



Solicitors
Regulation
Authority

**Tender to Deliver the Solicitors Qualifying
Examination**

Invitation to Submit an Outline Solution

15 June 2017

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Section 1 - Purpose and Background

1.1 Purpose of this ISOS

1.1.1 Our [Training for Tomorrow programme](#) is reviewing the education and training of solicitors to better assure their competence. In April 2017, our Board decided to introduce a common assessment for all would-be solicitors from late 2020. The introduction of this assessment, the Solicitors Qualifying Examination (SQE), will mean everyone qualifying as a solicitor will meet the same high standards in a consistent way.

1.1.2 We are seeking an Assessment Supplier to work with us to develop, test and then implement the new SQE.

1.1.3 The Assessment Supplier that we select to deliver the SQE will play a leading role in what will be a high profile transformation of the way solicitors qualify.

1.1.4 We intend to contract either with a single supplier who can deliver the services themselves, or with a lead supplier, who will deliver some/all of the services through third parties.

1.1.5 The Assessment Supplier will be appointed through a two-stage sourcing process.

- Bidders will be invited to submit an outline solution to our requirements (ISOS).
- Shortlisted Bidders will then be invited to submit a detailed solution (ISDS).

1.1.6 We intend to have appointed the Assessment Supplier by March 2018 and to award a contract of up to ten years.

1.2 About the SRA

1.2.1 We are the regulator of 170,000 solicitors and 10,400 law firms in England and Wales. We work in the public interest, setting and enforcing high professional standards, and support access to affordable legal services, the rule of law and the administration of justice. We are the regulatory body of The Law Society.

1.2.2 We have statutory responsibility for the education and training of solicitors by virtue of sections 2 and 3 of the Solicitors Act 1974 and are responsible for setting the standards for practise as a solicitor.

1.2.3 We make sure that those entering the profession are fit to practise and meet the high professional standards the public expects. The way in which solicitors qualify underpins the trust and confidence the public and employers can have in solicitors. We believe the introduction of the SQE is the best way to assure high professional standards and to build trust in the profession, both in England and Wales, and internationally.

1.2.4 Further background information is provided in the following materials:

- Number of people qualifying as solicitors

http://www.sra.org.uk/sra/how-we-work/reports/data/routes_admission.page

<http://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/>

- Research and reports written by our Regulation and Education team:

<http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources.page>

1.3 Background to the SQE

1.3.1 The SQE is intended to assess the competence of all candidates by the time they qualify as a solicitor. It is based on the Statement of Solicitor Competence (SoSC) published in April 2015.¹The SoSC sets out what solicitors need to be able to do to perform their role effectively and provides consumers with information about what they can expect from their solicitor.

1.3.2 We have developed an initial assessment model for the SQE, set out in an [Assessment Specification](#). In this model, the SQE is a two-stage examination.

- SQE stage 1 would assess functioning legal knowledge through a series of computer-based examinations. It would also assess basic legal research and written communication skills.
- SQE stage 2 would assess core legal skills (client interviewing, advocacy, case and matter analysis, legal research, written advice and drafting) through a series of practical legal assessments in legal contexts. Candidates would be tested on ethical principles throughout.

1.3.3 We will require the Assessment Supplier to further develop and test this assessment model, whilst building their capacity for delivery, before the SQE is fully implemented.

1.3.4 Our target date for the introduction of the SQE is September 2020. We are in the process of consulting on changes to our regulations to introduce the SQE and will shortly consult on transitional arrangements. We anticipate that candidates who started training before September 2020 will have the choice of qualifying as a solicitor through our current education and training regulations or through the SQE. This is likely to mean that candidate numbers will be lower at the start of the contract than at the end.

1.3.5 Further background information about the SQE and our Training for Tomorrow programme of work is provided in the following materials:

- SQE Consultations:

<http://www.sra.org.uk/sra/consultations/solicitors-qualifying-examination.page>

¹ <http://www.sra.org.uk/solicitors/competence-statement.page>

<http://www.sra.org.uk/sra/consultations/t4t-assessing-competence.page> SQE

- [Assessment Specification](#): (June 2017)

1.4 SRA Requirements

1.4.1 The activities to be delivered by the Assessment Supplier are set out in the Statement of Requirements (SoR) in Annex 1.

1.4.2 The Assessment Supplier appointed to deliver the SQE will also deliver the functions of the end-point assessment organisation for the Solicitor Apprenticeship.²

1.5 Funding

1.5.1 We will not pay the Assessment Supplier any fees for the ongoing delivery of the SQE. Instead, the Assessment Supplier will be entitled to charge fees to candidates for sitting the SQE.

1.5.2 We may, however, consider providing some funding assistance to the Assessment Supplier to reduce their upfront investment costs.

1.5.3 In the event that we provide such funding, we will require that the Assessment Supplier repays the funding in full over the life of the contract when they are in receipt of candidate fees. We also wish to recover SRA operational costs in delivering the SQE through the candidate fee.

1.5.4 Further details about the approach to funding are provided in the Statement of Requirements in Annex 1.

² <https://www.gov.uk/government/publications/apprenticeship-standard-solicitor>

Section 2 - Bidding Instructions

2.1 Introduction to the Sourcing Process

2.1.1 The Assessment Supplier will be appointed through a two-stage sourcing process:

- i. Bidders will first be invited to submit an outline solution (**Invitation to Submit an Outline Solution (ISOS)**) by responding to a series of questions set out in the Statement of Requirements in Annex1. At this stage, we have identified the areas around which we will build our detailed requirements at the next stage of the sourcing process. We are inviting Bidders to inform the development of these requirements through their responses to these questions.
- ii. All Bidders who have indicated that they are likely to develop a response and who have signed and returned a signed NDA will be invited to an SQE ISOS launch meeting.
- iii. Bidders who submit a response to the ISOS may be invited to a face-to-face meeting to explain their Outline Solution to us.
- iv. Shortlisted Bidders will then be invited to submit a detailed solution (**Invitation to Submit a Detailed Solution (ISDS)**). At this stage, we will set out our final detailed requirements and service levels. We anticipate further face-to-face meetings with Bidders at this stage.

