 is a rushed solution. Issues relating to the identified BAME gap need to be addressed and dealt with beforehand, and not reported on afterwards.</p> <ul style="list-style-type: none"> <li>JLD is extremely concerned that in the Kaplan report, it is clear that "there is a cause for concern" in the differential performance by binary ethnicity, particularly the differential performance between BAME and white candidates. They say this appears to confirm it concerns that the issue would not be rectified, but simply moved to the second, more expensive exam.</li> </ul>		<p>the legal sector and more widely, it is nevertheless of concern and the SRA plan to commission research to understand better the causes of the attainment gap. Have seen no evidence that the assessment methodology or any assessment processes [for SQE] are intrinsically biased. Kaplan will be introducing a comprehensive package of measures to minimise any risk of unfairness to candidates from minority protected groups. These measures are set out at paragraph 143 of the application.</p> <p>There were no differences in performance by disability in SQE2 skills. However only 12 candidates out of 167 declared a disability under the Equality Act 2010, which were too few for any conclusions to be drawn. Ten candidates out of 167 sat with reasonable adjustments. The adjustments included additional time, individual/smaller testing rooms, enlarged font/screen</p>	<p>has the potential to significantly advance our understanding and ability to address this longstanding issue.</p> <p>Could, as the JLD say, the issue identified at SQE1 re-appear at SQE2? Is further research and investigation necessary into why BAME candidates performed worse is necessary before proposed introduction of the SQE?</p> <p>Would it better if the SRA held off on its proposed introduction of the SQE until after it has considered the findings of the independent research into differential attainment in case the SQE exacerbates inequalities?</p> <p>The SRA has set out an effective evaluation and monitoring proposal which should provide safeguards in case of any</p>		
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			<p>magnifier and stop-the-clock rest breaks.</p> <p>Bridge Group report: The Bridge Group say they are “reassured by the approach to data collection and analysis in the SQE1 and SQE2 pilot studies, considering the specific metrics collated and the way in which the relationship between these and performance has been scrutinised”. They recognise some stakeholders’ challenges around sample size, but also appreciate that large samples in such studies are typically impractical and refer to the experiences of the General Medical Council in reforming the General Practitioner Licensing Examination: <a href="https://www.gmc-uk.org/-/media/documents/06_National_Licensing_Examination.pdf">https://www.gmc-uk.org/-/media/documents/06_National_Licensing_Examination.pdf</a></p> <p>Response letter to JLD:</p> <p>The SRA says it is aware of the underperformance by ethnicity in the current system. It publishes the data every year. The SRA notes that is likely that</p>	<p>deterioration in EDI as a result of the SQE.</p> <p>The data on current issues with LPC and GDL dropout rates by specific groups is quite compelling in terms of the issues with the current system. Any delay to implementation of SQE will allow this situation to continue.</p> <p>Overall, SRA approach to researching and monitoring differential impact appears to be robust and in line with Bridge Group recommendations. As noted by Bridge Group, the introduction of the SQE provides an opportunity to significantly advance transparency, understanding and action to address differential performance. It is also important to remember that the (limited) evidence that is available</p>		
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			<p>this pattern will also be demonstrated in SQE and add that conducting more pilots will not solve the fundamental and widespread problem of differential attainment by protected characteristic and the wider societal issues that may underpin it.</p> <p>The SRA will be commissioning independent research in 2020-21 to investigate what might be the underlying causes of differential attainment. It will start this piece of work before the SQE is introduced. But it cannot be completed without the SQE because the research needs to tie into the SQE itself.</p> <p>Bridge Group Report paragraph 20: SQE will provide hard data which will help “inform a more granular approach to understanding the factors contributing to differential participation rates and performance, and how these vary by group”.</p> <p>-</p>	<p>suggested significant issues of differential attainment with the current system.</p> <p><b>Update post SLT:</b> We asked the SRA if it is convinced that it knows as much as it needs to know about the underlying causes for differential attainment by those with protected characteristics to proceed with implementation of the SQE with confidence. The SRA’s response emphasised the research it is commissioning into the wider, societal factors which may underlie the BAME attainment gap in higher education and professional assessment. The SRA also restated (as per its application) that it looked closely at the assessment processes in SQE1 and SQE2 pilots, and although there was underperformance by BAME candidates, It does not think that running</p>		
