

Overarching aim of SQE: greater assurance of consistent, high standards at the point of admission

Key aim of SQE is protection of consumers of legal services by ensuring a consistent and appropriate standard at point of admission as a solicitor of England and Wales. This is in line with the better regulation principles and the regulatory objectives to protect **and promote the public interest** and the interests of **consumers** and **to encourage an independent, strong, diverse, and effective legal profession**. Three documents define the standards for practice as a solicitor and the competences that aspiring solicitors need to demonstrate in order to qualify. They were developed through extensive engagement with stakeholders, where level of agreement amongst stakeholders that the Competence Statement accurately reflected the competences that would be expected of a qualified solicitor¹.

New [Statement of Solicitor Competence](#) in April 2015 (2000 stakeholders engaged on this). This was accompanied by:

[Statement of Legal Knowledge](#): the legal knowledge that solicitors are required to demonstrate by point of admission

[Threshold Standard](#): the minimum standard the competences in the Competence Statement must be demonstrated to.

The SQE will align the assessment with the competences set out in the Statement of Solicitor Competence to protect consumers, and its stated aim is to remove unjustifiable barriers, by ensuring that entry to the profession is based on candidates' ability to demonstrate the competences captured in the Competence Statement (greater focus on end point standards).

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

Quality and exploitation concerns on QWE (**issue 8**) (awaiting reply to 2 follow up questions to SRA)

Professional ethics (**issue 10**)

Piloting (**issue 11**)

Monitoring and evaluation (**issue 12**)

Transitional arrangements (**issue 13**)

Reliability and credibility of training providers (**issue 17**)

¹ The public research found that 87% of practitioners and individual consumers and 90% of business consumers gave 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).

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Issue no.	Issue	Raised by	SRA application/ response to LSB/stakeholders	LSB provisional assessment	Issue status (closed open)	Refusal criteria engaged?
Quality Concerns						
SQE 1						
1	<p>Removal of QLD and GDL requirement and use of MCQs will reduce quality</p> <p>a) Removal of the QLD or GLD requirement coupled with SQE1 reliance on multiple choice questions to assess a candidate's functioning legal knowledge, dilutes the internationally recognised and respected standards for qualifying as a solicitor in England and Wales and gives rise to serious doubts that multiple choice questions alone can authorise a candidate's ability in all areas of law that the SRA grants a solicitor a licence to practice within. Major concern that without a requirement for a QLD/GDL and a lack of testing at SQE 1, outside multiple choice questions, newly qualified solicitors arriving on 'day one' are unlikely to have developed specialist knowledge in different areas of practice in the way that they currently do (without taking a traditional QLD or additional top-up courses, which will add to the cost of qualification under the SQE route). The proposals are also inadequate to demonstrate the understanding and skills needed to advise clients where the</p>	<p>JLD/5LA /ALT/SL SA</p>	<p>a) Multiple choice questions can test the cognitive skills, can be objectively marked, and can test the breadth of the curriculum. Essay-type questions cannot test the breadth of the curriculum and cannot be objectively marked. Short answer questions could test the breadth of the curriculum but could not be objectively marked. SRA draws on Bridge Group advice which supported single best answer tests, conditional on enough care and attention being paid to question setting and cultural context.</p> <p>Solicitors do not write essays in the course of their practice. SRA wants to test specific cognitive skills and the evidence tells them that single best answer multiple choice tests can do this. SRA will test simulations of solicitor work through SQE 2.</p> <p>Multiple-choice questions are widely used in assessment in other professions (e.g. medicine,</p>	<p>a) SRA has mapped the Competences and threshold standard (Level 3 for standard required at point of qualification), the statement of legal knowledge and on to the SQE. It introduces modern psychometric processes making sure the exam is of the quality appropriate for a professional licensing examination</p> <p>Alpha plus has conducted a technical evaluation of the proposed approach and the use of MCQs.</p> <p>Candidates will still be able to opt for law degrees if they wish and add on SQE preparatory courses. The SRA has noted that 15 universities will offer SQE integrated</p>	<p>Closed</p>	<p>Refusal criteria not engaged.</p>