2.2 Timetable

2.2.1 The indicative timetable for this sourcing process is set out below:

Activity	Date
Launch of ISOS	Thursday 15 June 2017
Signed NDA returned to SRA	By 12.00pm, Thursday 22 June 2017
Launch meeting with Bidders - London	1.00-4.00pm Friday 23 June 2017
Closing date for ISOS clarification questions	By 12.00pm Monday 31 July 2017
Closing date for receipt of ISOS responses (electronic and by post)	By 12.00pm, Friday 1 September 2017
Interviews with Bidders - London and Birmingham	Wednesday to Friday 27-29 September 2017
Short-listed Bidders notified	By Wednesday 1 November 2017

Launch of ISDS	Thursday 2 November 2017
Launch meeting with Bidders - Birmingham	Friday 10 November 2017
Closing date for ISDS clarification questions	By 12.00pm, Monday 4 December 2017
Closing date for receipt of ISDS responses (electronic and by post)	By 12.00pm Friday 12 January 2018
Interviews with Bidders - Birmingham	Tuesday and Wednesday 6-7 February 2018
Award of contract letter issued	By Thursday 1 March 2018
Contract issued for signature	By Tuesday 13 March 2018
Contract start-up	By beginning of April 2018

2.3 General Conditions

2.3.1 The following general conditions apply to the sourcing process:

- i. Bidders must sign and return the Non-Disclosure Agreement (Schedule 1) related to the ISOS to **sqebidresponses@sra.org.uk** by 12.00pm, 22 June 2017.
- ii. Bidders must only communicate with members of staff at the SRA or the Sourcing team through the channels specified below.
- iii. The ISOS and any subsequent documents used in this procurement do not convey an offer to contract. Receipt of a response to this ISOS does not commit us to contracting with any Bidder for all or part of the required service. It does not limit our right to competitively bid or negotiate in our best interest.
- iv. We reserve the right to contract with a Bidder for reasons other than lowest price.
- v. Costs incurred in the preparation of the response to this ISOS and subsequent documents and/or negotiations are the Bidder's sole responsibility. We will not be liable for any costs incurred in the preparation and submission of responses, or for any costs for attending meetings, presentations or site visits.
- vi. We reserve the right to accept or reject any or all responses to this ISOS in whole or in part.
- vii. Poor quality responses without adequate explanation will be discarded and we reserve the right to request further details or clarification from Bidders that may be used in assessing the responses.

- viii. The requirements within this ISOS are subject to change at any time at our discretion.
- ix. We reserve the right to shortlist Bidders for further consideration, including the option to request face-to-face presentations and attend site visits.

2.4 Clarifications

2.4.1. All clarifications or queries should be emailed to **sqebidresponses@sra.org.uk**, using the subject line: SQE ISOS Clarification. Failure to do so will result in messages potentially not being received and/or not being responded to in a timely manner.

2.4.2 We will aim to respond to all clarification questions received as quickly as possible but cannot guarantee a stated timeframe. It is the responsibility of the Bidder to submit clarifications in a timely manner, and to follow up any outstanding clarifications to ensure they fully understand the ISOS. The closing date for receipt of clarification questions about the ISOS is 31 July 2017.

2.5 Proposal Submission

2.5.1 Bidders are asked to submit an electronic copy of their response to this ISOS by 12.00pm on 1 September 2017 to **sqebidresponses@sra.org.uk**. The response must be submitted using the template and in accordance with the instructions provided in Schedule 4. Please consider compressing files where ever possible using Winzip and/or keeping individual file sizes to a maximum 10Mb. It is recommended you include a list of the names of the files being submitted so we can check that all files have been received.

2.5.2 In addition to the requirement noted in 2.5.1, Bidders are requested to submit one hard copy of their response. Hard copies should be delivered by the closing date and time noted within this document to the following address:

FAO: Sourcing Team, SQE
Solicitors Regulation Authority
The Cube, 199 Wharfside Street
Birmingham B1 1RN

2.5.3 The envelope should contain no markings to indicate which supplier's bid is contained within the delivery envelope. Hard copies should be delivered to the 8th floor reception of The Cube who will notify the Sourcing team that a bid is being delivered. A member of the Sourcing team will personally receipt the bids and notes the time and date on the internal paperwork of the messenger service.

2.5.4 Bidders are responsible for ensuring that the SRA has received their response by the stated date and time. Bidders are advised to use an email delivery notification or to contact the Sourcing team on 0121 329 6868 to verify receipt.

2.5.5 Bidders must not send general publicity or other materials not directly relevant to this ISOS with their response.

2.6 Validity and Format of Bid Responses

2.6.1 Any responses submitted will remain valid for the entirety of this sourcing process from the initial stage through to contract award, given that the sourcing process will build on previous stages. This includes any/all documentation submitted in any stage of the sourcing process, subject to changes notified to us.

2.6.2 Bidders must comply with the instructions on the format of responses as detailed in Section 3 and Schedule 4 of this ISOS document. Failure to do so may render the response non-compliant with the requirements.

2.7 Confidentiality

2.7.1 All information exchanged during the course of this ISOS stage of the sourcing process must be treated as confidential in accordance with the Non-Disclosure Agreement each Bidder has signed.