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				<p>further testing or piloting of the assessment would shed any further light on this question, for the following reasons:</p> <ul style="list-style-type: none"><li>• A pilot with the solicitor apprentices in 2021/22 (as suggested by the SLSA) would not be helpful on the basis that a) the number of apprentices that will be sitting in 2021/22 is uncertain (may be in the region of 30) and b) a pilot to investigate differential attainment should have a candidate group which, as far as possible, is representative of those that will take the SQE. The apprentice group would not be representative.</li><li>• The pilots incorporated detailed</li></ul>		
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				<p>analysis of differential attainment. The candidates on the pilots were broadly representative of those that seem likely to take the SQE. Kaplan’s analysis included differential item functioning, looking at whether questions disadvantaged particular groups over and above any general difference in performance between those groups. The SRA says that further pilots would not answer any new questions.</p> <ul style="list-style-type: none"><li>• In the absence of a centralised system there are gaps in information (there are 110 different providers which means that candidates take a diverse range of different exams with</li></ul>		
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				<p>different outcomes). Most of the exams will not have large enough data sets to conduct meaningful analysis of outcome by disaggregated ethnicity. The introduction of the SQE as a national qualifying exam will, for the first time enable the collection and analysis of a large data set covering all candidates who have sat the same exam. This will provide a sound basis from which to research differential outcomes and their causes and to measure the effect of actions taken to improve equality of opportunity.</p>		
10	<p><b>Further piloting needed:</b></p> <ul style="list-style-type: none"> <li>In its letter to the SRA sent in May (prior to submission of the application), TLS raised its concerns about the SRA's intention to move ahead without any further piloting,</li> </ul>	TLS, JLD, ALT, CHULS, SLS and SLSA	<p>Paragraph 93 on SQE 1 pilot findings:</p> <p>Kaplan looked at the impact of compensation in moving to a model with two rather than three pass/fail points. They</p>	<p>The Bridge Group say they are reassured by the approach to data collection and analysis in the SQE1 and SQE2 pilot studies, considering the specific metrics collated</p>	Closed	<p>Possible prejudice to the regulatory objectives now addressed by SRA reply.</p>

	<p>particularly due to the SRA stating that many of those who took part had not adequately prepared and were not motivated in the way real candidates would be expected to be and the relatively small number of participants.</p> <ul style="list-style-type: none"> <li>• JLD raise these specific EDI concerns based on the SQE pilot: <ul style="list-style-type: none"> <li>- The pilot data suggests there was no reliable link between prior work experience and performance.</li> <li>- Kaplan acknowledged that they have concerns about differential performance observed between BAME and white candidates and suggested some ways in which this might be addressed, but in the absence of further pilot assessments these measures will be untested before real candidates take the examination.</li> <li>- The low number of candidates with a disability who took part in the pilot means that identifying, let alone</li> </ul> </li> </ul>		<p>found that the extent of compensation between subject areas was limited. Good candidates tend to do well overall and bad candidates badly.</p> <p>Found differential performance in the pilot, across both FLK and skills, by binary ethnicity. The data on performance by BAME candidates should, however, be treated with caution. The sample size for the pilot was relatively small and there were a range of other confounding variables. There was no evidence that the differential performance was due to the design of the assessments or the assessment tasks. SRA also know that this is a problem across higher education and other professional assessments. But the pilot did show that this is an issue which it must monitor in the live assessment.