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<p>law is uncertain. Generic analytical skills developed by QLD or GDL are essential for safe practice as a lawyer. Questions on the foundation subjects are also very basic.</p> <p>Functioning Legal knowledge (FLK) will be assessed over a total of 11 hours, compared to circa 22 hours for a GDL (plus the further LPC assessments for electives). SQE 1 is two exams of 180 questions. Exam one covers seven topics and exam 2 covers 6 topics - means that entire areas of law are likely going to have around 25-30 multiple choice questions each.</p> <p>SRA have cited the fact that many other jurisdictions use multiple choice questions and test candidates in a similar way through foreign bar exams. However, these jurisdictions largely require that a candidate also has a recognised law degree which the SRA is no longer requiring.</p> <p>JLD refers to five individuals that tested some of the sample questions released by the SRA in December 2019 and the 'worrying results', which it says would suggest that multiple choice questions are not overly difficult and that the SRA is potentially setting the level of legal</p>	<p>pharmacy, accountancy). They are also used in the legal context, both in a university setting and in high-stakes licensing examinations (for example within the LLB, on the LPC, Bar Professional Training Course and US Multi-state Bar Exam). SRA notes that the US stipulate that attorneys must hold a law degree. Says its requirements for admission include a degree or equivalent. SRA says that using single best answer multiple choice questions in the SQE brings admission to the solicitor profession in England and Wales into alignment with best practice in professional assessment</p> <p>SRA has identified all the competences required for practice as a solicitor in the Statement of Solicitor Competence and they are assessed across SQE 1 and SQE 2. The legal knowledge curriculum to be assessed through the FLK in SQE 1 includes all the current Foundations of Legal Knowledge required to be taught on the QLD/GDL and the core subjects of the LPC, with the addition of Conflict of Laws.</p> <p>The emphasis in wider discussion on the use of multiple-choice questions</p>	<p>degrees and 4 will offer SQE integrated Masters. SLSA maintains that questions are basic and do not test where the law is uncertain. In its reply of 10 September, the SRA note that it was incorrect that the SQE will not be able to examine areas of law which are uncertain/require interpretation.</p> <p>SQE 1 pilot findings conducted by Kaplan and an independent reviewer, confirmed it was possible to design a robust assessment of FLK and most pilot candidate feedback was positive. In developing the SQE1 the SRA has drawn upon the expertise of Kaplan academic team of solicitors, a panel of 9 solicitors drawn from practice who teach and review each question for the purpose of advising the pass mark, QLTS assessment providers,</p>		
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	<p>knowledge and/or question standard too low. Further work needs to be undertaken in relation to multiple choice questions and the level of legal knowledge candidates are expected to have and that the data from the SQE 1 pilot should be released. Feedback from a candidate who participated in the first SQE pilot was that the multiple-choice questions did not demonstrate a knowledge of the law, but more a demonstration of common sense.</p> <p>SLSA maintains that questions are basic and do not test where the law is uncertain.</p> <p>New evidence: SLSA conducted a quantitative survey on the SQE during April to May 2020 with 192 responses mainly from legal academics) where 83% of respondents considered that the SQE1 is likely to worsen professional standards and competence.</p> <p>b) Many City firms are considering providing bespoke training for their new recruits. Some of these firms have an international presence. JLD says this approach by firms sends a negative message about the reliability and suitability of SQE to the wider world.</p>		<p>has led to the misapprehension that multiple-choice questions are the only method of assessment in the SQE. Multiple-choice questions cannot be used to assess the full range of skills set out in the Statement of Solicitor Competence. But they can be used to test candidates’ functioning legal knowledge.</p> <p>The Bridge report notes Bridge Group advice which supported single best answer tests, conditional on enough care and attention being paid to question setting and cultural context.</p> <p>The SQE will introduce modern psychometric processes making sure the exam is of the quality appropriate for a professional licensing examination. SQE has used leading psychometricians in the design of SQE as a whole and commission AlphaPlus (an education service business that specialises in standards, assessment, and certification) to conduct a technical evaluation of the proposed approach (Dec 2015). IT notes” the evidence for using MCQs in similar contexts and qualifications is strong. They can</p>	<p>SQE reference group and survey on SQE linked in Group.</p> <p>Further the review included the quality of test items was assessed using indices of difficulty, response time.</p> <p>Conclusion on MCQ: In respect of MCQ, we consider that the SRA has taken a robust approach to development and testing, which has involved a number of relevant experts.</p> <p>Conclusion on removal of QLD, GDL: On removing the requirement to complete a law degree, or GDL we note that this issue was raised in respect of the 2018 application. The SRA noted 1. It did not receive compelling evidence, through its consultations, that regulating educational processes would be as effective as setting an end point</p>		
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			<p>be used to assess higher order skills, as evidenced by a review of published literature and examples, mainly from the medical sciences. They have been shown to be reliable in this context.”</p> <p>New evidence</p> <p>In reply to the new evidence and reply submitted by SLSA, the SRA say it is incorrect that the SQE will not be able to examine areas of law which are uncertain/require interpretation. They say it is not appropriate that this area should be the focus of the SQE.</p> <p>SQE1, as stated in the Assessment Specification, will test the application of fundamental legal principles and rules to realistic client based legal and ethical problems and situations, at the level required of a competent newly qualified solicitor in practice.</p> <p>The SRA has also said that they 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</p>	<p>assessment to check that those who are admitted as solicitors are competent. 2. The requirements for qualification under the SQE will be based on candidates demonstrating the core competences required for safe practise as a solicitor. 3 The SRA’s obligation to ensure that regulation is proportionate and targeted means that it cannot justify requiring candidates to take a course of study that would teach them more, or require them 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.</p> <p>On this basis the LSB did not consider that there was sufficient evidence of</p>		
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		<p>Also, the Statement of Solicitor Competence and the Knowledge Statement were developed with extensive input from stakeholders. They were consulted on in 2014. Respondents to the online survey 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).</p> <p>Further, the areas of functioning legal knowledge required to pass the SQE are specified to a far greater level of detail than the current requirements for QLD and CPE providers.</p> <p>Mostly academic providers said that the Knowledge Statement was too</p>	<p>any likely detriment to the regulatory objectives resulting from removing the requirement to complete academic study of law. Therefore, this was not considered to be a ground for refusing the application in 2018.</p> <p>While the SRA has conducted extensive research, analysis and engaged experts in the field to design SQE1, the letter from the 5 law associations and new evidence from SLS (survey) potentially weakens the SRA’s justification. However, we are satisfied with the SRA’s reply to their letter and to our follow up question. Further, in assessing the weight we should attribute to SLS’s survey, we have taken into account their possible pecuniary interest in maintaining the status quo. Therefore, we do not consider the</p>		
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			<p>detailed, too prescriptive, and too wide. The SLS said that there was a risk of over-regulation and the possibility that the development of the solicitors’ profession could be unnecessarily stifled.</p>	<p>survey to be compelling evidence which undermines the SRA’s justification.</p> <p>We further note the SRA’s plans for monitoring and evaluation (Issue 12 of this table) and 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"> • 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 		
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				<p>assessment providers' delivery of the assessments as well as the SRA's standard setting processes. This report will be published.</p> <p>In the short term, the SRA has said they can investigate issues and make adjustments before the full evaluation is completed. They will keep the changes under continual review from the outset through engagement, discussions, and feedback from stakeholders and through ongoing monitoring of the legal services market.</p> <p>Overall, we consider the SRA to have taken a defensible and sensible position based on significant, independent expert input.</p> <p>b) We do not consider that JLD's assertion that some city law firms</p>		
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				offering bespoke training is a sign that the SQE is unreliable. BBP law has already been providing specialist LPC courses bespoke to city law firms since 2001 and the college of law since 2006.		
2	<p>No skills test in SQE1 Communication is a core competence for solicitors. Skills should be tested in SQE1 (at level 1 of the Threshold standard) alongside MCQs to allow progression from SQE 1 to SQE 2 (which is to be assessed at Level 3 of the Threshold standard). Candidates should receive a pass mark in the skills element in order to pass the SQE 1 in its entirety. Some concerns have also been raised about the willingness of firms to offer QWE to aspiring solicitors who have not passed a skills assessment in SQE1. Diversity issues were also raised which are addressed in the EDI table in Annex 2.</p>	TLS/JLD/JSC	<p>Fundamental problem with the SQE1 skills assessments was that the small number of skills exercises included in the assessment did not enable sufficiently reliable or accurate pass/fail decisions. Meant that the SRA could not be sufficiently certain that everybody who passed had met the standard of a competent day one solicitor. Additional problem with the skills assessment piloted was that it was not set at the level of a day one solicitor. It was set at the level of 'a person working in an unqualified capacity in legal services. This important for consumer protection.</p> <p>In view of the small number of skills assessments in SQE1 and consequent inaccuracy of pass/fail decisions made as a result of them, Kaplan recommended not assessing skills in SQE1 at all, but instead</p>	<p>The SRA's reasons for changing course on this, based primarily on advice from assessment experts, are compelling.</p> <p>The skills test at SQE1 was only ever going to be tested at level 1 standard and the associated increase in costs required to expand the skills assessment to address the concerns following the pilot, would have other negative consequences, particularly for EDI (see table 2).</p> <p>The SRA's response in relation to firm's willingness to provide QWE is compelling.</p>	Closed	Refusal criteria not engaged.

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			<p>relying on the skills assessments in SQE 2.</p> <p>The SQE1 skills assessment would increase the cost and burden of the SQE without a clear regulatory justification.</p> <p>In response to the concerns expressed about firms willingness to offer QWE, the SRA point out that firms could easily replicate something like the proposed skills assessment through their own recruitment tests, which could be focussed on their own areas of specialism or interest, as appropriate.</p>			
3	<p>Compensation</p> <p>All new entrants to the solicitors’ profession should have a good knowledge of key areas, for example the essentials of contract law. It would be unsatisfactory, therefore, if candidates were able to pass SQE1 by compensating for low marks in one of these key areas by scoring more highly in other parts of the assessment. In order to protect consumers, all new entrants to the solicitors’ profession should have a good knowledge of key areas, for example the essentials of contract law. JSC say that it would be unsatisfactory, therefore, if candidates were able to pass SQE1 by</p>	JSC	<p>Paragraph 93:</p> <p>After every delivery of SQE 1, the SRA will analyse issues of compensation statistically and specifically look at whether candidates with low marks on the ethics questions are passing the SQE. Kaplan looked closely at compensation effects in the SQE2 pilot. This showed that while some compensation occurred, it was not very common and/or marked. In general, good candidates tended to do well in all skills and weak candidates tended to do poorly.</p>	SRA has addressed this through results of the pilot and adopted a position based on advice from a range of education experts. They will keep the matter under review. This is considered appropriate and proportionate.	Closed	Refusal criteria not engaged.

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	<p>compensating for low marks in one of these key areas by scoring more highly in other parts of the assessment. In addition, it thinks there are some essential skills, such as writing fluently, that aspirant solicitors need to have before they begin work in a firm so it would like these to be assessed at SQE1 too.</p>		<p>Advisors informed that this finding about compensation is not unexpected and is replicated in other professional licensing exams.</p> <p>SQE 2 pilot and compensation in advocacy - element of compensation, but it was not marked. SRA did not set a pass mark for the pilot. However, had it done so and calculated it in accordance with the methods to be used in the live exam, no candidates taking the business specialty would have passed the assessment and scored less than 50% on advocacy. One candidate taking the criminal specialty would have passed with less than 50% on advocacy. Their mark was 48%.</p> <p>Possible way to mitigate the risk of compensation is to set a minimum required mark in, for instance, advocacy. Kaplan has explored this option, but on the basis of the pilot results, and experience in other professional licensing exams, advises against it. Minimum pass marks have significant disadvantages because marks for sub-sections and pass marks derived from them are significantly less reliable and less</p>			
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			<p>confidence can be placed in them because, as they are based on fewer assessment points, they will achieve lower levels of reliability and precision than the exam as a whole.</p> <p>Kaplan and the Independent Reviewer both recommend proceeding with a design of SQE2 in which there is one pass mark for the whole of SQE2 and no minimum station marks. However, and as they both recommend, the issue of compensation will be kept under review once the assessment is live.</p>			
4.	<p>SQE 1 preparation. The current indications are that most University law schools have no intention of incorporating SQE preparation into their law degree courses. The Associations say the SRA is misrepresenting the position by saying 'not all universities' at paragraph 356 of its application.</p> <p>SLSA also make this point in their separate report (on page 14). They say, "Oxbridge and Russell Group institutions, in particular, appear anecdotally very unlikely to change their syllabi to include preparation for the SQE, particularly the focus on procedural material currently taught in the LPC."</p>	ALT, CHULS, SLS and SLSA	<p>The SRA application notes 15 universities are providing integrated SQE1 degrees (8 are considering) and 4 will provide SQE1 optional modules (plus those which will lead to a Masters)</p> <p>4 provide sector providers will offer SQE1 prep training.</p> <p>For SQE2 training, 5 private sector providers have confirmed they will provide this and 5 are considering.</p> <p>5 SQE providers have said will provide materials for home study only.</p> <p>The SRA expect the number of providers to grow once (and if) SQE is approved.</p>	We are satisfied with the SRA's explanation.	Closed	Refusal criteria not engaged.