2.8 Bidders' Warranties in Returning a Response

2.8.1 In returning a response to this ISOS, each Bidder warrants, represents and undertakes the following:

- i. All information, representations and other matters of fact (including those contained in its response to the ISOS) communicated (whether in writing or otherwise) to us by the Bidder, its employees or agents in connection with or arising out of this procurement exercise at the time submitted and at all times subsequently, were true, complete and accurate in all respects.
- ii. It has undertaken its own investigations and research and has satisfied itself in respect of all matters (whether actual or contingent) relating to its response, including the accuracy and completeness of any information that may have been provided (orally, in writing or otherwise) by or on behalf of SRA.
- iii. It has not submitted its response and will not have entered into any agreement in reliance upon any representation (oral, in writing or other) that may have been made by or on behalf of the SRA.
- iv. It has full power and authority to enter into an agreement with us and perform its obligations under the agreement.
- v. It is of sound financial standing and has sufficient working capital, skilled staff, other equipment and other resources available to it to comply with the obligations it will undertake under any agreement made.

2.8.2 In the event that it is discovered that the Bidder has breached any of these warranties, we may exclude them from further participation in the sourcing process.

2.9 Collusive Behaviour

2.9.1 We will disqualify any Bidder who:

- i. fixes or adjusts the amount of its ISOS response by or in accordance with any agreement or arrangement with any other potential competitor
- ii. communicates to any other potential competitor the amount or approximate amount of its proposed response or information which would enable the amount or approximate amount to be calculated (except where such disclosure is made in confidence in order to obtain quotations necessary for the preparation of the response or insurance or any necessary security)
- iii. enters into any agreement or arrangement with any other potential competitor which prevents other parties from submitting a response to this ISOS
- iv. enters into any agreement or arrangement with any other potential competitor as to the value of any response submitted
- v. offers or agrees to pay or give or does pay or give any sum or sums of money, inducement or valuable consideration directly or indirectly to any potential competitor for doing or having done or causing or having caused to be done in relation to any other response, any act or omission.

2.9.2 This is without prejudice to any other civil remedies available to us and without prejudice to any criminal liability which such conduct by a Bidder may attract.

2.10 Conflict of Interest

2.10.1 By submitting a response to this ISOS, Bidders are confirming that their organisation has no conflicts of interest in relation to both taking part in the sourcing exercise and, should the Bidder be successful, in the delivery of the contract.

2.10.2 If a Bidder identifies either a potential conflict of interest that could arise if they were to be short-listed they should seek clarification from us prior to submitting a response by emailing sqebidresponses@sra.org.uk. When seeking clarification, Bidders should detail how they would deal with any conflicts of interest.

2.11 No Inducement or Incentive

2.11.1 The ISOS is issued on the basis that nothing contained in it shall constitute an inducement or incentive nor shall have in any other way persuaded a Bidder to submit a bid response or enter into the contract or any other contractual agreement.

2.12 Canvassing

2.12.1 We will disqualify any Bidder who directly or indirectly canvasses any officer, member, employee, or agent of the SRA concerning the establishment of the contract or who directly or indirectly obtains or attempts to obtain information from any such officer, member, employee or agent or concerning any other Bidder, ISOS response or proposed response.

2.13 Disclaimers

2.13.1 Any persons considering making a decision to enter into contractual relationships with the SRA or other bodies following receipt of the ISOS should make their own investigations and their own independent assessment of the SRA and such other bodies and the SRA's requirements for the services and should seek their own professional financial and legal advice.

2.13.2 For the avoidance of doubt, the provision of clarification or further information in relation to the ISOS or any other associated documents (including the Schedules) is only authorised to be provided following a query made in accordance with paragraph 2.4.1.

2.14 Right to Reject / Disqualify

2.14.1 We reserve the right to reject or disqualify a Bidder where:

- i. They fail to comply fully with the requirements of this ISOS.
- ii. They are guilty of serious misrepresentation in relation to their ISOS response.
- iii. There is a change in identity, control, financial standing or other factor impacting the selection and/or evaluation process affecting the Bidder.
- iv. They are found to have engaged in collusive behaviour or canvassing.

2.15 Contractual Arrangements

2.15.1 Any contract awarded shall be subject to the attached draft SQE Services Agreement (Annex 2). The final agreement and accompanying Schedules will be determined following receipt of responses to the ISOS, the ISDS and any clarifications and negotiations when the contract is awarded.

Section 3 - Format and Evaluation of Outline Solution

3.1 Introduction

3.1.1 Bidders should submit their response to this ISOS through the completion of the following Schedules:

Schedule	Title	Instruction	Evaluation
Schedule 1	Non-Disclosure Agreement	Bidders must sign and return the Non-Disclosure Agreement in Schedule 1 to sqebidresponses@sra.org.uk by 12.00pm, Thursday 22 June 2017.	This information is not evaluated and scored.
Schedule 2	Submission Checklist	The checklist in Schedule 2 lists all of the Schedules and other materials to be submitted as the response to this ISOS. It must be returned with the response.	This information is not evaluated or scored but responses will not be evaluated and scored unless all Schedules are completed.
Schedule 3	Organisational Details and Financial Standing	Bidders must complete the questionnaire provided in Schedule 3.	We will only evaluate responses where financial good standing has been demonstrated through a Standard & Poor's credit rating of AAA. In addition, if third parties are used to deliver the service, their financial good standing must also be demonstrated and information on those third parties must be provided when requested.
	Appendix 1 - Consortia Qualification	The lead Bidder must complete the template provided in Appendix 1 to document any third parties involved in the delivery of services.	The information in this Appendix will not be separately scored but will be considered as part of the evaluation and scoring of the Outline Solution.

