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**This paper will be published**

**Progress report on the Solicitors Qualifying Examination (SQE)**

<b>Reason for paper</b>	This paper updates the Board on the first year of the delivery of the Solicitors Qualifying Examination.
<b>Decisions(s)</b>	<p>The Board is asked to:</p> <ul style="list-style-type: none"> <li>a) consider the first year of the SQE, including as set out in: <ul style="list-style-type: none"> <li>i. Kaplan’s annual report (annex 1)</li> <li>ii. the annual report of the Independent Reviewer (annex 2)</li> <li>iii. our quality assurance report (annex 3)</li> <li>iv. the responses to a first perceptions survey (annex 4)</li> </ul> </li> <li>b) note the SQE fees for 2023/2024, which will be increased in line with inflation (paragraphs 19 to 22).</li> </ul>
<b>Previous Board and committee consideration</b>	The Board frequently considered the SQE during its development. Representatives from Kaplan last attended a Board meeting on 19 July 2021.
<b>Next steps</b>	We will publish the reports and discuss them at a webinar for training providers and employers in March.

**If you have any questions about this paper please contact: Jane Malcolm  
Executive Director, ECA**

## **Progress report on the Solicitors Qualifying Examination (SQE)**

### **Summary**

- 1 This paper invites the Board to consider a suite of reports on the first year of the Solicitors Qualifying Examination (SQE): Kaplan's annual report (annex 1), our Independent Reviewer's annual report (annex 2), our quality assurance report (annex 3) and a report on responses to our initial perceptions survey on the SQE and Qualifying Work Experience (QWE) (annex 4). The reports will be published in March.
- 2 The Board is also invited to note the SQE fees for 2023/2024, which, in accordance with our contract with Kaplan, will be increased in line with inflation.
- 3 Kaplan's UK and Ireland Chair, Peter Houillon, and its Director of Qualifications, Zoe Robinson, will present key aspects from their report to the Board and take questions.

### **Background**

- 4 The SQE has been available since November 2021. The SQE is delivered in two parts. SQE1 has been delivered on three occasions (November 2021, July 2022 and January 2023). SQE2 has been delivered on two occasions (April and October 2022).
- 5 A total of 3,628 results have been issued to 3,290 candidates to date. Further results will be issued on 28 February (for October's SQE2) and 14 March 2023 (for January's SQE1).
- 6 Some lawyers qualified in other jurisdictions have been granted an exemption from SQE2. Other candidates, qualifying under the transitional arrangements, have taken SQE2 but not SQE1 because they had previously passed either the LPC or the Multiple Choice Test that formed part of the Qualified Lawyers Transfer Scheme (QLTS). The first solicitors, including 21 apprentices, have been admitted after passing one or both parts of the SQE.

### **Discussion**

#### **How the assessments and candidates have performed**

- 7 Kaplan's annual report draws together materials previously presented in statistical reports published after each exam sitting. It includes analyses of how the assessments performed, on how candidates overall have performed, and on the performance of candidates with different prior attainments and experience and from different demographic groups.
- 8 The analyses show that assessments have performed well. The assessments are valid and reliable, successfully differentiating between candidates who are

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competent and those who are not. The Independent Reviewer's report supports this conclusion. Our quality assurance report summarises the steps we take to assure ourselves the assessments are fit for purpose.

