Solicitors Regulation Authority

Initial Equality Impact Assessment

SQE Assessment Regulations consultation

November 2026

Contents

Introduction **3**

Evidence that forms our assessment **4**

Our proposals **5**

Background 5

Details of our proposals 5

Proposal 1: Splitting the Functioning Legal Knowledge (FLK) 5

Proposal 2: Increasing resit opportunities 6

Proposal 3: Changing the validity period start point 6

Proposal 4: Amendments to the Assessment Board's role and other minor wording changes 6

What we want to achieve 6

Initial conclusions 6

Disability 7

Ethnicity 7

Age 8

Sex, sexual orientation, gender reassignment, marriage and civil partnership, religion or belief, pregnancy and maternity 8

Other impacts, Socio-economic background 8

Introduction

We are proposing to change the SRA SQE (Solicitors Qualifying Examination) Assessment Regulations. This document provides an initial analysis of the equality impacts of these proposed changes and should be read alongside our consultation document. Our proposed changes form part of our continuing programme of evaluation and improvement of the SQE and they are designed to improve the overall accessibility, flexibility and candidate experience, while maintaining the high standards we expect of solicitors qualifying in England and Wales.

Our proposed changes would:

- remove the requirement for candidates to sit Functioning Legal Knowledge (FLK)1 and FLK2 in the same assessment window
- increase resit opportunities for candidates by removing the cap on attempts
- change the validity period so that it is considered independently for each SQE assessment from the date a candidate passed that assessment
- introduce minor amendments, including to mitigating circumstances and malpractice claims governance.

We have set out below the sources of evidence we have used to make this assessment and the impacts on different groups that we have identified.

Based on stakeholders' responses to this consultation and further engagement with key stakeholders, we will develop a final Equality Impact Assessment. We will publish it alongside our response to the consultation.

Evidence that forms our assessment

In initially developing these proposals, we considered:

- feedback from candidates taking the SQE
- feedback from employers and training providers
- operational experience from the five years of SQE delivery
- assessment data and experience of candidate behaviour
- evidence relating to assessment validity, item exposure, reliability and classification accuracy
- comparative information from professional licensing assessments in legal and other professions.

As we have developed our proposed changes, we have engaged with:

- National Junior Lawyers Division
- Law Society Education and Training Committee
- Law Society Equality, Diversity and Inclusion representatives
- SQE Training Providers
- Candidates taking the SQE
- Law firms and other employers of solicitors.

As well as welcoming all stakeholder views, we hope that our engagement and consultation will help us better understand:

- potential equality and diversity implications
- likely candidate behaviour under the proposed regulations
- potential impacts on training provision and employment
- operational considerations, and
- any unintended consequences of the proposals.

Our proposals

Background

The SQE was introduced in 2021 to provide a single, consistent assessment of competence for all aspiring solicitors and to support more flexible routes to qualification.

As well as ensuring an appropriate standard for qualifying as a solicitor, flexibility and accessibility have always been key objectives of the SQE. We are committed to removing barriers to qualification which are not related to one's competence to be a solicitor. In light of both our standard-setting role and our commitment to accessibility, we are reviewing and evaluating the SQE, including the regulations governing its operations. Our aim is to make evidence-based improvements where appropriate.

Feedback from candidates, employers, training providers and other stakeholders highlight concerns about:

- the cognitive burden of preparing for and sitting both FLK assessments in a single assessment window
- stress and fatigue associated with the current assessment structure
- the pressure on candidates created by the current resit and timing rules
- the impact of these requirements on candidates' wellbeing and circumstances outside study.

The first SQE assessments took place in 2021, and it has operated long enough for us to evaluate whether some of the regulations remain necessary and proportionate, and whether any changes we make will affect the validity and reliability of the assessment.

Details of our proposals

The consultation seeks stakeholders' views on the following proposals. A detailed overview of these changes can be found in the main consultation documents, but they are summarised briefly below.

Proposal 1: Splitting the Functioning Legal Knowledge (FLK)

Currently, candidates are required to sit both parts of SQE1 (FLK1 and FLK2) at the same time on their first attempt.

We propose removing this requirement (splitting the FLK), enabling candidates to choose whether to:

- sit FLK1 and FLK2 in the same assessment window (as they do at present), or

- sit them in separate assessment windows.

The proposal would not alter the content assessed, the assessment standard, the pass mark methodology, or the requirement to pass both FLK1 and FLK2 before progressing to SQE2.

Proposal 2: Increasing resit opportunities

Currently, candidates are limited to three attempts of each SQE assessment component within the validity period. We propose removing this cap to allow candidates unlimited attempts.

Proposal 3: Changing the validity period start point

Currently, the six-year validity period begins from the date of a candidate's first SQE assessment attempt. The validity period of an examination is the timeframe during which a candidate's results are officially recognised as accurate proof of their knowledge and skills. We propose retaining the six-year validity period, but that each exam would be individually valid for six years from the date it was passed.