SQE 2						
5.	<p>Uniform exam All future solicitors will have to pass SQE1 in order to qualify and this forms a barrier to qualification consisting of one assessment method and with unknown implications.</p> <p>The SRA has decided that all candidates will take the same tests to demonstrate competence across all the regulated activities, not permitting any choice. The existence of choice would have enabled candidates to focus in SQE2 on areas that reflected their Qualifying Work Experience (QWE). This throws into sharp relief the point that, as is widely recognised, the list of the current regulated activities, and the fact that the status of solicitor entitles any or all to be undertaken, is anachronistic. There is an urgent need for these to be reformed, so as properly to reflect the realities of modern legal practice. A complete lack of choice risks devaluing candidate experience and career plans, potentially prejudicing competent candidates and discouraging an appropriately professional focus on directly relevant matters. Removal of options means that there is, for example, no provision for the study at the professional stage of non-business</p>	ALT, CHULSL S	<p>The SRA considered 3 possible designs: uniform exam, specialisms (candidates would take skill assessment in 2 areas of legal practice out of 5) only and Common core (candidates would take an exam combining one practice area of their choice with a sample of skill sim 5 contexts)The pilot found that there was no clear pattern of correlation between candidates’ performance on their specialisms and the common core. Some candidates who performed well in their specialist area performed worse in the common core and vice versa. The common core did not function effectively as a yardstick by which the difficulty of the specialisms could be measured.</p> <p>In addition, Kaplan, the Independent Reviewer, and the External Psychometrician identified three areas of risk inherent in designs involving candidate choice of specialisms. These centred on question writing, marking and standard setting. Kaplan’s recommendation (including that of their Advisory Board), of the SQE Independent Reviewer and of the</p>	<p>SRA has had independent advice on its approach, the uniform examination. Alternatives to the uniform approach impact the reliability of the SQE, a key factor in having a centralised assessment at all.</p> <p>SRA argues elsewhere in the application that QWE will provide an opportunity for developing areas of specialism.</p> <p>There are cost considerations associated with a uniform assessment and these are considered elsewhere.</p> <p>Some of the arguments made against this approach are really concerns about the current regulatory framework and rights of audience.</p>	Closed	Refusal criteria not engaged.

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<p>focused subjects such as Family Law, Housing Law, Social Security Law, Immigration Law and Employment Law, thus diluting access to justice in those areas by imposing training costs on law firms and law centres providing legal services in these areas.</p> <p>SQE 2 content bears little relationship to the likely work experience of candidates. It leaves them reliant on being able to pay for cram courses in order to acquire the knowledge they need for the assessment and leaves open the possibility that a number of those who do not pass (perhaps because they cannot afford to pay for a cramming course) in fact would be perfectly competent to undertake the legal practice for which they will be employed.</p> <p>The consequences of prioritising uniformity are that candidates will be less able to rely on QWE as part of the preparation for SQE2, thus increasing costs, and that the matters covered will bear less relationship to the kind of work that candidates will go on to undertake, thus reducing regulatory protection for consumers.</p> <p>5LA consider that a lack of choice in SQE1 causes concern for SQE2 devaluing QWE</p>		<p>External Psychometrician was, therefore, that a uniform exam is the only way of establishing a consistent universal standard at admission and so ensuring fairness to candidates.</p>			
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	<p>experience and career plans. Choice would allow candidate to focus in SQE2 on areas that reflected their QWE. The inability to specialise at SQE2 may reinforce firms’ tendency to require trainees to take SQE1 and 2 before QWE. This may also increase training costs for firms and law centres providing legal services in areas such as family law.</p>					
6.	<p>Balance of assessment of skills and application of law TLS is in favour of the standardised test but notes that whilst this option would ensure that the SQE 2 would function properly as a final point assessment, it would be disconnected from the training experienced by most, if not all, of those entering the profession. In order to better understand how much of an issue this disconnection may be, would need to know how the assessment is to be weighted in terms of marks, exactly how much functioning legal knowledge would be required in order to successfully sit the assessment and how the balance of legal knowledge and skills is to be assessed. TLS says that the two cannot be divorced, as skills must be applied in context and it would like to understand how the SQE 2 will manage this, particularly as candidates will not have</p>	TLS	<p>Final draft Assessment Specification makes clear that both skills and application of the law are assessed in SQE 2 and that the assessment weighting is 50:50. In proposing this split, the SRA drew both on the SQE 2 pilot and on its experience of the QLTS assessment. Kaplan’s experience on the QLTS, where the weighting was changed from 60:40 (skills: knowledge) to 50:50 after some years of operation, is that this is needed to minimise the risk that only those candidates who have an acceptable score on the law pass the assessment. SRA will monitor results carefully once the SQE goes live and keep the decision to weigh skills and law equally under review. SQE2 pilot provides sufficient evidence to support the decisions about assessment design. The pilot candidates were broadly</p>	<p>SRA has addressed and will keep under review. The SRA has not yet published sample SQE2 questions but has provided us with early sight of the SQE2 sample questions on a confidential basis (they will not be published until November).</p>	Closed	<p>Refusal criteria not engaged.</p>

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	experience in all areas in which they will sit assessments.		<p>representative of those who will take the SQE, they had completed the LPC compulsory subjects (or equivalent). With any pilot it is necessary to bear in mind that candidates will behave differently than in a live exam because they are less engaged in the outcome.</p> <p>The purpose of both pilots was to explore specific questions of assessment design and test operational processes. SRA was able to use the data to model different approaches, including the final assessment models e.g. on SQE 1 it modelled the impact of moving from 3 x 120-question papers, to 2 x 180-question papers. The type of exercises to be used in the live assessment were all trialled. Operational processes were tested out. SRA will keep assessment design under close review after the assessment goes live. SRA affirms that the first real cohorts are not in effect a pilot year.</p>			
QWE						
7.	<p>SRA should prescribe that QWE can only be taken before SQE2 SRA should prescribe that SQE 2 can only be taken after a significant period of the two years' QWE has been completed.</p>	JLD /5LA	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 for this	We are satisfied with the SRA's explanation for not prescribing QWE to be taken before SQE 2.	Closed	Refusal criteria not engaged.