Schedule 4	Outline Solution	Bidders must complete the template provided in Schedule 4, explaining how their proposed Outline Solution addresses the questions in the Statement of Requirements (SoR) in Annex 1.	<p>This information will be evaluated and scored in accordance with the guidance in Section 3.3.</p> <p>Bidders should familiarise themselves with this guidance when developing their Outline Solution.</p> <p>Any face-to-face meetings with Bidders will not be separately evaluated but will inform the overall score.</p>
	Appendix 1 - Financial Model	Bidders must provide their financial model(s) and indicative candidate fees, using the template provided in Appendix 1.	The information in this Appendix will be scored as part of the evaluation of the Outline Solution.
Schedule 5	Compliance with SQE Services Agreement	<p>Bidders must indicate whether they are able to comply with the proposed SQE Services Agreement (Annex 2).</p> <p>Bidders may also propose changes to clauses, using the template provided in Schedule 5.</p>	<p>This information will not be separately scored but may inform the development of the next version of the SQE Services Agreement.</p> <p>However, we expect Bidders to only suggest changes to clauses which are significant in the context of their overall business and financial model.</p> <p>We reserve the right not to short list Bidders if their response shows that they are unable to accept the majority of the clauses in the SQE Services Agreement.</p>
Schedule 6	Confirmation	Bidders must confirm the accuracy of the information provided by completing the questionnaire in Schedule 6.	This information will not be scored but Bidders will be disqualified if the information provided in their response is found to be inaccurate.

3.2 Values

3.2.1 Bidders are expected to demonstrate the following values in their proposed solution:

- i. a commitment to delivering a high quality service in the most efficient and cost effective way
- ii. a commitment to flexibility and integrity
- iii. a commitment to equality, diversity and inclusion
- iv. a strong focus on transparency in all aspects of delivery
- v. a commitment to partnership working
- vi. a proactive approach to communication with us and our stakeholders.

3.3 Evaluation and Scoring

3.3.1 Responses will be evaluated on their ability to meet our requirements, as set out in the SoR, in Annex 1 of this document, using the following evaluation categories and weightings. Our current position is that each evaluation category is equally weighted but we reserve the right to change this at the ISDS phase.

Evaluation Category	Statement of Requirements (SoR) Reference	Scores available	Weighting (1- 5)	Maximum Score
Organisational structure and staffing	Sections 2, 3 & 4 Question 1, a - h	0 to 4	3	12
Management, quality assurance and data	Sections 2 & 4 Question 2, a - g	0 to 4	3	12
Developing and testing the SQE	Sections 2, 3 & 4.2 Question 3, a - e	0 to 4	3	12
Building operational readiness during pre-implementation stage	Sections 2, 3 & 4.5 Question 4, a - d	0 to 4	3	12

Administration of the SQE	Section 2 Question 5, a - m	0 to 4	3	12
Development of SQE assessment materials	Section 2 Question 6, a - f	0 to 4	3	12
Standard setting	Sections 2.4 & 4.3 Question 7, a - h	0 to 4	3	12
Financial model	Section 2, 3 & 4.6 Question 8, a - h	0 (Fail) or 4 (Pass)	3	12
Total Score				96

3.3.2 Scores for all the evaluation categories, apart from the Financial model, will be awarded on the following basis:

Score	Description	Guidance
4	Outstanding	<p>The response clearly shows that the Bidder's Outline Solution could meet our requirements and deliver our vision for the SQE.</p> <p>All questions in the SoR have been fully addressed and the rationale for the approach is clear and convincing.</p> <p>The response demonstrates alignment with our values and generates a high level of confidence for a strong working partnership.</p> <p>The Bidder has added value by showing how their Outline Solution differentiates them in the market place and/or by enhancing our values.</p>

3	Good	<p>The response clearly shows that the Bidder's Outline Solution could meet our requirements and deliver our vision for the SQE.</p> <p>All questions in the SoR have been addressed and there is a clear rationale for the approach.</p> <p>The response demonstrates alignment with our values and generates confidence for a strong working partnership.</p>
2	Satisfactory	<p>The response shows that the Bidder's Outline Solution could meet our requirements and deliver our vision for the SQE.</p> <p>Some questions in the SoR have not been addressed and/or the rationale for the approach is not always clearly explained or justified.</p> <p>The response demonstrates alignment with our values and generates confidence for a strong working partnership.</p>
1	Poor	<p>The response is unsatisfactory in major areas and does not show that the Bidder's Outline Solution could meet our requirements and deliver our vision for the SQE.</p> <p>There is little or no rationale for the approach and/or the details provided require the evaluator to make assumptions about the Bidder's Outline solution.</p> <p>The response does not demonstrate a strong alignment with our values.</p>
0	Not Eligible for Consideration (Rejected)	<p>The response is deficient or non-existent and there is a failure to properly address any question in the SoR.</p> <p>The response demonstrates no alignment with our values.</p>

3.3.3 The financial model will be scored on the following basis:

Score	Description	Guidance
4	Pass	<p>The response has fully considered all questions in the SoR.</p> <p>The template has been completed and assumptions fully detailed, reflecting the delivery approach.</p> <p>The response shows that the Bidder could set a fair, reasonable, transparent and sustainable candidate fee over the life of the contract.</p> <p>Where the Bidder has included funding assistance from the SRA, the financial model clearly outlines the basis/assumptions for that funding and the timing of repayment.</p>
0	Fail	<p>The response has not fully considered all the questions in the SoR.</p> <p>The template has not been completed and/or assumptions not fully detailed.</p> <p>The response does not show that the Bidder could set a fair, reasonable, transparent and sustainable candidate fee over the life of the contract.</p> <p>Where the Bidder has included funding assistance from the SRA, the financial model fails to outline the basis/assumptions for this funding or the timeline of repayment.</p> <p>Where the Bidder has included funding assistance from the SRA, the level of funding assistance being requested is not considered fair or reasonable.</p>

3.3.4 Our subject matter experts and professional advisers will carry out the evaluation of responses and will individually score the responses. A moderator will then evaluate those scores to arrive at a final moderated score. Short-listed Bidders will then be invited to proceed to the ISDS stage.

Annex 1 - Statement of Requirements (SoR)

1. Introduction

1.1 This Annex sets out our vision for the SQE and how we expect to work with the Supplier to develop, test and then run the SQE to realise our vision.

2. Our Vision for the SQE

2.1 Overview

2.2.1 The SQE needs to be a rigorous, valid and reliable assessment, ensuring that newly qualified solicitors have the competences required for effective practice. All candidates who have passed the SQE will have demonstrated the competences specified in the [Statement of Solicitor Competence \(SoSC\)](#), including ethics and professional judgment, to the standard expected of a newly qualified solicitor as set out in our [Threshold Standard](#).

