Annex 1: Table of proposed changes and rationale of the SQE Assessment Regulations

Regulation	Change	Reason for change
Regulation 4.4	Insert the wording in bold and delete the wording with strikethrough: SQE2 is a single assessment ~~divided into two parts, SQE2 oral and SQE2 written, both~~ **which consists of oral and written stations, all** of which must be taken in a single assessment window. **Candidates are not permitted to re-take individual assessment stations.**	To provide clarity to candidates that the SQE2 is a single assessment and each station must be taken in a single assessment window. The re-taking of individual assessment stations is not permitted.
Regulation 7.5	Insert the wording in bold and delete the wording with strikethrough: Candidates will not be permitted to resit an assessment **where they have a valid pass** ~~they have passed~~ in order to improve their marks under any circumstances.	To provide clarity to candidates that resits are not permitted in any circumstances where they have already sat and passed that assessment within the validity period.
Regulation 8.1 and 8.2	Delete: Chief Executive Officer, SRA Replace with: **Executive Director, SRA**	To reflect the composition of the Assessment Board as is currently in practice.
Regulation 8.1	Delete: The Director of Qualifications, Kaplan Replace with: **A Director of Kaplan**	To reflect the composition of the Assessment Board as is currently in practice. The level of seniority of Assessment Board members remains unchanged.
Regulation 8.4.1	Insert the wording in bold and delete the wording with strikethrough:	The current wording suggests that the Assessment Board reviews and makes decisions in respect of

	to review and make decisions on the ~~results of candidates in the SQE~~ **pass mark for each SQE assessment**	individual candidate results. This is not the function of the Assessment Board. They make a decision regarding the pass mark, which in turn determines whether a candidate has passed or failed the relevant SQE assessment.
Regulation 8.4.2	Delete the provision: to review and make decisions on applications for mitigating circumstances (see Regulation 12);	To reflect that the Assessment Board will no longer make decisions in relation to mitigating circumstances claims. Decisions will now rest with the Mitigating Circumstances Panel. This is to streamline the roles and responsibilities of the Assessment Board and to ensure that the decisions are made by the Panel who is best placed to make decisions whether to accept or reject mitigating circumstances claims and decide upon the outcome under the Mitigating Circumstances Policy.
	Delete the provision: to review and make decisions on allegations of malpractice and improper conduct (see Regulation 13); and	To reflect that the Assessment Board will no longer make decisions in relation to malpractice and improper conduct cases. Decisions will now rest with the Special Panel. This is to streamline the roles and responsibilities of the Assessment Board. Where a finding is made, the Special Panel will impose a sanction commensurate with all of the circumstances of the case. The current process sees the Special Panel make a finding and refer the case to the Assessment Board for consideration. The Special Panel have had the benefit of hearing directly from the candidate, whereas the Assessment Board do not.
Regulation 8.4.4	Delete the words with strikethrough: to review and make decisions on any ~~other~~ matter referred to it.	To make it clear that the Assessment Board has discretion to deal with all relevant matters referred to it. The word ‘other’ is superfluous, particularly given the removal of the role and responsibility of the Assessment Board to make decisions in relation to mitigating circumstances claims and malpractice and