- 9 The pass rates for both SQE1 sittings for which results have been released were 53%. The pass rate for the one SQE2 sitting for which results have been released was 77%.
- 10 We believe that the candidate cohorts who have taken the SQE to date are atypical. Future cohorts will be different in terms of the balance of candidates who have and have not previously qualified as a lawyer in another jurisdiction and the nature and extent of work experience they have undertaken. Future cohorts might also have had a wider choice of courses to help them prepare for the SQE. The cohorts for whom SQE results have been issued to date, have included a high proportion of qualified lawyers and candidates who are seeking to qualify under the transitional provisions. This was also the case for the October 2022 sitting, the results for which will be released on 28 February 2023.
- 11 The January 2023 SQE1 cohort, the results for which will be issued in March 2023, is likely to be more representative of the cohorts we will see once in steady state.
- 12 Kaplan's annual report includes a detailed background of candidate pass rates by demographic characteristic. As anticipated, the troubling attainment gap seen in legal and other professional qualifications in which, in general, white candidates perform better than candidates from most other ethnic backgrounds, has been seen in the first SQE results.
- 13 Candidates who declared a disability achieved a higher pass rate than those who reported no disability in SQE2. The opposite was the case in SQE1. Male candidates achieved a higher pass rate than female candidates in SQE1, though there was no significant difference between male and female pass rates in SQE2.
- 14 Candidates who reported that at least one parent attended university achieved higher pass rates in SQE1 assessments, but this factor was not significant in SQE2. Pass rates were similar across all categories of main household earner occupation, and for the school type attended for the most time between the ages of 11 and 16.
- 15 A small number of candidates from certain demographic groups have taken the SQE so far and almost half of candidates (47%) have selected 'Prefer not to say' for one or more of the 14 characteristics on which data is collected. As a result, Kaplan has not yet been able to use multivariate analysis that might better inform our understanding of the factors that have an impact on performance. However, Kaplan reports that initial exploratory analyses suggest that much of the attainment gap evident between groups may be explained by educational and socio-economic factors.

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- 16 The first phase of the research we have commissioned from Exeter University into the factors that might lie behind the attainment gaps between candidates of different ethnicities seen in the past is about to conclude. This will provide a literature review to inform a debate about the actions that different stakeholders might take to close the gap in the future. The literature review will also shape phase two of the research.

**Delivery of the assessments**

- 17 The written assessments have been taken around the world. In January 2023 SQE1 was taken in 59 countries. The oral assessments in SQE2 are only available in England and Wales. In the main, the delivery of the assessments has gone to plan. The major exception was the failure of one test centre, in Hammersmith, for the July 2022 SQE1 sitting. This is discussed in the Independent Reviewer's report. The centre is no longer being used for the SQE.
- 18 In response to high demand for SQE1 seats in London in January 2023, Kaplan and Pearson Vue arranged for about 900 candidates to attend on each of two days a temporary test centre (TTC) at the ExCel centre. This was very successful and the TTC model is likely to be used for future written exams.

**SQE fees for 2023/2024**

- 19 The contract with Kaplan provides for an annual increase in the fees for the SQE to reflect inflation. The contractual figure to be used is that for October 2022, published in November 2022, which was 11.1%.
- 20 The fees for 2023/2024 will, therefore, be:
- a. SQE1: £1,798 (£1,622 – 2022/2023)
  - b. SQE2: £2,766 (£2,493 – 2022/2023)

The fee for each of SQE1 and SQE2 includes £30 retained by the SRA towards our internal costs.

- 21 We recognise that the increase in fees will be unwelcome. While a quarter of respondents to our perception survey agreed the current fees are reasonable over half said they were not. Candidates were the type of respondents most likely to be concerned about costs.
- 22 In discussion with Kaplan, we regularly monitor the costs involved in delivering the SQE to ensure that the fees charged remain reasonable.

**Initial perception survey**

- 23 In line with our SQE evaluation framework, we invited candidates, firms, training providers and other interested parties to share their perceptions of both

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SQE and QWE after the first year of implementation. The report summarising the responses is attached at annex 4.

- 24 We received 558 responses to the survey, the majority of which were from candidates, either those who had taken, or who were preparing to take, the SQE. Feedback on QWE was generally positive. There was a wider mix of views on the SQE. It was interesting to note that a number of candidates suggested the SQE was more demanding than expected. This enhanced some candidates' confidence in the SQE and diminished the confidence of others. As explained in the report, responses indicate overall confidence in the SQE was 3 out of 5. The overall confidence score indicated for QWE was 3.6 out of 5.