</p> <p>Both pilots have been independently reviewed and were successful. SRA quotes the SQE Independent Reviewer on the SQE 1 pilot and SQE 2 pilot.</p>	<p>and the way in which the relationship between these and performance has been scrutinised.</p> <p>The SRA will be commissioning independent research in 2020-21 to investigate what might be the underlying causes of differential attainment.</p> <p><b>Update post SLT:</b> As per issue 9, we asked the SRA if it is convinced that it knows as much as it needs to know about the underlying causes for differential attainment by those with protected characteristics to proceed with implementation of the SQE with confidence. Its response, the SRA outlined the research that it will be commissioning into differential attainment and restated (as per its application) that it looked closely at the assessment processes in SQE1 and SQE2 pilots,</p>	<p><b>RO6:</b>  <b>Encouraging and independent, strong, diverse and effective legal profession</b></p>
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	<p>addressing, problems for this group of candidates will have to be done when the exam goes 'live' unless there are more comprehensive pilots conducted first.</p> <ul style="list-style-type: none"> <li>- Fear that the first sittings of SQE 2 following implementation will in fact be the true pilot of SQE 2. Particularly given the unreliability of the data from the SQE 2 pilot, it is not clear how the SRA considers that its final assessment model can be reliable.</li> <li>• The JLD believes it is essential that further analysis, and if necessary further piloting (including enough candidates with disabilities and from minority groups to draw statistically meaningful conclusion), is undertaken in order to ensure that these findings do not represent a wider problem within the SQE assessment methods.</li> <li>• The law subject associations raise that the SQE2 pilot gave rise to a number of concerns as regards diversity, but also had a worryingly small number of participants, with</li> </ul>		<p>Pilots will always be limited by the fact that pilot candidates do not perform in the same way as real candidates who will inevitably be more invested in the examination result. Information from pilots is only one component of the evidence base for the final assessment design.</p>	<p>and although there was underperformance by BAME candidates, it does not think that running further testing or piloting of the assessment would shed any further light on this question, for the following reasons:</p> <ul style="list-style-type: none"> <li>• A pilot with the solicitor apprentices in 2021/22 (as suggested by the SLISA) would not be helpful on the basis that a) the number of apprentices that will be sitting in 2021/22 is uncertain (may be in the region of 30) and b) a pilot to investigate differential attainment should have a candidate group which, as far as possible, is representative of those that will take the SQE. The apprentice group</li> </ul>		
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	<p>the consequence that it does not provide robust evidence on which to proceed. A proper pilot with a larger number of participants is needed in order to gain assurance, particularly with regard to what the SRA acknowledges are unexplained awarding gaps for BAME students in that pilot</p> <ul style="list-style-type: none"> <li>• The law subjects associations add that given the small numbers in the SQE2 pilot, the significant concerns as regards differential attainment generated by the pilot, and the fact that model SQE2 questions will not be available until the autumn, there is a powerful case for requiring a further pilot of SQE2 before final approval is given.</li> </ul>			<p>would not be representative.</p> <ul style="list-style-type: none"> <li>• The pilots incorporated detailed analysis of differential attainment. The candidates on the pilots were broadly representative of those that seem likely to take the SQE. Kaplan’s analysis included differential item functioning, looking at whether questions disadvantaged particular groups over and above any general difference in performance between those groups. The SRA says that further pilots would not answer any new questions.</li> <li>• The introduction of the SQE as a national qualifying exam will, for the first time, enable the collection</li> </ul>		
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				and analysis of a large data set covering all candidates who have sat the same exam. This will provide a sound basis from which to research differential outcomes and their causes and to measure the effect of actions taken to improve equality of opportunity.		