		improper conduct allegations. The Assessment Board's function will therefore be to review and make decisions on the pass mark for each SQE assessment, and in relation to any matter referred to it.
Regulation 11.3	Delete the paragraph: 11.3 All candidates who have made a request pursuant to 11.1 and 11.2 above for any part of the SQE and who present themselves for that assessment are deemed to have accepted that suitable reasonable adjustments/accommodation have been offered and will be required to make a declaration to that effect. Replace with the following paragraph: **11.3 All candidates who have made a request pursuant to 11.1 and 11.2 above for any part of the SQE must have accepted the reasonable adjustment/accommodation plan provided to them by the required date in line with the Reasonable Adjustments Policy.**	When the SQE was introduced, candidates signed a declaration to say they had received adequate adjustments before they started the exam. This no longer reflects the position under the Reasonable Adjustments Policy. For example, candidates accept their RA plan in advance of the assessment (sometimes weeks before) and thus presenting themselves for the assessment does not mean that they have accepted that suitable reasonable adjustments have been offered. Whilst candidates do sign a 'fit to sit' declaration before commencing any SQE assessment, this does not include making a declaration regarding their reasonable adjustments. We therefore propose to amend the wording to provide clarity and reflect the position that candidates must apply for reasonable adjustments or accommodations and must accept them before they can take the exam.
Regulation 12.1	Delete the words with strikethrough: 12.1 Mitigating circumstances are defined as: 12.1.1 a mistake or irregularity in the administration or conduct of the assessment; or 12.1.2 evidence of bias in the conduct of the assessment; or; 12.1.3 subject to the Fit to Sit Policy and these Assessment Regulations a candidate's illness or other personal circumstances beyond their reasonable control	Candidates can make a mitigating circumstance claim under the grounds outlined in 12.1 of the Regulations. It is difficult to determine whether their actual mark was materially and adversely affected. If we limit this to the 'outcome' i.e. whether a candidate would have passed but for the mitigating circumstance, this will exclude situations where, through no fault of their own, a candidate has had a poor testing experience, which may have affected their performance. Removing reference to a candidate's marks makes it more equitable for the candidate making a mitigating

	which have, or are likely to, materially and adversely affect a candidate's ~~marks or~~ performance in the assessment.	circumstances claim. The candidate's marks and therefore outcome is unknown at the point in which the mitigating circumstances claim is raised by the candidate.
Regulation 12.2	Delete the words with strikethrough and insert the words in bold: Candidates who consider that their ~~marks or~~ performance in any SQE assessment have been, or are likely to have been, materially and adversely affected by any of the circumstances outlined in 12.1, or who consider that their failure to attend an assessment can be attributed to any of those circumstances, may make a claim for mitigating circumstances. For the avoidance of doubt, candidates who fail to attend both FLK1 and FLK2 cannot make a claim for mitigating circumstances under this Regulation.	Reference to marks has been deleted, to align with regulation 12.1 above.
Regulation 13.2.11	Delete this paragraph: failing to abide by the assessment rules or using, attempting to use, assisting another to use or attempting to assist another to use any unfair, improper or dishonest method in connection with the SQE Replace with: **13.2.11 failing to abide by the assessment rules** **13.2.12 using or attempting to use, assisting another to use or attempt to use any unfair, improper or dishonest method in connection with the SQE**	To provide clarity to the Special Panel as to what can amount to malpractice and/or improper conduct. This paragraph has been broken down to make it easier to understand by candidates, and to provide clarity between the two examples currently contained in paragraph 13.2.11 which may amount to malpractice or improper conduct. This separates out the improper/dishonest element, from a general failure to abide by the assessment rules. A strictly factual failure to abide by the rules can be upheld without needing an improper/dishonest element to the conduct.
Regulation 13.4	Delete: The Director of Qualifications, Kaplan (or their nominee) Replace with:	To reflect the person who is informed of any prima facie cases of malpractice and/or improper conduct. The level of seniority of the person responsible for making this decision remains unchanged, but the change reflects a strategic restructure within Kaplan.

