

SQE2 in Welsh pilot

4 April 2022

Background

The Solicitors Qualifying Examination (SQE) is the single robust assessment for all aspiring solicitors in England and Wales. It is designed to assure consistent, high standards for all qualifying solicitors.

England and Wales is a single legal jurisdiction, comprising two nations and two official languages. We support access to legal services in both official languages. Kaplan will introduce the SQE in Welsh on a phased basis, leading to full English/Welsh parity in the assessments by 2024.

A pilot was run in September 2021 to explore the practicalities of running SQE2 assessments in the medium of Welsh, including the process for translation. Overall, the systems and processes that we tested were sound, subject to specific recommendations in certain areas where we identified improvements that could be made.

The assessments

The SQE consists of SQE1 which tests candidates' functioning legal knowledge and SQE2 which tests candidates' practical legal skills.

SQE1 has two parts – Functioning Legal Knowledge 1 and Functioning Legal Knowledge 2. These take place over two non-consecutive days, and both FLK1 and FLK2 are single best answer multiple-choice tests. Both assessments must be taken in the same window (unless an exemption applies or someone is resitting only one assessment).

SQE2 assesses practical legal skills. It also has two parts - oral assessments over two consecutive half days and written assessments over three consecutive half days.

Read more on the SQE assessment website [<https://sqa.sra.org.uk/about-sqa/what-is-the-sqa>] .

Exam delivery timescales

The SQE will be offered in the medium of Welsh following a phased implementation between 2022 to 2024:

- From the first SQE2 assessment window in April 2022, candidates can elect to provide their written answers in Welsh.
- From October 2022, SQE2 oral responses will be accepted in Welsh.

- From October 2023, SQE2 questions will be provided to candidates in Welsh.
- Finally, from October 2024, the SQE1 examination will also be available in the medium of Welsh.

Pilot development

This pilot focused specifically on testing the processes for the translation of the examination questions. This included both the marking of the written responses and the assessing of the oral responses given by candidates.

The scope excluded testing the validity of the exam, as this had been proven in Kaplan's two previous pilots for SQE1 and SQE2. The pilot was also used as an operational run through for the oral test centre venue in Cardiff.

A further pilot targeting SQE1 in the medium of Welsh is planned ahead of October 2024, the full scope and exact timings are yet to be confirmed.

The SQE2 pilot consisted of:

- Two written assessments (legal drafting and legal writing), which were completed by candidates at the Pearson VUE test centre in Cardiff. Candidates' written responses were marked by Welsh speaking solicitors.
- One advocacy oral assessment and one client interview oral assessment (with associated written attendance note). The oral assessments were conducted by Welsh speaking assessors at the Mercure Hotel in Cardiff, the SQE oral test centre in Wales.

All the pilot questions were chosen from an existing pool of historic questions and translated. No additional development of these questions was undertaken specifically for the pilot. The objective was to understand the process and timeframe for translating the questions.

The Welsh speaking solicitors and actors involved in marking and assessing all received the same training that will be delivered to those assessing the English version of the assessment.

We advertised for candidates through the SQE assessment website, our SQE Update bulletin and social media channels. After receiving 28 initial applications, 15 agreed to participate and ten candidates completed the pilot.

Feedback was gathered from candidates through a survey and from discussions with the Welsh speaking solicitors and actors who took part.

Summary of findings

Translation of assessments

Questions used in the pilot were translated by a Welsh translation company. For this we used Cyfieithu CYMEN [<http://www.cymen.cymru>], a full member of Cymdeithas Cyfieithwyr Cymru (the association of Welsh translators and interpreters) as well as the Association of Translation Companies.

We translated first from English to Welsh and then from Welsh back to English. At each translation step, a review of the content by the translation company took place to confirm that it had been done appropriately.

We held post pilot discussions with the Welsh speaking solicitors and actors, Bangor University, and WJEC. These highlighted that the nuances of the language and the challenges of pitching translated questions appropriately so that as many candidates as possible could understand them.