<b>Monitoring and Evaluation</b>						
<b>11</b>	<p>In our draft feedback on the application we noted that effective monitoring and evaluation will be key to mitigating the risks and maximising the benefits of the proposed changes. In particular:</p> <ul style="list-style-type: none"> <li>○ clear read across to references elsewhere in the application to monitoring (particularly around EDI)</li> <li>○ detail on the shorter-term tracking information.</li> </ul> <p>We also posed an additional question on receipt and analysis of the application asking the SRA to explain what steps the SRA may take if the early evidence from SQE assessments suggests any significant detrimental impacts are arising.</p>	LSB	<p>The SRA has stated that it will put place mechanisms for the ongoing, routine quality assurance and evaluation of the SQE from its introduction. This will include:</p> <ul style="list-style-type: none"> <li>• reviewing and reporting on the operation of the SQE assessments on an ongoing basis through the measures set out in our quality assurance framework. To promote confidence in the SQE, the SRA have appointed an Independent Reviewer who will provide an annual report on the assessment providers’</li> </ul>	<p>Plans around monitoring and evaluation have been set out in the application.</p> <p>SRA will commission research to understand better the causes of the disparity in performance between ethnicity which is known to exist. This is in addition its plans for the full evaluation of the SQE.</p> <p><b>Update post-SLT:</b> In response to a request from the LSB regarding risk management of the implementation of the</p>	Closed	<p>Possible prejudice to the regulatory objectives now addressed by SRA reply of 6 October.</p> <p style="color: red;">RO1: Protecting and promoting the public interest</p> <p style="color: red;">RO4: Protecting and promoting the interest of consumers</p>

	<p>As noted under issue 4, TLS <a href="#">wrote to the LSB on 10 September</a> setting out its expectations for the SRA in respect of EDI and re-iterating the outstanding issue regarding lack of funding. TLS also provided its <a href="#">suggested actions for the SRA in respect of EDI</a>. We asked the SRA to provide a response to the LSB in respect of each of the proposed EDI actions raised by TLS. <b>Update post-SLT:</b> The <a href="#">SRA's response</a> was received on 22 September (so after the SLT meeting which took place on 16 September). For much of the SRA's response, it draws on information already provided in the application. Key points of the SRA's response:</p> <ul style="list-style-type: none"> <li>• TLS recommended that all assessors should be fully trained in EDI, including unconscious bias. In response, the SRA affirms what is stated at paragraph 98 of its application, which is that all examiners, markers and question writers will receive diversity training. In relation to TLS' recommendation for unconscious bias training in particular, the SRA draws on information referred to it by the</li> </ul>		<p>delivery of the assessments as well as the SRA's standard setting processes. This report will be published.</p> <ul style="list-style-type: none"> <li>• collecting, interrogating and publishing data on performance in SQE assessments, including performance by protected characteristics and socio-economic background, after each assessment. This will enable it to identify and investigate any specific trends or concerns.</li> <li>• putting in place and publishing a long-term plan for full evaluation of the impacts of the new qualification framework, by the end of 2020.</li> </ul> <p>Although the SRA say they cannot evaluate the full impact of the SQE until five to seven years after its introduction, they will undertake an initial, interim evaluation after two years. This initial evaluation will include a study of developments in the</p>	<p>SQE, the SRA outlined use of the following tools:</p> <ul style="list-style-type: none"> <li>• Risk register for implementation of the SQE – with project risks presented to the SQE Steering Group on a monthly basis and any significant risks escalated to the senior management team.</li> <li>• Joint risk register with Kaplan for the SQE assessment.</li> <li>• Kaplan to have its own SQE risk register and report to the SRA against this as part of contract management meetings.</li> <li>• SRA and Kaplan have conducted contingency planning looking at possible scenarios that may occur post</li> </ul>		<p><b>RO6:</b> Encouraging and independent, strong, diverse and effective legal profession</p>