	A Director of Kaplan (or their nominee)	The Director of Qualifications is now the Managing Director, however the decision is usually made by the Quality and Standards Director who has oversight of malpractice and improper conduct. Reference to a Director and not a specific role will still ensure that a person with the necessary seniority deals with matter, but allows for flexibility.
Regulation 13.5	Delete the words with strikethrough and replace with words in bold: Where ~~the Director of Qualifications Kaplan~~ **a Director of Kaplan** ~~(or their nominee)~~ decides that there is a prima facie case of malpractice or improper conduct ~~s/he~~ **they** will convene a panel of at least three **people, at least one of whom must be a** solicitor~~s~~ of England and Wales (practising or non-practising). **The Panel composition should include an independent member, a representative of Kaplan and a representative of the SRA.** The Special Panel will be convened within 30 working days of the decision under 13.4. The candidate will be given the opportunity of making verbal and/or written representations to the Special Panel.	To reflect the person who is responsible for, and who currently determines whether there is a prima facie case of malpractice and/or improper conduct to be heard before the Special Panel. The decision is still taken by a director, and therefore the level of seniority remains unchanged. We propose to remove the decision-making from the Assessment Board in respect of cases of malpractice and improper conduct. The composition of the Special Panel should reflect this change, to include a representative of the SRA given the Panel may impose a sanction where a finding of malpractice or improper conduct is made. The SRA will reflect the public interest. A member of Kaplan will be able to offer expertise to the panel about the assessment, and the independent panel member will represent the solicitors profession. The SRA/Kaplan representative may, or may not be qualified solicitors (practising or non-practising). Having representation from Kaplan and the SRA also brings the panel membership more in line with that of the mitigating circumstances panel.
Regulation 13.7 and 13.8	Paragraphs 13.7 and 13.8 will be reflected in a new paragraph 13.7. Delete the words with strikethrough and replace with words in bold:	To reflect the change in how malpractice and improper conduct cases are determined. The decision will now rest with the Special Panel. The Assessment Board will

	13.7 Where a finding of malpractice or improper conduct is made by the Special Panel: 13.7.1 their finding will be ~~referred~~ reported to the Assessment Board ~~for consideration.~~; and ~~13.8~~ 13.7.2 ~~Where a finding of malpractice or improper conduct is confirmed by the Assessment Board~~ the SRA will be informed within 10 working days. The SRA reserves the right to report the finding to the candidate's employers and/or sponsors	be informed of any findings of malpractice or improper conduct as the governing body of the SQE assessment.
Regulation 13.9 (now 13.8)	Delete the words with strikethrough and replace with words in bold: A candidate who is found by the ~~Assessment Board~~ **Special Panel** to have engaged in malpractice or improper conduct in connection with any SQE assessment will fail that assessment and will not normally be permitted to sit an SQE assessment again.	To reflect the proposed change that the Special Panel will decide on findings of malpractice, and not the Assessment Board.
Regulation 15 Heading	After 'Assessment Board' add the following: **And Panel** (decisions)	To reflect that appeals can now be made in respect of decisions of the Assessment Board, Mitigating Circumstances Panel, Special Panel and First Stage Appeals Panel.
Regulation 15.1.1	Delete: Assessment Board Replace with: **Mitigating Circumstances Panel**	To reflect the position that the Mitigating Circumstances Panel will now make decisions in relation to mitigating circumstances claims, and not the Assessment Board. And therefore, the first stage appeal will be of the decision of the Mitigating Circumstances Panel.
Regulation 15.1.2	Delete: Assessment Board Replace with:	To reflect the position that the Mitigating Circumstances Panel will now make decisions in relation to mitigating circumstances claims, and not the Assessment Board. And therefore, the first stage

	Mitigating Circumstances Panel	appeal will be of the decision of the Mitigating Circumstances Panel.
Regulation 15.1.3	Delete: Assessment Board Replace with: **Special Panel** Add the words in bold: the candidate disputes the ~~Assessment Board's~~ **Special Panel's** finding **and/or sanction** of malpractice or improper conduct.	To reflect the position that the Special Panel will now make decisions in relation to findings of and sanctions for, malpractice and improper conduct, and not the Assessment Board. And therefore, the first stage appeal will be of the decision of the Special Panel. To clarify that a candidate can appeal a finding of malpractice or improper conduct <u>and</u> any sanction imposed as a result of such a finding.
Regulation 15	Add a new paragraph: **15.1.4 the decision of the Assessment Board, or the manner in which that decision was reached involved material irregularity and/or was manifestly unreasonable and/or irrational.**	To reflect Assessment Board decisions can be appealed through the first stage appeal process.