

Introduction of the Solicitors Qualifying Examination: Monitoring and Maximising Diversity

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Executive Summary

Diversity in the legal profession is receiving much attention, motivated primarily by concerns about equality and access to talent, and in response to pressure from policy-makers and the media. Considerable research underscores the challenge and highlights the main contributing factors, which include educational attainment, the development of soft skills, careers guidance, university access, significant financial obstacles, access to work experience, and the recruiting practices of employers.

The Solicitors Regulation Authority (SRA) is consulting on proposals to introduce a common assessment that all intending solicitors would take before qualifying; the Solicitors Qualifying Examination (SQE) is designed to ensure that solicitors have consistently high standards and competences, and the skills to compete domestically and globally.

The proposals are highly likely to increase the number, and broaden the range, of training providers in the market, and provoke new models of training including online provision. Wider range of choice is both an important opportunity to support diversity, since it will enable students to chart more flexible pathways, and a risk. It will make the routes to qualification harder to navigate, especially for those students without access to good advice, and a tiered system may become quickly apparent, because some legal employers will give continued (or possibly increased) currency to traditional pathways, through which high performing candidates have been recruited for many years.

These risks are considered relative to the current system, in which most aspirant solicitors are obligated to pursue a uniform pathway to qualification that typically requires access to significant financial credit (to undertake the LPC), with no assurance about the value of this investment. There remain only a handful of professions in the UK that are built on a system of qualification where candidates are precluded to the same extent by financial means, or by their willingness to engage in high levels of borrowing at significant personal risk. Increased competitive pressures are likely to be introduced by the SQE, with an expectation this will drive down costs, potentially lowering this financial barrier for trainees.

The proposals will also introduce greater transparency through the datasets that a standardised examination will make available; once there are data in the system, there is the potential for students to access timely and dependable information about the outcomes they can expect from pursuing different routes into the profession, and for employers to access new information that could help support diversity in recruitment.

The SRA has already committed to activities, alongside the reforms, that we expect to increase the likelihood of realising these positive impacts on diversity; but we encourage the Regulator to shape these commitments more ambitiously, and to build on them within the scope of their role. This includes, but is not limited to: continuing to invest in, and further segmenting, communications about the reforms; considering carefully the pace and timing of implementation; ensuring rigour and accessibility in developing a toolkit to enable students from all backgrounds to navigate qualification routes; the robust collection of data, and associated analysis, to ensure that timely and dependable insight is accessible; and liaising increasingly closely with employers to secure and preserve confidence in the rigour and relevance of the SQE.

Increasing diversity in the profession is dependent critically on the actions of employers and training providers, and actions by the SRA will achieve only modest gains without corresponding action from stakeholders in the sector. A high proportion of these stakeholders have undertaken activities to promote diversity for many years, though evidence of impact on diversity is limited. The greater freedoms created by the reforms should enable this pursuit to be undertaken with increased agility and ambition. We reference good work already being undertaken, and areas in which increased activity would be welcome.

There is no silver bullet to address diversity in the legal profession, because lack of diversity is constructed of a complex range of factors at every stage on the journey to the profession. It follows that diversity implications cannot be precisely predicted, given the variety and multiplicity of these factors. We therefore place emphasis on the gathering and analysis of accurate data, throughout the implementation process and beyond, to review and evaluate impact, and take informed decisions regarding the continued development of the SQE.

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