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	<p>Prescribing an order for QWE and SQE 2 will help to ensure that SQE 2 acts as a test of not only a candidate's quality but also a test of a firm's quality, in training solicitors. In doing so, it will provide a greater level of consumer protection than is present under the current system. Without this, the SRA simply continues the issue it has with the current system; that there is no test of a candidate's ability and standard at the point of entry to the profession.</p> <p>JLD do not accept that the SRA will be assessing a candidate's competence at the point of admission if SQE 2 is not the final stage of the SQE.</p> <p>JLD say that the purpose of SQE 2 should be to ensure that candidates have received meaningful training and that they have the skills to enter the profession – this is why the threshold to pass these skills exams is set at the level of a competent newly qualified solicitor. However, without a restriction in place as to when SQE 2 is taken, this will not necessarily be reflected in practice.</p> <p>The SRA has provided no explanation of how it considers that a candidate will have achieved the competence of a newly qualified solicitor before they have</p>		<p>restriction, and it would not address the 'training contract bottleneck'. 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 shows 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>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.</p> <p>SRA says that if it required SQE2 to be taken after work 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</p>	<p>One of the core aims of the reforms are to introduce greater flexibility in pathways and prescribing the order would significantly detract from this. It would need to see a compelling need to impose such a restriction and it is accepted that at this stage, this does not exist. However, if approved, it will be important that this issue remains under the spotlight as the SRA monitors the impact of its reforms in practice.</p>		
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	<p>undertaken any QWE. The regulations do not appear to require that individuals demonstrate competence or that QWE provides any obligation on firms to train candidates; candidates only need to have had the ‘opportunity’ to develop some of (not all) the competencies during work experience. This opens the door to a lowering of standards of the profession. The SRA states that its role is to assess the competence, and presumably this is assessed in SQE 2. So why is it that these skills could be assessed before a candidate is ready to be certified as a qualified solicitor (i.e. because they still need to then undertake QWE)? This is not ensuring standards at the point of admission in line with the SRA's objectives.</p> <p>Diversity considerations are also raised – see EDI log, - Annex 2</p>		<p>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>[NB: Alphaplus noted that elements of the Statement of the Competence should be assessed in QWE]</p>			
<p>8</p>	<p>Quality and exploitation concerns There is little to reassure candidates as to the quality of experience they are exposed to as no standards have been set.</p> <p>New Evidence: SLSA survey notes that 46% of respondents thought that QWE would reduce professional standards</p>	<p>5LA/JLD /SLSA/L SB</p>	<p>The SRA has said that the purpose of QWE is to expose candidates to real life client scenarios and business interactions to develop the competences. These bring with them a range of ethical questions and candidates gain experience of the way in which colleagues navigate these in practice. We asked the SRA for the draft QWE guidance which</p>	<p>We expect the SRA to set out its expectations on QWE in more detail and what good QWE would look like. It would have been more helpful if we had sight of the near final guidance to allay these concerns before this application was</p>	<p>Open as follow up questions to SRA</p>	<p>Provisional assessment of prejudice to the regulatory objectives – now mostly addressed by SRA reply on 6 October</p>

	<p>This also has an impact on EDI and is considered in the EDI log in Annex 2.</p>		<p>they plan to publish, in follow up questions to the application. The SRA say they are still in development and are working with the Law Society and the Junior Lawyers Division to develop them</p> <ul style="list-style-type: none"> ● Publication will be phased. The initial resources, scheduled for publication by the end of October 2020, will cover: Tips for candidates to help maximise their QWE placement ● Checklist for organisations on what they can do to offer a good QWE placement <p>They say they are happy to share a draft of these resources with the LSB, for information, in mid-October. Further resources will include:</p> <ul style="list-style-type: none"> ● Case studies on what good QWE looks likes in large, medium, and small firms ● Case studies on what good QWE looks like in law clinics ● Talking head videos from employers. <p>They will make sure that these resources are available and accessible to all candidates and mobile friendly</p>	<p>submitted given the significance of this change and the associated risk given that QWE will be ‘developmental’ and can be taken pre-SQE2. However, query whether in practice this increases the risk of quality and exploitation concerns when compared to the status quo, given the safeguards in place .</p> <p>The SRA has said that for each placement the following must be signed off:</p> <ul style="list-style-type: none"> - the details of the work experience carried out - that it provided the opportunity to develop some or all of <u>the prescribed competences for solicitors</u> - that no issues arose during the work experience that raise questions over the 		<p>RO1: protecting and promoting the public interest</p> <p>RO4: protecting and promoting the interests of consumer</p> <p>RO6: Encouraging and independent, strong, diverse, and effective legal profession</p> <p>RO6: promoting and maintaining adherence to the professional principles</p>
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			<p>They also say poor employment practices can arise under the current system. SQE cannot eradicate them. However, they hope that it can help. 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. They do believe that they have the necessary powers to address poor treatment. But do not think there is a justification for additional requirements specifically relating to the firm as a provider of training.</p>	<p>candidate's character and suitability to be admitted as a solicitor.</p> <p>The SRA could make mandatory obligations regarding standards expected for QWE rather than guidance, but this would go beyond what is in place for training contracts and reduce the flexibility of QWE. The outstanding issue is one related to EDI as unpaid internships count towards QWE).</p> <p>Regulatory oversight We also had concerns about the level of regulatory oversight that the SRA was proposing to take to QWE, noting that the lack of any clear and direct regulatory requirements on the provision of QWE was of concern.</p> <p>Update post SLT: On 6 October, as part of its response to a request</p>		
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				<p>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">• What the SRA expects organisations offering QWE to do, (and therefore what candidates can reasonably expect)• Questions, prompts and suggestions for candidates, for example about clarifying role expectations with the organisation; supervision arrangements; feedback and reflection; developing professionalism and ethics• Signing off QWE.		
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				<p>The SRA will also publish guidance for firms, solicitors, and Compliance Office for Legal Practice on signing off work experience. The SRA has attached 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 particular provider which may need follow up action.</p>		
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				<p>Regulatory oversight 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 and proportionate sanctions. In terms of poor treatment, the SRA would also take action</p>		
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				<p>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>The SRA will make clear that it will be publishing data on SQE pass rates by QWE provider which will encourage employers to provide a good quality experience and help candidates to decide where to train. This provides greater transparency than is possible in the current system about which organisations are good places to train in. It is an aspect of our proposals which the SRA discussed at an early stage with the JLD and which they welcomed.</p>		
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				<p>Follow up questions for the SRA: 1) We will send 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 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</p>		
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				<p>hotline for reporting concerns.)</p> <p>2) We considered that there are a number of aspiring solicitors (such as paralegals) who have already undertaken work at firms which could count towards QWE. We will request confirmation from the SRA that past relevant experience would count towards QWE and what the process would be for this, given that it is unlikely that it would have been signed off in the manner that will be required under the new system.</p>		
9.	<p>More evidence needed and available to support QWE proposal</p> <p>Equivalent means route to qualification was introduced in 2014.</p> <p>Equivalent means is a way of qualifying as a solicitor without completing a training contract subject to conditions such as provision of a portfolio of evidence to demonstrate two years’ work experience and has developed practical skills a</p>	SLSA	<p>The SRA has responded to this during a meeting on 14 September (they will follow up with formal response). This means of qualification provides an exemption to the period of recognised training as aspiring solicitors submit a portfolio of evidence to gain the exemption from the training. Only around 50 out of around 1000 aspiring solicitors, qualify through this route each year, which does not</p>	<p>We are satisfied with the SRA’s reply.</p>	Closed	<p>Refusal criteria not engaged.</p>

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	solicitor would need at the point of qualification. The SRA should draw upon evidence of the equivalent means route to support their proposals.		provide a sufficient evidence base for the QWE base. More importantly, the current recognised period of training is different to what is proposed for QWE.			
Professionalism and Ethics						