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	<p>Bridge Group about the variable quality of training in respect of unconscious bias and the limited evidence on the positive impact of such training (which is makes a not so strongly worded reference to in paragraph 143 of its application).</p> <ul style="list-style-type: none"> <li>• TLS recommended that the SRA produce and disseminate information about the SQE in an accessible way which reaches diverse candidates. In its response, the SRA listed information that it has already published on the SQE. The information cited is reports from both pilots, the assessment specifications for both assessments, sample questions for SQE1, its webpages on QWE, information on costs for the SQE assessments and a list of SQE training providers. The SRA also notes different tools it has used for engagement, citing its 'Careers in Law' Facebook page, infographics and webinars. The SRA draws on commitments made in paragraphs in its application and its EDI Risk</li> </ul>		<p>training market and a perception study amongst key stakeholders, in line with the recommendations from Bridge Group.</p> <p><b>The interim market evaluation</b> is likely to examine: ▫ the type and cost of preparatory training for the SQE ▫ the overall cost of qualification (the cost of preparatory training and the cost of the assessment) ▫ examples of innovative education and training provision aligned to the new qualification ▫ how Qualifying Work Experience is operating in practice ▫ overall, whether the SQE has resulted in the removal of unnecessary barriers and the introduction of more flexible routes of training and entry into the profession</p> <p>In response to our follow up question, on short term monitoring and evaluation, the SRA has said it can investigate issues and make adjustments before the full evaluation is completed. It will keep the changes under continual review</p>	<p>implementation. Examples cited where a scenario where the exam system is hacked or there are problems with the SQE website which mean that the booking system is not available. The SRA advised that has identified the possible mitigations or actions it can take should any of these be realised.</p>		
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	<p>Assessment to collect and publish information. The SRA also notes that in line with the Bridge Group recommendation and as referenced in paragraphs 277 and 453 of its application, it will publish an information strategy this autumn which will set out what further information it will be publishing and explain how it plans to take forward the Bridge Group recommendations.</p> <ul style="list-style-type: none"> <li>• TLS recommended that the SRA sets out scenarios for how Covid-19 may impact assumptions made about how the system will work and any implications for EDI. SRA refers to paragraphs 27-41 and 201-205 of its application in this respect.</li> <li>• TLS recommended that the SRA monitors and publishes data on the profile of candidates and the performance in SQE1 and SQE2 separately by protected characteristic and socio-economic background. In its response, the affirmed that it would do this after each</li> </ul>		<p>from the outset through engagement, discussions and feedback from stakeholders and through ongoing monitoring of the legal services market. Where it becomes aware of an issue, it will investigate and review and make changes as appropriate.</p> <p><i>EDI specific monitoring:</i></p> <p>The SRA says it will monitor and analyse any impacts on diversity and inclusion and work with training providers to maximise the positive effects or <b>address any emerging difficulties</b>. The application notes that the SRA will <b>check whether the potential benefits it has identified are being realised</b> and whether the mitigations it has put in place have minimised the risks.</p> <p>The SRA EDI Assessment states that it will implement the recommendations in the Bridge Group’s 2020 report, which includes recommendations and emphasis around approach to monitoring.</p>			
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	<p>assessment, as stated in paragraphs 167 and 285 of its application. The SRA also affirms that Kaplan will produce an annual report, which it will publish and the SQE independent reviewer will review this data as part of his own annual report, which the SRA will also publish.</p> <ul style="list-style-type: none"> <li>• TLS recommended that the SRA breaks down and aggregates data in the Black, Asian and Minority Ethnic category to assess differential impacts within the group as well as in comparison to White candidates. The SRA affirms, as per paragraphs 88-165 of its application, that it will conduct disaggregation for the SQE and that the approach was adopted for the pilots (and highlights Kaplan’s psychometric and statistical analysis of the SQE1 pilot and the report on the SQE2 pilot). The SRA also makes reference to paragraphs 167-168 of its application with detail in relation data monitoring, analysis and publication.</li> </ul>		<p>Ten-year programme of evaluation will include an <b>evaluation of market and EDI impacts</b> and stakeholder perceptions</p>			