2.2 Benefits

2.2.1 The SQE will benefit:

- The public – who can trust that solicitors are meeting the same high standards.
- Would-be solicitors – giving candidates, from all backgrounds, a fair opportunity to qualify as a solicitor.
- Law firms – who will have a better guarantee of standards and a potential widening of the talent pool.
- Education providers – who can clearly demonstrate, through a transparent comparable assessment, how effectively they are training their students.

2.3 Conceptual Framework, Assessment Design and Methods

2.3.1 The SQE model will be a two stage assessment, using Miller's pyramid as the underpinning framework for the assessment design.

Stage 1

2.3.2 Stage 1 will primarily assess the functioning legal knowledge required for effective practice – the 'knows' and 'knows how' of Miller's pyramid.

2.3.3 The functioning legal knowledge integrates substantive and procedural law and candidates will be expected to be able to:

- identify relevant core legal principles or rules – whether derived from cases, statutes or regulatory sources
- apply them appropriately to client-based and ethical problems and situations encountered in practice.

2.3.4 The stage 1 assessments will use computer-based, objective testing, employing a range of question formats and taking advantage of the latest developments in e-assessment. Questions might include a scenario and/or other

stimuli (written information, case studies, data, visual images, documents) where candidates have to apply their knowledge to a given context.

2.3.5 Stage 1 will also assess practical legal skills to test whether candidates have a threshold skill level to enable them to work effectively in professional legal services in an unqualified capacity.

Stage 2

2.3.6 Stage 2 will assess candidates' ability to carry out practical legal tasks, each assessing a number of legal skills from the SoSC, focusing primarily on the 'shows how' of Miller's pyramid. The assessments will include one or more tasks that a newly qualified solicitor would be expected to be able to carry out with minimal or no supervision. They will be set in a range of practice contexts to provide a platform for the assessment of competence. Primary legal resources will be provided to candidates.

2.3.7 Although the stage 2 assessment will assess practical legal skills, candidates cannot be competent in a skill area if they misconceive the law. If candidates are not able to correctly identify and apply legal principles or ethical considerations, they will fail the assessment.

2.3.8 Further detail is provided in the draft [Assessment Specification](#).

2.3.9 We expect Bidders to be alive to the risk of bias against particular groups of candidates and to demonstrate how they will monitor and minimise this risk.

2.4 Standard Setting

2.4.1 The SQE will adopt best practice in standard setting, using a combination of professional judgement and statistical analysis to set a reliable, accurate, consistent and comparable standard over time. Over time, we will also look at the predictive validity of performance on the SQE.

3. Indicative Timeline for the Introduction of the SQE

3.1 We anticipate the following timeline to further develop, test and then introduce the SQE:

Activity	Timeline
Start of contract	By April 2018
<u>Pre-implementation phase</u> Further development and testing of the SQE design and Assessment Specification. Development and testing of all operational and administrative systems, policies and procedures, required to deliver the SQE.	April 2018 to summer 2020
<u>Implementation phase</u> Delivery of live SQE assessments.	From September 2020

4. How We Expect to Work with the Assessment Supplier

4.1 Overview

4.1.1 We expect to forge a strong working relationship with the Assessment Supplier to ensure success in the development, delivery and ongoing refinement of the SQE. We expect transparency in all aspects of delivery and a proactive approach to communications with the SRA, our stakeholders and those who wish to qualify as solicitors.

4.2 Developing the Assessment Specification

4.2.1 The draft Assessment Specification for the SQE will be the starting point for the development and testing work. We expect the Assessment Supplier to take forward this work and we are open to suggestions about how the proposed testing model could be improved. We do not, however, anticipate substantial changes to the overall content (knowledge and practical legal skills) as set out in the Assessment Specification.

4.2.2 If, as a result of testing or stakeholder feedback, minor changes are required to the SoSC, we will republish it prior to implementation of the SQE.

4.2.3 However, through the development work and testing, we expect the Assessment Supplier to explore the following questions:

i.	What is the minimum number of separate assessments required in stage 1 to reliably and validly assess the functioning legal knowledge we have set out in the Assessment Specification? For example, by sampling more widely, could the same knowledge be assessed through fewer separate assessments? Should the assessments be taken in one session, or should they be modularised and taken over time?
ii.	What number, format and type of questions and length of assessments will most reliably and validly assess the functioning legal knowledge we have set out in the Assessment Specification? How might open book assessments be used within the SQE?
iii.	What should the balance of practical legal skills assessments be between stage 1 and stage 2? For example, could legal drafting be reliably and validly assessed at stage 1? Could the stage 1 practical legal skills assessments be assessed at a different time from the functioning legal knowledge assessments?
iv.	What is the most valid, reliable and manageable way to assess Rights of Audience? For example, could Rights of Audience be assessed at stage 1?
v.	What is the minimum number of separate assessments required in stage 2 to reliably, validly and cost-effectively assess the SoSC? For example, could fewer more synoptic assessments, covering a broader range of competences, be used at stage 2?
vi.	In what range of practice contexts should the stage 2 practical legal skills assessments be assessed? What is the impact of candidate choice and prior work experience on the reliability of assessments set in different practice areas?

vii.	What are the benefits and risks of retaining a non-compensatory standard setting model, as currently proposed, as opposed to a total compensatory or a partial compensatory (within clusters of competence) standard setting model?
viii.	When in the academic/calendar year, and how frequently, should the SQE assessments be available?
ix.	In addition to the Assessment Specification, what further information can and should be provided to enable universities, training providers and employers to prepare candidates for the SQE?

4.2.4 We expect the Assessment Supplier to conduct the development work and testing in an open and transparent way to help universities, training providers, publishers and employers prepare for implementation.