**Future developments**

- 25 Although none have yet chosen to do so, SQE2 candidates can respond to the assessment questions in Welsh. From autumn 2023, SQE2 candidates will be able to select to have the questions presented in Welsh as well. SQE1 will be available in Welsh from late 2024. There will be a further pilot on SQE1 in Welsh in summer 2023.
- 26 Kaplan is exploring with Pearson Vue the options for providing spell-check functionality on the test platform for the written assessments that form part of SQE2, a matter flagged by the Independent Reviewer. The Pearson Vue test platform does not currently support this functionality.
- 27 We expect the number of candidates who will take SQE from this year onwards to significantly exceed the number who took it during 2021/2022. Kaplan will continue to engage with training providers and analyse candidate behaviour to inform capacity planning. There will be three SQE2 assessments in 2023 in April, July and October and four SQE2 assessments in 2024. While the aim will be to accommodate all candidates during their preferred assessment window, it will not be possible to guarantee all will secure a seat, or a seat in their preferred location.
- 28 We will continue to engage with stakeholders, including training providers, firms and candidates. At the end of the year we will publish, for the first time, data on how candidates who have studied for the SQE with different training providers have performed.

**Conclusion**

- 29 The roll-out of the SQE during 2021/2022 has been a success. The assessments performed well and were generally safely delivered. Kaplan sets out in its report how it has responded to feedback during the year. The number of candidates is likely to increase significantly in 2023/2024. As we move towards steady state, we will begin to understand whether the early pass rates will be replicated for more typical cohorts.

**SRA BOARD**  
27 February 2023



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**Recommendations: the Board is asked to:**

- a) **consider the first year of the SQE, including as set out in:**
  - i. **Kaplan’s annual report (annex 1)**
  - ii. **the annual report of the Independent Reviewer (annex 2)**
  - iii. **our quality assurance report (annex 3)**
  - iv. **the responses to a first perceptions survey (annex 4)**
  
- b) **note the SQE fees for 2023/2024.**

### **Supporting information**

#### **Links to the Corporate Strategy and/or Business Plan and impact on strategic and mid-tier risks**

- 30 The SQE was introduced to make sure all solicitors were assessed against the same high standard before being admitted to the profession, in line with our strategic priority to set and maintain high standards for the profession.

#### **How the issues support the regulatory objectives and best regulatory practice**

- 31 When we introduced the SQE we removed unnecessary regulatory barriers to qualification and placed our regulatory focus on making sure solicitors had demonstrated their competence before they qualified, rather than on prescribing the education and training route they had to follow.

#### **Public/Consumer impact**

- 32 The SQE provides an assurance to the public that all newly qualified solicitors have demonstrated their competence to practise.

#### **What engagement approach has been used to inform the work and what further communication and engagement is needed?**

- 33 The survey reported on in the paper enabled us to capture the perceptions of key stakeholders on the SQE and the QWE after the first year of implementation.

#### **What equality and diversity considerations relate to this issue?**

- 34 The troubling gap in attainment between candidates of different ethnicities that was seen in the legacy qualification arrangements has been found in the early cohorts to take the SQE. The results, so far, do not flag concerns with regard to the relative performance of males and females or the relative performance of candidates with or without a disability. As explained in the report, the early cohorts are not typical of those who will take the SQE when we are in steady state. We will continue to review the performance of candidates and their demographic characteristics.

#### **How the work will be evaluated**

- 35 The perceptions survey is an early part of a ten-year evaluation programme. The evaluation framework has been published and will include a range of evaluative activities including further stakeholder surveys.

**SRA BOARD**  
27 February 2023



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**Annexes**

**Annex 1** Kaplan's annual report

**Annex 2** The annual report of the Independent Reviewer

**Annex 3** Our quality assurance report

**Annex 4** Summary of responses to our first perceptions survey