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	<ul style="list-style-type: none"><li>• TLS recommended that the SRA analyses issues where the intersection of different protected characteristics (e.g. ethnicity and gender), or different protected characteristics and socio-economic background, might lead to particular disadvantage. The SRA affirms that it will do this and that the approach was also adopted for the pilots (and makes reference to paragraph 141 and 142 of its application which cover univariate and multivariate analysis and confounding variables). The SRA also makes another reference to paragraph 167-168 of its application. Also noted that longer term evaluation will consider the impact of the SQE on the profile and socio-economic background of the profession.</li><li>• TLS recommended that the SRA collects and analyses data on academic performance to help assess the particular impact of the SQE in widening or narrowing attainment gaps. The SRA says it will do this and that</li></ul>					
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	<p>the approach was also adopted in the pilots. Longer-term evaluation into the impact of the SQE (as set out above) will also take place.</p> <ul style="list-style-type: none"><li>• The SRA responded to each specific item which TLS says the SRA should analyse and confirm that such analysis will take place. It will analyse the correlation between performance in the SQE and specifically: the type/form of QWE, graduate careers destinations and longitudinal performance and progression in the profession.</li><li>• TLS recommended that the SRA undertakes qualitative research to understand better the factors contributing to potential differences in performance in the SQE. The SRA notes its commitment to this in its EDI Risk Assessment (paragraphs 28, 31 and 44) and application (paragraphs 143, 428 and 452). The SRA says that it will start the work later this year.</li></ul>					
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	<ul style="list-style-type: none"><li>• TLS recommended that the SRA makes an initial evaluation after the first set of assessments so that any issues can be immediately and that there should be an independent interim review of the SQE after two years, with a full evaluation after five years. In its response, the SRA notes that it is committed to monitoring and evaluation after each assessment and to independent evaluation. It references a number of paragraphs in its application in this respect. The SRA also notes that the SQE independent reviewer will review the SQE on an ongoing basis and will produce an annual report, which the SRA will publish.</li><li>• TLS recommended that the SRA ensures that if any negative impacts are identified through the monitoring and evaluation, action is planned and taken to address this. The SRA says it will do this and draws in its response to the LSB’s enquiries of 10 September.</li></ul>					
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	<ul style="list-style-type: none"><li>• TLS recommended that stakeholders are kept up to date on the details of research planned by the SRA and that stakeholders are consulted on any actions to address any concerns about EDI impacts. The SRA's responses outlines that it has 'engaged with stakeholders extensively' during development of the SQE and lists stakeholders and networks it has engaged with (which are also set out in its application). The SRA notes its upcoming research into the factors contributing to differential performance in professional assessments and that it will continue to engage with stakeholders as it progresses this work.</li><li>• TLS recommended that Kaplan appoint Disability Officers to advise and support disabled candidates and ensure the timely identification and action of reasonable adjustments. In its response, the SRA noted that it will publish SQE reasonable adjustments policy and guidance in October and that</li></ul>					
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	<p>Kaplan will appoint a Head of Equality, Quality and Candidate Experience, supported by teams including a team dedicated to managing requests for reasonable adjustments.</p> <ul style="list-style-type: none"><li>• TLS recommended that the SRA publish a full reasonable adjustments policy which includes criteria for assessment, evidence required and appeals. TLS said that stakeholders including its Law with Disability Division should be consulted on this policy. The SRA’s response noted forthcoming publication of its reasonable adjustments policy and guidance (October) and that the policy will set out the fundamental principles on which reasonable adjustments can be made for candidates with a disability as well as the procedure, evidence and appeals process. The SRA also says that it will publish information for disability assessors to support them in making advice about adjustments, and that it will also publish FAQs to provide further information. The SRA</li></ul>					