<p>10.</p>	<p>In our feedback on the draft application we said that we want to understand how the new framework will seek to develop amongst those seeking admission a strong sense of professionalism and understanding of how to approach ethical issue. The SRA should consider the risks and opportunities that the new framework presents in this regard and are responding appropriately.</p>	<p>LSB</p>	<p>“Ethics, professionalism and judgement” and the requirement to “act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Standards and Regulations” is the first competence in the Statement of Solicitor Competence Ethics and professional conduct will be examined pervasively across both SQE1 and SQE2. Questions involving ethical issues will not be flagged as ethical questions – we want to check that candidates are able to spot ethical situations as they arise. This better mirrors what happens in practice. The integration of ethics across the assessed curriculum represents a significant enhancement of the current position: ethics is not required to be taught on the QLD or GDL. ▪ The requirement for candidates to be assessed in ethics and professional conduct means that training providers will need to include it in the curricula for their SQE1 and SQE2 preparatory courses. We will work with training providers, through our community of interest, to make clear the importance of ethics and professional conduct in the SQE.</p>	<p>Ethics and professionalism seem to be well integrated into SQE1 and SQE2. The SRA has yet to develop QWE guidance which would assist in our assessment. (see issue 10 above) The approach to assessing ethics is not of concern. However, further detail on how it will be addressed in QWE, alongside other measures, to instil a sense of professionalism, are needed. Update post-SLT: The SRA provided further information on QWE and the responses received have been reflected in the respective section of this table. In relation to professionalism and ethics, the SRA has said it will work with training providers to make clear the importance of ethics</p>	<p>Closed</p>	<p>Provisional assessment of prejudice to the regulatory objectives now addressed by SRA’s reply of 6 October RO1: protecting and promoting the public interest RO4: protecting and promoting the interests of consumer RO6: Encouraging and independent, strong, diverse, and effective legal profession</p>
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			<p>Solicitors and firms responsible for overseeing QWE will play an important role in role modelling appropriate professional and ethical behaviours. We will issue guidance to firms to make sure they understand the importance of this aspect of QWE and how they should approach the QWE sign-off.</p> <p>We expect all prospective solicitors to display high ethical standards and behaviours. And we will require the solicitor or COLP signing off their QWE to confirm that there are no issues which might affect the candidate’s character and suitability to enter the profession.</p>	<p>and professional conduct in the SQE. Solicitors and firms responsible for overseeing QWE will play an important role in role modelling appropriate professional and ethical behaviours. Moreover, solicitors must sign off a candidates’ QWE to confirm that there are no issues which might affect the candidate’s character and suitability to enter the profession.</p>		<p>RO6: promoting and maintaining adherence to the professional principles</p>
Piloting						
11.	<p>Insufficient piloting Serious concerns about the SRA's intention to move ahead without any further piloting. It is not satisfied that the findings are sufficiently representative or robust.</p>	<p>TLS/JLD/5 law association/SLSA</p>	<p>For SQE1 316 candidates took the pilot assessment in 42 locations in England/Wales and internationally. For SQE 2 167 candidates took the pilot assessment in 2 locations (oral skills and 29 locations (written skills)</p>	<p>Independent corroboration of approach from the Bridge group. From a competence/standards point of view the piloting</p>	<p>Closed</p>	<p>Provisional assessment of prejudice to the regulatory objectives</p>

	<p>[See also annex 2 EDI log].</p> <p>Compensation appears possible for a candidate to 'perform poorly' in one SQE 2 area but for this to be compensated for in other areas, leading to an overall pass. (This would not be permitted under the current system)</p>	<p>in England and Wales. The Bridge Group commented: "We 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 which the relationship between these and performance has been scrutinised. We recognise some stakeholders' challenges around sample size, but also appreciate that large samples in such studies are typically impractical.</p> <p>Candidates in pilots always behave differently from candidates in a live exam. This and the inevitable challenges around sample size mean that it would not be appropriate to rely solely on pilot data in making decisions about the design of a national exam. SRA's decisions about SQE design are based on the results of the pilot, data from the QLTS, the expert views of the Kaplan Advisory Board, the SQE Independent Reviewer and the SQE External Psychometrician.</p> <p>Kaplan looked at the impact of compensation in moving to a model with two rather than three pass/fail points. They found that the extent of</p>	<p>appears sufficient, given our above analysis on the quality of SQE 1 and SQE2 and our provisional assessment they do not engage the refusal criteria.</p> <p>However, the wider issue is that it is arguable that such a significant and irreversible change, and associated potential risks(including on EDI which is examined in the EDI log), requires more comprehensive piloting to minimise risks to the first cohort of SQE candidates.</p> <p>There may be a case for delaying implementation of the SQE until a more comprehensive pilot is undertaken particularly given EDI impacts identified in EDI log and further work to be done on attainment by the SRA.</p>	<p>now addressed by SRA's reply of 6 October</p> <p>RO1: protecting and promoting the public interest RO3: improving access to justice. RO4: protecting and promoting the interests of consumer RO6: Encouraging and independent, strong, diverse, and effective legal profession</p>
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			<p>compensation between subject areas was limited. Good candidates tend to do well overall and bad candidates badly.</p> <p>Kaplan and the Independent Reviewer both recommend proceeding with a design of SQE 2 in which there is one pass mark for the whole of SQE 2 and no minimum station marks. However, and as they both recommend, the issue of compensation will be kept under review once the assessment is live.</p>	<p>The SRA intend to put in place very comprehensive system of monitoring, but will this be sufficient to address risks which may materialise due to insufficient piloting? Given the additional work they intend to do into differential attainment by different protected groups, should the SQE be delayed awaiting the results of this, particularly given that diversity is a key driver for the SQE?</p> <p>Action: Issue to be raised with SRA to ask what the consequences would be of delaying implementation to enable further piloting and whether consideration has been given to slower implementation.</p> <p>Update post-SLT: We asked the SRA if it is convinced that it knows as much as it needs to know about the underlying causes for</p>		<p>RO6: promoting and maintaining adherence to the professional principles</p>
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				<p>differential attainment by those with protected characteristics to proceed with implementation of the SQE with confidence. The SRA's response referenced 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 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 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">• A pilot with the solicitor apprentices in 2021/22 (as suggested by the SLSA) would not be		
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				<p>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.</p> <ul style="list-style-type: none">• The pilots conducted by Kaplan 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,		
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				<p>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">• 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 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		
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				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.		
Monitoring and evaluation						
12.	<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"> ○ clear read across to references elsewhere in the application to monitoring (particularly around EDI) ○ detail on the shorter-term tracking information. <p>We also posed 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 in 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"> ● 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’ delivery of the assessments as well as the SRA’s 	<p>The final application includes significant assurance on plans for monitoring and evaluation and there are currently no specific areas of weakness in relation to quality that remain of concern (see EDI section on monitoring for analysis in relation to EDI). We will remain open minded about new areas as our analysis continues.</p> <p>If we were to decide to approve the application, it will be important to</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 RO3: improving</p>

			<p>standard setting processes. This report will be published.</p> <ul style="list-style-type: none"> 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 us to identify and investigate any specific trends or concerns. See paragraphs 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. <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 training market and a perception study amongst key stakeholders, in line with the recommendations from Bridge Group.</p>	<p>emphasise the importance placed on the SRA’s plans for monitoring and evaluation and for this to be followed up rigorously through RM.</p> <p>Update post-SLT: In response to a request from the LSB regarding risk management of the implementation of the SQE, the SRA outlined use of the following tools:</p> <ul style="list-style-type: none"> 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. Joint risk register with Kaplan for the SQE assessment. 	<p>access to justice.</p> <p>RO4: protecting and promoting the interests of consumer</p> <p>RO6: Encouraging and independent, strong, diverse, and effective legal profession</p> <p>RO6: promoting and maintaining adherence to the professional principles</p>
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			<p>The interim market evaluation 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 they can investigate issues and make adjustments before the full evaluation is completed. They will keep the changes under continual review from the outset through engagement, discussions, and feedback from stakeholders and through ongoing monitoring of the legal services market. Where we become aware of an issue, we will investigate and review and make changes as appropriate.</p>	<ul style="list-style-type: none"> • Kaplan to have its own SQE risk register and report to the SRA against this as part of contract management meetings. • SRA and Kaplan have conducted contingency planning looking at possible scenarios that may occur post 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. 		
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Transitional arrangements due to COVID and other issues						
13.	<p>Transitional arrangements for SQE The SRA board have since agreed that the SQE and transitional arrangements should take effect from 1 September 2021. In our draft feedback we asked the SRA to make clear their transitional arrangements. In the light of COVID, the issues raised by the University of Sheffield and the fact that the SRA Board has only recently agreed some changes to transitional arrangements as a result of COVID, there needs to be an explanation of the transitional arrangements.</p>	<p>LSB, Univ of Sheffield</p>	<p>The SRA notes in its application that in making the final decision to introduce the SQE in June 2020, SRA Board considered whether the application and the introduction of the SQE in light of the recent Covid-19 pandemic should be delayed. They did not see a need to do so because:</p> <ul style="list-style-type: none"> • SRA and Kaplan have both been able to continue SQE development and stakeholder engagement working remotely. • Work is already underway to consider options for dealing with future, similar crises. <p>They note that picture from both firms and training providers in relation to Covid-19 is mixed. Some organisations say financial pressures and additional Covid19 workload is constraining SQE development time and resource. Others do not see any disruption due to Covid-19, already</p>	<p>Update post-SLT: This explanation is satisfactory. SRA has provided additional information on other linked matters, such as why it considers piloting was sufficient and thought given to implementation, enabling this issue to be marked as closed.</p>	<p>Closed</p>	<p>Possible prejudice to regulatory objectives and public interest now addressed by post SLT SRA reply</p> <p>RO1: protecting and promoting the public interest</p> <p>RO3: improving access to justice.</p> <p>RO4: protecting and promoting the interests of consumer</p>