This would enable candidates who sat FLK1 more than six years ago, but have passed FLK2, to attempt FLK1 only again before trying for SQE2.

Proposal 4: Amendments to the Assessment Board's role and other minor wording changes

We propose to amend some of the Assessment Regulations to improve operational efficiency and reduce duplication of work based on lessons learnt to date. The most important of these amendments relate to Assessment Board oversight of mitigating circumstances and malpractice claims.

What we want to achieve

The proposals are intended to:

- increase flexibility for candidates
- improve accessibility to qualification
- reduce unnecessary regulatory barriers
- improve the candidate experience
- support candidate wellbeing
- maintain public confidence in the SQE
- maintain the validity, reliability and standard of the assessment
- ensure that the assessment regulations remain proportionate and evidence-based.

Initial conclusions

In developing our proposals, we have carefully considered our obligations under the Equality Act 2010 and the Public Sector Equality Duty.

We have not identified any adverse equality impacts arising from the proposals.

We consider that the changes are likely to have a positive impact overall. We believe they will improve flexibility and accessibility for candidates, while maintaining our existing standards for qualification.

Disability

We expect a potential positive impact.

The ability to sit FLK1 and FLK2 separately may particularly benefit candidates:

- with physical disabilities
- with long-term health conditions
- with mental health conditions
- who experience fatigue-related effects during lengthy assessments.

Disabled candidates can already request a reasonable adjustment (RA) to split the FLK. Once these changes are in place, these candidates will no longer need to make a RA request, which should save them time and give them certainty sooner.

Ethnicity

Differential outcomes by ethnicity exist in the SQE and candidates from some ethnic groups are less likely to pass the SQE on their first attempt. In 2021, we commissioned the University of Exeter to look at the causes of different outcomes in legal professional assessments, increase our understanding of the factors that are driving these differences, and identify ways to improve outcomes for students.

The multi-disciplinary research team did not find a simple or single cause or identify a solution to the issue. Their findings have confirmed the complexity and breadth of the potential causes. Even though differential outcomes can generally be attributed to factors such as education and background context, there are factors specific to the legal context that play an important role alongside those such as lack of representation and increased difficulties of getting funding for legal education support from law firms.

Read more about the research

Our most recent data in the SQE Annual Report 2025 shows that candidates who reported being in White or Mixed/Multiple ethnic groups achieved higher pass rates than those who reported being in the Asian/Asian British or Black/Black British across all SQE assessments. For SQE1 assessments, White candidates' pass rate is 62%, whereas Black candidates' pass rate is 31% and Asian candidates' pass rate is 42%. For SQE2, White candidates' pass rate is 87% whereas Black candidates' pass rate is 63% and Asian candidates' pass rate is 75%.

Given the different pass rates by ethnicity, we expect our proposed changes to lift the cap on resits will have a positive impact for Black and Asian candidates in particular as they are more likely to require multiple attempts to pass. Removing the attempt cap will give these candidates additional opportunities to demonstrate competence if they do not succeed initially. Starting the validity period from the point of first pass will also benefit Black and Asian candidates in particular as they are more likely to have failed an SQE assessment.

The new rules mean the validity period will commence later for candidates who fail their first assessment, giving these candidates more time to complete their SQE journey.

Age

We expect a potential positive impact.

In our SQE Annual Report 2025, our data showed that 16-24-year-olds perform best overall and 25-34 year olds have marginally lower pass rates. For SQE1, 16-24-year-olds have a pass rate of 56%, falling to 51% for 25-34-year-olds, 39% for 35-44-year-olds, and 32% for 45-54-year-olds. For SQE2, 16-24-year-olds have a pass rate of 88%, falling to 79% for 25-34-year-olds, 63% for 35-44-year-olds, and 48% for 45-54-year-olds. Pass rates for 55+ year-olds have not been referenced here as the number of these students is so few it is difficult to draw robust conclusions.

As above, given the different pass rates by age we expect our proposed changes will have a positive impact for older candidates in particular as they are more likely to require multiple attempts to pass. Removing the attempt cap will give older candidates additional opportunities to demonstrate competence if they do not succeed initially. Starting the validity period from the point of first pass will also benefit older candidates in particular as they are more likely to have failed an SQE assessment.

If older candidates form a disproportionate part of the cohort studying for the SQE part-time, they will also benefit from the removal of the requirement to sit the FLK together. This is because we expect this change to be particularly beneficial for those studying part-time as it will give greater optionality to candidates to structure their learning and reduce the cognitive burden ahead of attempting an FLK assessment.

Sex, sexual orientation, gender reassignment, marriage and civil partnership, religion or belief, pregnancy and maternity

We have not identified any evidence that our proposed changes would have either a positive or adverse impact in relation to these protected characteristics.

Other impacts, socio-economic background

We expect a positive impact.

The proposals might benefit candidates from lower socio-economic backgrounds by:

- enabling them to spread examination fees across a longer period
- making it easier to combine study with work commitments
- avoiding the need to restart the qualification process because of restrictive timing rules.



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