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	<p>noted that in developing its reasonable adjustments policy and guidance, it has worked closely with Kaplan, the Law Society’s Disability Division and other groups, such as the Association of Disabled Lawyers, InterLaw Diversity Forum and Diverse Matters. In response to a follow-up query from the LSB, the SRA confirmed that those requiring scheduling adjustments (i.e. time between assessments of more than two days) will be accommodated for SQE1 and SQE2. The SRA outlined occasions in the past where reasonable adjustments of this kind have been made for the QLTS assessments.</p> <ul style="list-style-type: none"><li>• TLS requested the SRA to confirm that extra time for completion of multiple-choice tests has been trialled and any issues dealt with (i.e. in respect of system crashing). The SRA’s response noted that Kaplan has 10 years’ experience of delivering multiple choice tests through the QLTS and granting requests for extra time. The</li></ul>					
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	<p>system used for the multiple choice tests will be the same one used in the QLTS and in the SQE1 pilot. Kaplan has never had any difficulty with systems crashing, in the SQE pilot or in QLTS, when extra time was granted.</p> <ul style="list-style-type: none"><li>• TLS recommended that the SRA demonstrate how the needs of those requiring extra time between assessments will be addressed (more than the standard two days). The SRA said it was uncertain as to the meaning of this question or the two standard days being referred to. It restated Kaplan’s 10 years’ experience of granting requests for extra time for the QLTS.</li><li>• TLS recommended that the SRA demonstrate how Kaplan’s assumption of 25% of candidates requiring reasonable adjustments have been accommodated. In its response, the SRA said:<ul style="list-style-type: none"><li>○ Kaplan will source SQE2 oral centres to ensure</li></ul></li></ul>					
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	<p>they are wheelchair accessible</p> <ul style="list-style-type: none"><li>○ SQE1 and SQE2 written assessments will take place at Pearson VUE test centres. Pearson VUE has over 200 test centres spread throughout the UK, all of which are compliant with applicable equalities legislation</li><li>○ Kaplan has 20 Kaplan centres which can operate as Person testing centres and can be configured by Kaplan to provide any reasonable adjustments required.</li><li>○ As demand increases, Kaplan will initially move to providing SQE1 four times a year and then move to the use of testing windows for SQE1 such that candidates will be able to book and log on at a time to suit them during the window</li><li>○ SQE2 written will also take place at Pearson</li></ul>					
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	<p>VUE test centres including the Kaplan centres mentioned above. The SRA notes that SQE2 is not suitable for the kind of testing windows described above. However, as demand increases, the SRA will move to provide SQE2 four times a year, and if necessary, to successive runs of SQE2 on each of these four occasions.</p> <ul style="list-style-type: none"><li>• TLS recommended that the SRA clearly demonstrate that each region has a sufficient number of accessible test centres and that consideration may be given to the evidence from law schools and LPC providers on the volume and travel distances of disabled students when determining how many assessment centres are sufficient. The SRA says it has addressed the issue of geographical spread of assessment centres in paragraphs 120-125 of its application. The SRA also notes</li></ul>					
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	<p>that, Kaplan will source SQE2 oral centres to ensure they are wheelchair accessible and can be configured so as to ensure adequate provision for candidates with reasonable adjustments. It also restates (from its application) that it will increase the number of SQE2 assessment centres when demand increases.</p> <ul style="list-style-type: none"><li>• TLS requested that the SRA provide details of how the concerns raised about Pearson Vue Centres, during 2020's Bar exam have been considered and addressed where necessary. The SRA said it cannot comment on the Bar exam directly. However, what it could do, is provide further details of how the SQE system will operate in connection with test as Pearson VUE test centres. In this respect, the SRA sets out how Kaplan will manage booking seats for SQE candidates, including booking for reasonable adjustment candidates. The SRA also notes that feedback from candidates on Kaplan's administration of</li></ul>					
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	<p>the QLTS assessments has been positive and provided stats for 2019 in support. The SRA also notes that it has discussed the drawbacks of remote proctoring and work it is doing in its previous response to questions and could provide further information if required.</p> <ul style="list-style-type: none"><li>• TLS recommended that the SRA evaluates the support for disabled candidates on an ongoing basis, including their satisfaction with the process for securing reasonable adjustments and the accessibility of assessment centres. The SRA’s response says that all candidates, including disabled candidates will have the opportunity to provide feedback on the assessment process.</li></ul>					
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