4.2.5 We will, however, retain control of the content standard of the SQE, firstly as already mentioned, by specifying the initial design for the SQE through our SQE Assessment Specification, and subsequently by agreeing any changes to the design and the Assessment Specification with the Assessment Supplier after further development and testing and/or implementation.

4.3 Setting the Standard for the SQE

4.3.1 We will also retain control of the performance standard of the SQE and will be responsible for setting and maintaining standards over time.

4.3.2 We will use a range of mechanisms , such as monthly operational meetings, audit, and approval of documents and deliverables, to monitor the Assessment Supplier 's delivery of the SQE to ensure that they comply with the standards, service levels, and quality criteria which will be set out in the final version of the SQE Services Agreement.

4.3.3 We will also chair the standard setting meetings where the pass mark for each assessment is set. We will require the Assessment Supplier to convene and administer the standard setting meetings and to share candidate performance data and other assessment data with us, in a format we will specify at ISDS stage, before those meetings.

4.3.4 The pass mark for each assessment will be subject to approval by the SRA Chief Executive.

4.3.5 The Assessment Supplier will then issue results to candidates and provide us with individualised candidate data to support our admissions process.

4.3.6 We will also put in place independent external scrutiny of the SQE.

4.4 Intellectual Property Rights (IPR) and branding for the SQE

4.4.1 In the SQE Services Agreement, we propose that we will own the IPR for the SQE, which we will license to the Assessment Supplier for the duration of the contract. However we recognise that Bidders may wish to consider the issue of IPR in the context of their overall business and financial model. This issue is discussed in section 4.6.

4.4.2 The SQE will be branded as an SRA service, although the Assessment Supplier will be permitted to indicate, with our agreement, where appropriate, that they are delivering the service on our behalf.

4.5 Moving from Pre-Implementation to Implementation

4.5.1 Before the SQE is implemented from September 2020, we will expect the Assessment Supplier to have demonstrated to us and to stakeholders that:

- i. The SQE will be:
 - a fair and valid assessment of the knowledge and skills required for safe practice as a solicitor
 - an accurate and a reliable measure
 - cost-effective and manageable.
- ii. All operational and administrative systems, policies and procedures, required to deliver the SQE, are in place, have been tested and are capable of managing large volumes of candidates.

4.5.2 Throughout the Pre-Implementation phase and the Implementation phase, we will require the Assessment Supplier to collect and subsequently share individualised candidate data, candidate performance data and other assessment data with us to enable us to longitudinally evaluate the impact of the SQE.

4.6 Setting a Fair Candidate Fee

4.6.1 We require that the fees charged to candidates for taking the SQE represent value for money. This is for reasons of public policy and to ensure cost is not a prohibitive barrier to entry into the profession.

4.6.2 The proposed SQE Services Agreement contains a number of mechanisms aimed at monitoring and controlling the amount of the candidate fees. These include:

- i. Candidate fees to be agreed with the SRA
The initial level of candidate fees will be agreed between the Assessment Supplier and the SRA. Any future changes to the fees will be subject to our consent. While we are open to discussion with the Assessment Supplier about incremental changes to the candidate fees, we require fees to be broadly stable over time, as otherwise there may be a perception of unfairness among past or future candidates. Further, it will reflect poorly on a regulator seeking to ensure a level playing field for entry into the profession.
- ii. Open book accounts
In order to ensure that we have visibility over how the fees are being calculated, we will require open book access to the Assessment Supplier's accounts. This information will be used to determine whether or not the fees being charged to candidates are fair and reasonable and to assess whether any increase in the candidate fees requested by the Assessment Supplier is justified.

iii. Profit margin

We fully understand that the SQE needs to be a profitable activity for the Assessment Supplier. However, we need to ensure that the Assessment Supplier is not charging candidates excessive fees in order to increase its profits. For this reason, we are proposing that, once the Assessment Supplier's profits in a year exceed a specified margin, such profits will be paid into a 're-investment fund'. The SQE is not an income generating exercise for the SRA and we do not wish to retain excess profits for ourselves. We will decide how this money is spent either in connection with the improvement of the SQE or to provide financial assistance to candidates.

4.6.3 We think that mechanisms of this kind are critical to ensure that candidates are charged a fair and reasonable fee for sitting the SQE. We are however open to further suggestions from Bidders about other robust and effective ways in which this can be achieved.

4.6.4 Bidders should note that by a fair and reasonable candidate fee, we do not necessarily mean the lowest candidate fee. We recognise that there is balance to be struck between quality of service and the level of candidate fees.

4.6.5 We explained in Section 1 that we expect to cover our costs of operating the SQE through the candidate fees. We will provide details of those costs at ISDS stage. At this stage of the sourcing process Bidders should provide a financial model based on their own costs only.

4.6.6 In Section 1, we also explained that we may consider providing some funding assistance during the pre-implementation phase to reduce the Assessment Supplier's up-front investment costs. Bidders should indicate in their response, using the template provided in Schedule 4, Appendix 1, whether their financial model is fully self-funded or is based on funding assistance from the SRA. We anticipate that in some cases Bidders will propose both a fully self-funded financial model and a model which proposes funding assistance from the SRA. If the Bidder is proposing both options then they should complete in a full financial model for both cases. Both models will be assessed in line with relevant guidance. Where funding assistance is proposed, the Bidder should clearly show how this funding is to be repaid in their financial model.

4.6.7 We recognise that other contractual arrangements, such as length of contract and/or ownership of IPR, may also influence the financial model and indicative candidate fees. We are therefore open to suggestions from Bidders about other approaches which will result in a fair and reasonable fee for candidates. If an alternative contractual arrangement is proposed, then a fully completed financial model aligned to these arrangements is required.

4.6.8 We will consider the financial model proposed by Bidders in the round, looking at indicative candidate fees alongside the issue of funding assistance, the approach to fee control mechanisms, and any other related contractual arrangements put forward by Bidders.