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			<p>have courses and other resources under development, and do not wish to delay because this could have a financial impact for them. Some stakeholders have suggested that there may be challenges associated with candidates securing QWE in the context of the effects of Covid-19. The Bridge Group commented on this suggestion in their 2020 report. They said that: “overall we do not anticipate these impacts warrant rethinking the proposed arrangements – nor should they delay the current implementation plan. They anticipate that the increased breadth of QWE opportunities that will be available as a result of introducing the SQE will mitigate some of the effects of the pandemic”. And they concluded that: “therefore, the introduction of the SQE offers an opportunity to address some of the anticipated negative effects of the pandemic on recruitment to the legal sector, and on diversity and inclusion”.</p> <p>Some providers have SQE preparatory courses well under development in line with this timetable and it would be unfair to</p>			<p>RO6: Encouraging and independent, strong, diverse, and effective legal profession</p> <p>RO6: promoting and maintaining adherence to the professional principles</p>
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			<p>those providers, and to candidates who are waiting for the introduction of the SQE, to delay implementation. SRA say they have kept the transition arrangements under review and made a number of changes to allow providers to take a flexible approach to transition. A small number of universities – four at time of writing – have raised concerns about being unable to start a validated QLD or CPE in academic year 2021-22.</p> <p>SRA say their transitional arrangements are designed to facilitate a gradual approach to implementation. The last qualifying law degree (QLD) or Common Professional Examination / Graduate Diploma in Law (CPE/GDL) will start on or before 31 December 2021 (subject to arrangements for deferring students and those who have accepted the offer of a training contract).</p> <p>This provides a longer overlap between the old and new admission arrangements, and therefore provides greater flexibility. It addresses the impact of the delays caused by Covid-19. It maintains standards – allowing us to introduce</p>			
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			the SQE as planned - while addressing stakeholder concerns in line with the flexibility we have shown in relation to the pandemic and current education and training arrangements. It also gives students more choice.			
14.	<p>QLTS transfer Their intention was to pass the New York Bar in July 2020, QLTS in November 2020 and qualify in England and Wales by January 2021. QLTS comprises two parts - MCT and OSCE. The SRA's transition period does not apply to those exempt from the MCT requirement such as LPC graduates. MCT-exempt applicants have to complete their OSCE in the summer of 2021, the latest leaves them with two sittings in November 2020 and summer 2021.</p> <p>The current wait times for admission overseas have now been delayed for up to a year. One of those jurisdictions is New York where, from the moment of application for admission, the processing takes between 6-12 months due to the pandemic. Due to the</p>	Individual	<p>Many of the issues the author highlights arise from the fact that they are not a qualified lawyer. The QLTS is specifically a route by which qualified lawyers from other jurisdictions may seek admission as a solicitor in a relatively short time frame. It is not intended as a route for unqualified lawyers. SRA adds that "even in the face of any delays due to the Covid-19 pandemic, a qualified lawyer seeking to transfer would have sufficient time to take the QLTS route, if they had already committed to it". The existing route to qualification for unqualified lawyers that the author has embarked on which includes taking the LPC, is a longer route. This is reflected in the transitional provisions introduced in regulation 11.3 and for which the author qualifies. The SQE will provide a route for qualified lawyers from other jurisdictions to seek admission. SRA does not think that a delay in</p>	SRA has addressed this issue and we are satisfied with the reasons provided for its approach.	Closed	Refusal criteria not engaged.

	global pandemic, the New York Bar exam was postponed to February 2021. Letter author says this disadvantages MCT exempt individual who were unable to attempt the Bar exam in 2020 and therefore pass the QLTS in time for the September 2021 deadline.		qualifying in another jurisdiction is an acceptable reason to change its transitional arrangements.			
15.	Employment bottleneck. Will QWE lead to improved post qualification employment opportunities, without leading to reduced salaries for newly qualified solicitors (who have already undertaken QWE). What evidence does the SRA rely on in this regard?	LSB/5LA	<p>The SRA responded to our questions sent to them following initial assessment of the application. It says they cannot regulate employment opportunities and terms and conditions. And we should be clear that we have not said that QWE will lead to more post-qualification employment opportunities without leading to reduced salaries.</p> <p>Importantly, there are not a finite number of solicitor roles. The number of practising solicitors has grown significantly in the last 30 years². SQE offers firms the opportunity to retain good staff, including paralegals. They can do this by funding them to take SQE and retaining their services once qualified. This may be easier than supporting these staff through the</p>	There may be no finite number of solicitor roles, but much will depend on the business model of the firm. Not all firms can afford to retain paralegals who become solicitors. Although the SQE is about qualification not employment, if there is a more accessible qualification for those with protected characteristics or helps with social mobility, but which does not lead to employment, this does call into question the effectiveness for the SQE at all. This is an open question but perhaps not within	Closed this issue is about emplo yment not qualifi cation	Refusal criteria not engaged.

² In 2017, there were 139,634 practising solicitors compared to 48,937 in 1987. <https://www.womeninthelawuk.com/wp-content/uploads/2018/11/TLS-ASR-2017-final.pdf>

			<p>current qualification if these firms are not equipped to offer training contracts.</p> <p>It is in the consumer interest for there to be an open and competitive market for solicitor recruitment. This is in line with outcome 5 of the LSB’s statutory guidance on education and training which says that “regulators place no inappropriate direct or indirect restrictions on the numbers entering the profession”.³</p>	<p>the control of the SRA (although they do intend to engage with stakeholders and have done so on this issue). See EDI log.</p>		
16.	<p>Operational issues with remote delivery of and provision The LSB is aware of recent operational issues encountered by another AR using the same provider as the SRA intend to use for SQE. Kaplan is placing candidates in long waiting lists for assessments and that as a result, the next opportunity to sit the OSCE (second part of the QLTS exam) would be in 2021. The enquirer notes that the SQE application is silent on this matter, which he says has been ongoing for many years and is heightened by COVID-19. The</p>	Individual / LSB	<p>In reply to our query, the SRA has said Kaplan is one of the few assessment providers who have successfully delivered assessments during the pandemic. It held a global MCT in July 2020 and four runs of the OSCE (two in July and two in August) with social distancing arrangements. These deliveries did not compromise candidate safety, the integrity or security of the exam, or results.</p> <p>The April/May 2020 OSCE did not run. However, candidates registered for April/May were offered an additional sitting in August. All other exams have run as planned. Due to the need to implement social distancing, the capacity on the OSCE</p>	<p>We are satisfied with the SRA’s reply.</p>	Closed	<p>Refusal criteria not engaged.</p>

³ https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/20140304_LSB_Education_And_Training_Guidance.pdf