The importance of involving Welsh speaking solicitors, as well as trained translators, in the process was highlighted. We are doing further work to test various options around how Welsh speaking solicitors can best interact with translators and KSQE's legal subject matter experts (Subject Heads).

These additional recommendations will be included in the development of the questions:

- The appropriate use of formal and informal terms in different parts of questions, in accordance with the relevance of the question and how the question is being phrased.
- Questions will be translated to make sure they are logical and appropriate for the question structure.
- Those undertaking the development and translation of the Welsh questions will have access to the translation sites for Legal terminology such as termau.cymru [<http://termau.cymru/>], [Geiriadur Newydd y Gyfraith / New Legal Dictionary](https://www.waterstones.com/author/robyn-lewis/4561157) [<https://www.waterstones.com/author/robyn-lewis/4561157>], Robyn Lewis (editor) published 2003 and Welsh Government Language Reference site [<https://gov.wales/bydtermcymru>].

Presentation of the assessments

Some candidates expressed surprise at not being able to access an English version of the exam alongside the Welsh version. Research after the event, including discussions with WJEC, showed that while this is commonplace in Level 2 and Level 3 examinations, it is less so for professional examinations.

With the current technology used for the written exam, providing it in two languages would disadvantage those candidates who wish to sit the exam

in Welsh. The navigational experience to flip between English and Welsh would slow down the candidate in answering questions. This could stop them completing the exam within the allocated time. As such, the presentation of two versions for the computer-based elements of SQE2 would not deliver an acceptable candidate experience.

However, there is a recognition that Welsh speakers can flip between Welsh and English terms in legal discussions so it's important we provide relevant English legal terms where appropriate.

While it is not currently feasible to provide questions in both languages to candidates at the same time, based on design and technology, this will remain under review.

Currently we will:

- Make sure the website clearly outlines this fact, so candidates know what to expect ahead of entering the exam.
- Provide the English translation of a term in the assessment (in brackets) where there may be confusion or candidates may be unfamiliar with terminology.
- Publish a glossary of legal terms translated into Welsh on the SQE assessment website which will be accessible by spring 2023. It will be a permanent and growing list of legal terms which candidates can review and aid their understanding.
- Candidates will not be marked down if they do provide answers in English.

Operational aspects and conduct of the assessments

Delivering the pilot gave an opportunity to test out the more general aspects of an oral assessment in a previously untried venue. It is positive to note that most candidates found the venue to be a suitable assessment environment.

Overall, the Operational Team demonstrated that they had a thorough understanding of how to administer the SQE2 oral assessment in the Cardiff venue:

- The assessments' schedule ran to time.
- No administrative issues arose from the fact that the assessments were conducted in Welsh.
- All assessment materials were efficiently and securely processed.
- The pilot confirmed that hotel accommodation can be used for delivering SQE2 oral assessments.

A range of recommendations were made and the key ones Kaplan will adopt include:

- All candidate facing material, including fit to sit declaration, confidentiality agreements, instructions and answer sheets, will be translated and presented in Welsh.
- Dual language signage will be used.
- All operational aspects of the candidate experience, for example, Candidate Services, front of house/registration, marshalling/invigilation etc will initially be undertaken in English. Kaplan will work towards recruiting appropriate skilled bi-lingual onsite personnel for this oral assessment centre.
- Assessors and actors will be coached on the language to be used prior to the assessment so they have full understanding of the translated terms used.
- Additional calibration discussions will be held with all assessors undertaking the Welsh assessments focussing on guidance on any Welsh language points.

Next steps

Kaplan has already begun to update the SQE assessment website with additional content with specific guidance for those who wish to sit the SQE in Welsh. This includes a number of policies and SQE2 sample questions in Welsh, with additional sample questions to follow.

A glossary of dual terms will be developed and published over the coming months, with a target of publishing by spring 2023.

Kaplan will continue to monitor and review new technologies which may assist in the presentation of the exam.

Recruitment of appropriate Welsh speaking solicitors and actors has already begun, readying for the first SQE2 assessment in April. Further recruitment will continue as appropriate and needs demand.