4.6.9 The draft SQE Services Agreement may be updated to reflect the approach to funding, the mechanisms used to control fees, and any other modifications as agreed with the successful Bidder.

4.7 Separation of assessment delivery and the provision of preparatory training for the SQE

4.7.1 We will only contract with an Assessment Supplier who is either not engaged in the delivery of preparatory training for the SQE or who can assure us that there is a separation of these activities to avoid any perceived or actual conflict of interest or distortion of the training market.

4.7.2 In the proposed SQE Services Agreement, we have set out a range of ways which will ensure this separation to protect the integrity of the SQE and to avoid any distortion of the training market.

5. Developing the Outline Solution

5.1 At this stage in the sourcing process, we are asking Bidders to describe how they would approach the development, testing and delivery of the SQE, and how they would work with us to deliver our vision for the SQE.

5.2 We require an Outline Solution only and do not expect Bidders' plans to be fully developed at this point. We do not require copies of policies or procedures unless specified but we have set out the minimum supporting evidence we would expect to see to accompany the response.

5.3 Bidders should answer the following questions in their Outline Solution, addressing all points and providing enough information so that we can fully understand the rationale behind the approach proposed.

5.4 Questions to be addressed in the Outline Solution

Organisational structure and staffing

Q1. What type of organisation would be delivering the SQE?

In particular:

- a) Are you bidding as lead supplier or would you use third parties to deliver some of the services?
- b) If applicable, who are the third parties and how would they be used?
- c) What are the risks and benefits of your bidding and delivery model?
- d) What experience and expertise would your organisation bring to the development, testing and delivery of the SQE?
- e) Do you foresee, and how would you address, any potential conflicts of interest that could threaten the integrity of the SQE? For example, the delivery of SQE preparatory training.
- f) What would your organisational structure be?
- g) Who would be in your leadership team?
- h) How and when would you recruit other staff? Do you foresee any difficulties or challenges?

Supporting evidence

- *Details of consortium partners (Appendix 1) if applicable*
- *Organisation chart*
- *CVs for leadership team*

Management, quality assurance and data

Q2. What management and quality assurance systems would you use to ensure the delivery of a high quality and reliable service?

Note:

We have started a programme of work to modernise our IT to make sure our infrastructure and systems are modern, flexible and resilient, with lower long term operating costs. Our expectation is that the supplier will share data with us to in a way which complies with our new IT systems. However, at this stage of the sourcing process, we are just asking suppliers to indicate what IT systems they would use and further details will be provided at the ISDS phase.

In particular:

- a) What approach would you take to the management of security, disaster recovery and business continuity and risk?
- b) What internal quality assurance systems or processes would you use?
- c) How will you ensure compliance with legislation or other regulatory requirements?
- d) How would you approach reporting to the SRA?
- e) How would you demonstrate to us that milestones, deliverables and service levels had been met?
- f) How would you manage record-keeping, document filing and archiving?
- g) What IT system(s) would you use to share candidate, candidate performance and other assessment data securely with the SRA?

Supporting evidence:

- *ISO standards achieved (Schedule 3)*
- *Other standards or accreditation achieved (organisation or individual)*
- *Summary of key technical features of IT system(s)*

Developing and testing the SQE

Q3. How would you approach the development and testing of the SQE?

In particular:

- a) What are your initial views on how the design of the SQE we have developed could be improved to enhance its validity, reliability, cost effectiveness and manageability?
- b) How would you build on the draft Assessment Specification to explore the questions we have identified on pages 21- 22?
- c) How would you involve stakeholders in the development and testing phase?
- d) What approach would you take to testing and/or piloting the SQE?
- e) How would you demonstrate to us that the final version of the SQE was fair, reliable, accurate, valid, cost effective and manageable?

Supporting evidence:

- *A high level project plan*
- *Indicative success criteria for the development and testing phase*

Building operational readiness during the pre-implementation stage

Q4. How would you build capacity for the launch date of 2020?

In particular:

- a) What steps would you take to ensure that all IT, operational and administrative systems, and policies and procedures, required to deliver the SQE, are in place, have been tested and are capable of managing large volumes of candidates?
- b) What risks and challenges might you face?
- c) How would you look to overcome them?
- d) How would you demonstrate operational readiness to us?

Supporting evidence:

- *A high level project plan*
- *Indicative success criteria*

Administration of the SQE

Q5. How would you administer and run the SQE?

In particular:

- a) What e-assessment platform would you use?
- b) What on-line candidate registration and tracking systems would you use?
- c) What systems would you use to collect candidate fees?
- d) Our starting point is that there should be a minimum of two examination sessions per academic year. What approach would you take to develop the examination timetable for the SQE? What might the examination timetable look like?
- e) How would you ensure the integrity and security of the overall assessment process?
- f) How would you ensure the security and confidentiality of all assessment items/questions/tasks and associated materials?
- g) How would you provide a network of secure assessment centres in England, Wales and internationally?
- h) What approach would you use to determine the number and geographical spread of assessment centres, in England, Wales and internationally?
- i) What systems would you use for candidate identification and verification?
- j) How would you manage the invigilation of assessment centres and distribution of assessment materials?
- k) How would you deal with requests for special consideration/adjustments, malpractice, complaints, and candidate appeals?
- l) How would you manage the results process?
- m) What systems would you use to notify individual candidates of their results and to publish overall candidate performance data?

Supporting evidence

- *Summary of key technical and performance features of the e-assessment platform*
- *Indicative examination timetable*
- *Summary of key technical and performance features of any proposed systems*

Development of SQE assessment materials

Q6. How would you develop the SQE assessment materials to ensure that they are fair, valid, reliable and accurate?

In particular:

- a) How would you recruit, train, maintain and quality assure the competence of all personnel involved in the development, delivery and marking of the assessments?
- b) How would you involve subject matter experts and expert practitioners?
- c) How would you ensure the quality of all assessment items/questions/tasks and associated materials?
- d) Where necessary, how would assessments be marked and assessor/marker assessment decisions standardised?
- e) What steps would you take to minimise bias in the development and marking of assessments?
- f) How would you ensure that candidates and providers of preparatory training for the SQE understood the level of demand of the SQE?