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<p>enquirer says that as a result of the long waiting lists -</p> <p>It is not clear how Kaplan plan to assess thousands of SQE2 candidates in 2021 and beyond, while it cannot meet the demand of a few hundred OSCE candidates right now due to logistical issues.</p> <p>There is likely to be a backlog in the SQE system and substantial delays in completion of the assessments, as candidates may need to wait years until they could secure a seat for the SQE.</p> <p>Suggests that the LSB raises these points with the SRA and ask for their confirmation as to the number of candidates Kaplan could assess on the SQE1 and SQE2 annually. The enquirer notes that the application does not include an analysis as to the estimated number of candidates who may sit the SQE and whether Kaplan is equipped to meet the demand.</p>		<p>in July and August was lower than normal. However, all candidates booked for July, who wanted or were able to sit in July, were accommodated. Similarly, all candidates who were booked for April/May who wanted or were able to sit in August were able to do so. Candidates for April/May re-arranged to August, and for July, who did not want or were not able to attend were given an option to go on a priority (waiting) list for future OSCEs. Kaplan anticipate that all candidates on the priority (waiting) list who want to or are able to sit in November will be able to do so. Once they have determined how many of these candidates will be taking up places in November, the November OSCE will be open for general booking, subject to capacity. In summary, Kaplan has negotiated conducting high stakes exams during the coronavirus pandemic very successfully. Exams have been run with no compromise to candidate safety, the integrity or security of the exam, or results. There have been some delays caused by the pandemic, but these have been kept to a minimum.</p>			
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	<p>The SRA need to explain where these test centres are and the contingencies they have in place in case of increased demand. Also see the EDI log in Annex 2.</p>		<p>As regards the future, Kaplan are aware that demand will increase as QLTS draws to a close and they are expanding their capacity for the remaining QLTS exams.</p> <p>For SQE, they are preparing for delivery on a totally different scale to that for QLTS. Plans include robust business continuity plans and QLTS experiences during the pandemic are helpful in preparing for the future.</p> <p>For the SQE, Kaplan are investing considerable time and resources in investigating in more depth the technical, logistical, legal, security, administrative and measurement issues involved in remote delivery. They have explored developing their own remote proctored solution for delivering the oral elements of the OSCE which would overcome some of the difficulties encountered by the BSB students in booking slots etc. They are also giving consideration to the way reasonable adjustments can be provided within the remote proctored solution. Investigations are continuing into how they could overcome as many of the difficulties as possible as regards particularly the security of the assessment and</p>			
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			reasonable adjustments. Kaplan will continue with their work on remote proctoring so that they have developed the best solution (Please see EDI log also for issues relating to reasonable adjustments)			
17.	<p>Reliability and credibility of training providers</p> <p>Given that the SRA no longer intends to approve training providers as set out in paragraph 206, and the potential range of different private sector training providers, how will the SRA ensure that they are able to deliver SQE training and to the required standard, particularly in the first year of the SQE?</p>	LSB	<p>A similar issue was considered in the 2018 decision notice and the LSB noted that it was an aspect of the arrangements that the LSB would expect the SRA to monitor. The SRA has said in its application that it will publish data on SQE performance by individual provider, which candidates can take into account in choosing where and how to study.</p> <p>In reply to our follow up question, the SRA has said they recognise the limitations of the data in the first few years of the SQE. Many of the providers planning to offer SQE preparatory training are existing providers. In addition, the quality of provision offered by universities is regulated by the Quality Assurance Agency for Higher Education and the Office for Students. Candidates can choose among a range of providers, including new entrants, or those with an established reputation in the provision of legal education in this jurisdiction, or abroad; or those who</p>	<p>There appears to be an inherent risk to candidates who use SQE training providers in the first few years of the SQE’s operation. This is because training providers will be learning what is expected of them but also it will be before the SRA’s intended publication of pass rates will have taken root. It will therefore be very hard for candidates to assess quality of training. To an extent, this is inevitable with such a change.</p> <p>Although the SRA have explained why they consider training providers will be incentivised to deliver high quality training and plan to publish resources</p>	Closed	<p>Possible prejudice to regulatory objectives and public interest now addressed by SRA’s reply of 6 October and mitigations.</p> <p>RO1: protecting and promoting the public interest</p> <p>RO3: improving access to justice.</p> <p>RO4: protecting and promoting</p>

			<p>operate within, or outside, the regulated higher education market.</p> <p>The SRA has also stated that they plan to establish a ‘community of practice’ to give training providers and firms the opportunity to ask Kaplan questions about the SQE assessments and to share experiences with each other. The community of practice will be launched in December 2020 with an initial meeting with interested stakeholders.</p> <p>They also consider for all providers, the desire to retain their reputation and market share, and the knowledge that we will be publishing their pass rates, will encourage them to offer quality training. They say their role, of course, is to ensure that the SQE assessments effectively discharge our obligation to ensure high standards at the point of admission to the profession.</p>	<p>to help candidates navigate the training market, we do not consider that the SRA has provided sufficient assurance that changing its approach to approving training providers (as it does currently) is justified or is sufficient to mitigate the risk to students particularly in the first few years of the SQE where unregulated provider will be entering the market.</p> <p>The SRA will monitor the training market as part of their evaluation (in years 2,4 and 5-7 years) and will review their approach if any concerns arise.</p> <p>Update post-SLT: We requested further information from the SRA in respect of training provider risks. In a response date 6 October, the SRA said it does not consider that quality-assuring teaching through</p>	<p>the interests of consumer</p> <p>RO6: Encouraging and independent, strong, diverse, and effective legal profession</p> <p>RO6: promoting and maintaining adherence to the professional principles</p>
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				<p>an Ofsted-style regime of inspections and visits is the best way to assure the outcomes of that teaching or encourage high quality teaching. Their experience with the LPC and with CPD providers is that it is very difficult to quality assure providers through a series of input measures and related quality assurance activity and it can be misleading to candidates. The SRA consider that an open approach to data will create a more transparent and accountable market in which candidates can make judgments about value for money, pass rates and whether to purchase providers' services. The SRA also considers that for all providers, the desire to retain their reputation and market share, and the knowledge that the SRA will be publishing their pass rates, will</p>		
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				<p>encourage them to offer quality training.</p> <p>The SRA informed the LSB that many of the providers planning to offer SQE preparatory training are existing training providers and include educational organisations, which are subject to oversight by Higher Education providers. In addition, the quality of provision offered by universities is also regulated (by the Quality Assurance Agency for Higher Education and the Office for Students). However, it should also be noted that the SRA also expects some new providers to enter the market who may not fall under existing Higher Education oversight. Potential candidates can choose among a range of providers, including new entrants, or those with an established reputation in the provision of legal</p>		
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				<p>education in this jurisdiction, or abroad; or those who operate within, or outside, the regulated higher education market. The SRA will publish information to assist students to navigate the training provider market.</p> <p>We requested that the SRA set out the risks it has identified in respect of the ongoing financial viability of unregulated training providers, how it has assessed these risks and the mitigation it will put in place. The SRA advised that it has identified two key risks in relation to SQE training providers 1) major sectoral failure because a significant provider or a number of providers have had to close 2) the provider has to close because of financial difficulties either in the middle of a course or before the course starts</p>		
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				<p>and there are no protections in place for making sure that the candidates can complete their training.</p> <p>The SRA outlined that it thinks the chances of a major sectoral failure are small – on the basis that it anticipates that the majority of SQE training providers (and the largest providers) will be regulated by third parties, such as the Office for Students (OFS). The SRA added that the OFS's position is that it will not intervene to prevent a university exiting the market, but it will intervene to ensure that students are protected from a disorderly exit. They therefore require providers to have in place a Student Protection Plan identifying risks (including in relation to institution viability) and measures in place to mitigate those risks.</p>		
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				<p>With regard to the closure of individual providers, the SRA says it will mitigate the risks as follows:</p> <ul style="list-style-type: none">• The SRA says it will issue guidance for candidates that will provide useful pointers for candidates on what to look for when choosing a provider. This will include advice to candidates to check what protections providers have in place and to consider questions such as whether the provider offers the facility to pay for the course in instalments, rather than paying the full fee upfront. (The SRA says it is aware that at least one of the unregulated providers on its list will offer students the		
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				<p>option to pay in instalments.)</p> <ul style="list-style-type: none">• The SRA says it will use its 'community of interest' with training providers to keep the issue under review. Through this, the SRA says it will gain insight into the training market, what support candidates might need and where possible risks might lie. The SRA noted that it will also be able to encourage providers to explore ways to work together in the interests of candidates and that it will be able to facilitate discussions between providers if it becomes aware of a possible risk.• The SRA says it will keep the training market under review through routine		
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				<p>horizon scanning and engagement with the wider education and training landscape, and through its formal evaluation. The SRA restated its plan to conduct an initial market study after two years and added that where there are concerns, it will consider whether we need to take further action. An example cited was that if necessary, it could consider a light touch system of monitoring for providers who are not already regulated. This could involve a requirement for the provider to share financial information with the SRA and put in place a student protection plan in relation to financial viability.</p>		
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<p>18.</p>	<p>Contingency plans in place in the event SRA needs to exit the arrangement with Kaplan</p>	<p>LSB</p>	<p>SRA provided a reply to the LSB’s questions on 10 September [The following response is confidential] The service migration plan outlines the steps and actions required to support the smooth handover of the service between suppliers. In terms of contingency, SRA do not have another assessment supplier waiting to pick up the contract. To do so would be an inefficient and costly use of resources. However, the contract provides a number of elements to enable early visibility of any issues or concerns that may result in the need to procure an alternative supplier. For example:</p> <ul style="list-style-type: none"> ● At the monthly contract meeting the service level agreement (SLA) achievement will be reported. In the event the SLAs are not met, there is a financial penalty as well as the option for a remedial plan to be drafted and agreed with the SRA. This Plan will be monitored through to completion by the SQE Relationship Manger. 	<p>The LSB is satisfied with the SRA’s arrangements.</p>	<p>Closed</p>	<p>Refusal criteria not engaged.</p>
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			<ul style="list-style-type: none"> • The contract allows us to carry out audits and spot checks. SRA are also required to do this in our role as external quality assurer for the Apprenticeships. These audits and spot checks will provide us with ongoing visibility of the services provided. • Kaplan are obliged to keep SRA informed of any change to their financial status. • In terms of the IP, this is documented within the contract and the SRA own the IP in the SQE assessments. 			
19.	<p>Impact on smaller firms</p> <p>Full account must be taken of how the changes will affect small high street firms. It would be unwise to rely too heavily on the positive responses of the large firms that operate in quite different circumstances.</p>	JSC	<p>SRA anticipates a range of benefits for smaller firms as a result of the introduction of the SQE. These are listed in detail in paragraph 453 and centre on:</p> <ul style="list-style-type: none"> • Better guarantee of standards. Firms can be confident that all candidates have been assessed to the same, rigorous standard. • Better information to recruit staff. Firms can choose to use SQE scores as a tool to help with 	We are satisfied that the SRA has adequately engaged with small firms though the Sole Practitioners’ group and given representation on the SQE reference Group and in consultation responses.	Closed	Refusal criteria not engaged.