Supporting evidence:

- *Sample person specifications*
- *Flowchart for the development of assessment items/questions/tasks*

Standard setting

Q7. How would you work with us to set a consistent standard for the SQE?

In particular:

- a) How would you recruit, train, maintain and monitor the competence of all personnel involved in the standard setting process?
- b) How would you involve subject matter experts and expert practitioners?
- c) We have proposed using a Modified Angoff procedure and borderline regression to set the pass marks for the SQE. What standard setting methodologies would you propose?
- d) What test equating process would you use?
- e) How would you monitor and report on the performance of items/questions/tasks?
- f) How would you monitor and report on the performance of individual assessments, stage 1 and stage 2 and the whole qualification?
- g) How would you monitor and report on the performance of different groups of candidates and check for bias?
- h) How would you determine candidate results in accordance with the rules in the Assessment Specification?

Supporting evidence:

- *Exemplar item/question/task performance data*

Financial model

Q8. What would be your financial model for the delivery of the SQE?

Note:

- i. This must be based on our design for the SQE but you can provide additional models for any alternative SQE assessment designs you wish to propose at this stage. Please clearly indicate whether your financial model is based on our design or an alternative. Bidders will not be penalised for not providing a financial model for an alternative design for the SQE.
- ii. We will refer back to the financial model submitted as part of the Outline Solution throughout the sourcing process, up to and including the award of contract. We recognise that there may be changes to the financial model later in the sourcing process but Bidders must be able to explain and justify any changes.
- iii. Bidders can submit more than one financial model (for example, one based on self-funding the pre-implementation stage, and/or one based on accepting funding assistance from the SRA, and/or one based on alternative contractual arrangements.)
- iv. If more than one financial model is submitted, Bidders must complete the template in full each time and must indicate their preferred model.

In particular:

- a) Is your financial model based on self-funding the pre-implementation phase or on accepting funding assistance from the SRA for the pre-implementation phase?
- b) If the latter, how much funding assistance would you require and at what stage?
- c) Is your financial model based on alternative contractual arrangements, for example an alternative length of contract? If so, please provide details.
- d) On what basis would you determine the level of candidate fees?
- e) How will you balance affordability and quality of service?
- f) What are the risks in your financial model?
- g) What mitigations would you put in place to manage those risks?
- h) What contractual mechanisms would you propose to monitor and control candidate fees which could meet our requirement to set a fair, reasonable and consistent level of candidate fee and your expectation to make a reasonable profit?

Supporting evidence:

- *Financial model(s) using template (Schedule 4, Appendix 1)*
- *If applicable, proposed changes to SQE Services Agreement (Schedule 5)*

Annex 2 - SQE Services Agreement

See separate document

Annex 3 - Definitions

NOTE: Please note the list below reflects the terms more frequently used throughout this document. A full list of definitions is available in the Definitions and Interpretations of the draft SQE Services Agreement.

The Law Society Group	Comprises the membership body - The Law Society (TLS) - and the regulatory body known as the Solicitors Regulation Authority (SRA).
SRA	The regulator of solicitors and law firms in England and Wales, protecting consumers and supporting the rule of law and the administration of justice. We are the regulatory body of The Law Society.
Assessment Supplier	The organisation with whom we will contract to develop, test and deliver the SQE.
SQE	Solicitors Qualifying Examination A new examination designed to establish the competence of candidates by the time they qualify as a solicitor.
ISOS	Invitation to Submit an Outline Solution The initial stage of this SQE sourcing process where we are inviting Bidders to submit an outline solution to the new SQE.
ISDS	Invitation to Submit a Detailed Solution The second stage of this SQE sourcing process where we will invite short listed Bidders to provide more detail around the outline solution proposed during the ISOS stage.
Bidder	Any organisation which plans to or submits a response to this ISOS.
NDA	Non-Disclosure Agreement Confidentiality agreement between at least two parties that outlines confidential materials, knowledge or information that the parties wish to share between each other, but wish to restrict access to or by third parties.
Competitor	One buying or selling goods/services in the same market. This instruction is not intended to prevent suppliers from seeking delivery partners or sub-contractors to develop or deliver their Outline Solution.
Pre-implementation Phase	Development and testing of the SQE design and Assessment Specification.

Implementation Phase	Delivery of live SQE assessments.
Assessment Specification	A document developed and owned by the SRA, which sets out the detail of the assessment design for the SQE
E-Assessment Platform	The online software platform used by the Assessment Supplier to provide the SQE.
Statement of Solicitor Competence	The Statement of Solicitor Competence (SoSC) sets out the what solicitors need to be able to do to perform their role effectively and provides consumers with information about what they can expect from their solicitor.
Threshold Standard	The Threshold standard sets out the level at which the competences in the competence statement should be performed upon qualification as a solicitor
Modified Angoff procedure	A standard-setting approach used to determine the pass mark in an assessment which combines professional judgement and statistical data.
Borderline regression	A standard-setting approach used to determine the pass mark for a performance based assessment which combines professional judgement and statistical data.
Miller's pyramid	A framework for assessing professional competence.
Funding assistance	Funding provided by the SRA to reduce the Assessment Supplier's up-front investment costs during the pre-implementation phase, to be repaid over the life of the contract.

Annex 4 - Schedules for the Response

Schedule 1	Non-Disclosure Agreement
Schedule 2	Submission Checklist
Schedule 3	Organisational Details and Financial Standing
	Appendix 1 - Consortia Qualification Questionnaire
Schedule 4	Outline Solution
	Appendix 1 - Financial Model
Schedule 5	Compliance with SQE Services Agreement
Schedule 6	Confirmation

The schedules are published as separate documents for ease of completion.