			<p>recruitment, both for unqualified and, overtime, qualified staff.</p> <ul style="list-style-type: none">• Greater flexibility to recruit staff. The removal of the stricter requirements for training contracts will make it easier for firms to progress their paralegals towards qualification as a solicitor. It could also encourage them to take on more unqualified staff with a view to progression to qualification.• Opportunity for more tailored training. Without the restrictions of the training contract, firms will have more flexibility to tailor the training for unqualified staff progressing to qualification to the needs of the business.• Opportunities through apprenticeships. SRA has had positive feedback about the benefits of apprentices from legal businesses. The cost of training and assessment for apprentices is paid through the apprenticeship levy. Employers with payroll of less than £3m do not need to contribute to the levy (but they do need to pay 5%			
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			<p>of the apprenticeship training and assessment cost).</p> <p>The SRA says it met regularly throughout the development of the SQE with the Sole Practitioners' Group. Also have representation from smaller firms on our SQE Reference Group.</p> <p>Across two main consultations in 2015 and 2016/17 around 10% of responses were from representatives from smaller firms.</p>			
Potential barriers to entry for cross qualification						
20	<p>Exemptions for CILEx fellows who are looking to cross qualify There are many students who are studying law via the CILEx qualification route that wish to eventually cross qualify. There are also many lawyers practicing as CILEx lawyers who are actively considering cross qualification to become solicitor. The current SRA qualification scheme allows certain exemptions for CILEx lawyers to cross qualify, however, it appears that the SRA have not considered any exemptions for CILEx lawyers to cross qualify</p>		<p>CILEx fellows will continue to be able to qualify as solicitors by taking SQE1 and SQE2. The SRA propose that qualified lawyers may be granted full exemptions only from SQE1 and SQE2 - if they have demonstrated that they have covered the functioning legal knowledge equivalent of SQE1 (under the current system, CILEx fellows do not get an exemption from the academic requirements for qualification as a solicitor or for the LPC) and for SQE2, if they have demonstrated equivalent skills and practice rights. This is because CILEx fellows have qualifications in particular practice areas and because they do</p>	<p>We are satisfied that the SRA's proposal will not result in the creation of barriers to entry for CILEx fellows who intend to cross qualify. Currently CILEx fellows cannot benefit from a partial exemption from academic training or the LPC, which is expensive. System and lasts a year full time, they will not be required to take a prescribed course to prepare for SQE. They will be able to use the learning and experience</p>	Closed	<p>Refusal criteria not engaged.</p>

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	<p>under the new SQE exams which ultimately creates a barrier for those wishing to cross qualify.</p>		<p>not have the same practice rights as solicitors. However, the application states that the SRA are yet to undertake the mapping work for this but will work closely with CILEx Reg about their approach, although they note that initial discussions with on the mapping work will begin in August 2020 and I assume will be relayed to us during our assessment of the application although we will need to confirm this with the SRA.</p> <p>The benefit of the SQE for CILEx Fellows is that, unlike the current system where they have to pay for the LPC, which can be expensive and which lasts a year full time, they will not be required to take a prescribed course to prepare for SQE. They will be able to use the learning and experience from their CILEx qualification to prepare for SQE and may only need to take a shorter, more focused top-up course.</p> <p>The SRA consider that it is not possible to grant partial exemptions from any of the SQE assessments. This is because each assessment is designed with the number of questions/tasks to produce a reliable and precise pass/fail point. A</p>	<p>from their CILEx qualification to prepare for SQE and may only need to take a shorter, more focused top-up course.</p> <p>Further, it is likely that CILEx fellows will be able to meet the requirements for QWE through the work experience they complete to become a fellow, provided that experience gave them the opportunity to develop the competences in the Competence Statement and could be signed off by a solicitor.</p> <p>We are satisfied with the SRA’s explanation of why partial exemptions cannot be justified as their approach has to be consistent with the integrity of the new framework.</p>		
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			<p>reduction in the number of questions/tasks will reduce the reliability of pass/fail decisions to an unacceptable level for a high stakes licensing exam. The SRA consider that they would not be sufficiently confident that those that pass on the basis of a reduced number of questions/tasks deserve to pass. Further, they argue that compromising the reliability of the assessments would run contrary to their objective of providing a consistent and fair assessment for all candidates.</p> <p>The SRA will take a similar approach to cross qualification of barristers, although again this will be subject to mapping work with the BSB.</p> <p>In reply to follow up questions on the mapping exercise, the SRA ha explained that it has not undertaken it yet although it has met with CILEx Reg and the BSB.</p> <p>Qualifying work experience The overarching aims of the QWE are to address the problem of insufficient training contracts available (and therefore increase the ability of candidates to qualify as solicitors) and the lack of a standardised</p>			
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			<p>assessment of competence at the end of the period of recognised training, which is the final gateway before admission as a solicitor.</p> <p>Under the current system CILEx fellows are exempt from the requirement to take a period of recognised training. The SRA consider that it is likely that CILEx fellows will be able to meet the requirements for QWE through the work experience they complete to become a fellow, provided that experience gave them the opportunity to develop the competences in the Competence Statement and could be signed off by a solicitor. It is important to note that under the SQE, competence will be assessed through the standardised SQE and not QWE (with current training contracts, the solicitor signs off on whether the Competence Statement has been met). QWE will be developmental and does not include an assessment of the candidate's competence, therefore experience that can count towards QWE is broader.</p> <p>Suitability the SRA propose that satisfactory character and suitability</p>			
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			will be assessed at the point of admission. The application states that the SRA expect all prospective solicitors to display high ethical standards and behaviours and will require the solicitor signing off their QWE to confirm that there are no issues which might affect the candidate's character and suitability to enter the profession.			
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