

**Solicitors  
Regulation  
Authority**

# **A new route to qualification: The Solicitors Qualifying Examination (SQE)**

**Summary of responses and our decision on  
next steps**

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April 2017

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# Summary of responses and our decision on next steps

## Executive summary

This paper summarises the responses we received to our consultation, *A New Route to Qualification: The Solicitors Qualifying Examination (SQE)*, as well as our decision on next steps.

## Overall summary

- Our Board has agreed to introduce an independent assessment – the SQE – to make sure solicitors meet consistent, high standards before they qualify.
- We will be working closely with stakeholders from across the sector, including academics and law firms, to make sure we get the detail of the assessment right.
- The target date for implementation will be, at the earliest, September 2020.

## The need to review the current route to qualification

High standards in the legal sector are crucial. It is our role to make sure both the public and employers can trust that those entering the profession are fit to practise. Yet the current approach means we cannot say with full confidence that qualifying solicitors are all meeting consistent, high standards. The current system is:

- Inconsistent – there are different routes into the profession that assess competence in different ways. This means that standards are not comparable.
- Lacks transparency – the Legal Practice Course (LPC) and Graduate Diploma in Law (GDL) pass rates range from 50 percent to 100 percent, and it is unclear why there is such a discrepancy.
- Costly – qualifying can be expensive. Most trainees need to take an 'LPC gamble', paying up to £15,000 up-front, with no guarantee of a training contract. Some talented candidates are left stranded, while others are put off attempting to qualify.
- Internationally out of step – almost eight out of ten jurisdictions we assessed ask candidates to take an independent assessment.

## The benefits of the SQE

The introduction of an independent assessment, the SQE, should address these problems. Most importantly, it will mean we can assure the profession, employers and the users of legal services that all qualifying solicitors, regardless of pathway or background, have met consistent, high standards.

It could also open up new opportunities. Different routes to qualification, such as apprenticeships, are welcome in helping attract the best candidates from all backgrounds into the profession. But different routes can only work if there is a rigorous, independent check to make sure everyone meets the same high standard. An independent assessment will enhance confidence in the various routes into the profession, and help challenge the current perception that some routes are more valid than others.

In summary, the SQE should benefit:

- The public – who can trust that solicitors are meeting the same high standards; four out of five people believe everyone should pass the same final examination.<sup>1</sup>
- Law firms – who will have a better guarantee of standards and could benefit from a potential widening of the talent pool. They will also have more flexibility to tailor their training in a way in which best works for their trainees and meets their business needs.
- Education providers – who can clearly demonstrate, through a transparent comparable assessment, how effectively they are training their students. The best education providers will thrive.
- Would-be solicitors – who can make choices, based on clear evidence, about how to train and which providers to choose. It will give the best candidates, from all backgrounds, a fair opportunity to qualify as a solicitor. Importantly, the SQE will not only validate different routes into the profession, it will also remove the training contract bottle-neck.

## Our consultations and the development of the SQE

We first signalled our intention to explore the possibility of introducing an independent assessment for anyone wishing to qualify as a solicitor in our response to the Legal Education and Training Review in October 2013<sup>2</sup>.

Since then, we have consulted on and published a Statement of Solicitor Competence (the competence statement) which sets out what solicitors need to be able to do to perform their role effectively and provides consumers of legal services with a clear indication of what they can expect from their solicitor. The competence

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<sup>1</sup> Polling of 1,866 adults in England and Wales by Comres in August 2016: [www.comresglobal.com/polls/solicitors-regulation-authority-solicitors-education-research/](http://www.comresglobal.com/polls/solicitors-regulation-authority-solicitors-education-research/)

<sup>2</sup> <https://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/policy-statement.page>

statement forms the bedrock of what a solicitor should know. The SQE would be the mechanism for testing this knowledge.

We consulted on the option of introducing an independent assessment for anyone wishing to qualify as a solicitor in December 2015. We engaged extensively with stakeholders, both prior to and during that consultation, and received over 240 formal responses.

We amended our proposals in response to feedback from that consultation. Our changes included:

- a commitment to a degree or equivalent to qualify
- a commitment to a period of qualifying work experience
- an increase in the assessment of skills as well as knowledge.

We then issued a second consultation in October 2016.

### The response to our second consultation

We received 255 responses to the second consultation, plus 13 responses that did not answer specific questions and instead provided general comments. We also:

- engaged with more than 6,800 people through 45 events, meetings and digital activities
- had almost 4,650 visits to related website pages
- had 237,000 impressions on social media.

We have heard a wide range of views on the best approach.

There has been support for an independent professional assessment in principle, including from the Law Society, Junior Lawyers Division and Legal Services Consumers Panel. There has also been general support from individual solicitors and people who are still to qualify, while research has also shown that the majority of the public would have more confidence in solicitors if they all passed the same final examination. Yet there has also been clear resistance to the SQE, most consistently from academic institutions.

Many respondents agreed with some aspects of our approach, but not others. For instance, the City of London Law Society and the University of Law agreed with the idea of an independent assessment, but did not support specific details in our proposals.

The most consistent theme of feedback across different groups of respondents was that more work was needed to get the detail of the assessment right.

### Our decision

We are grateful to all of those who took the time to respond to the consultation. The feedback we received from both consultations has been invaluable in developing our position. We have carefully considered all of the responses and evaluated our proposals against our key objectives:

- improving consistency in the standards of entry to the profession
- improving flexibility in the qualification system.

We have also evaluated our proposals against our regulatory obligations, the principles of better regulation and our strategic objectives. We are clear that the case for change is sound and that the proposals are the best way to meet our objectives.

We will, therefore, proceed with our plans to introduce the SQE.

The new qualification will consist of four elements. By the time candidates seek admission as a solicitor, they must:

1. Have passed SQE stages 1 and 2, to demonstrate they have the knowledge and skills set out in the competence statement<sup>3</sup> to the standard prescribed in the Threshold Statement<sup>4</sup>.
2. Have been awarded a degree or an equivalent qualification, or have gained equivalent experience. By equivalent, we mean equivalent to level 6 of the Framework for Higher Education Qualifications (FHEQ).
3. Have completed qualifying legal work experience under the supervision of a solicitor or in an entity we regulate for at least two years (or full-time equivalent).
4. Be of a satisfactory character and suitability, to be assessed at point of admission.

## Next steps

Building on the changes we already made to our proposals in October, we have:

- Agreed with the majority of respondents that a two year period of qualifying work experience is the right approach.
- Recognised the concerns about our initial timetable for implementation, so we have pushed back our target launch to September 2020, at the earliest. This will give all of us time to get the detail right and allow everyone to prepare.
- Agreed that more work is needed to get the detail of the assessment right.

We will, therefore, introduce the SQE in a gradual and consultative way. The next phase of our work will be to appoint an assessment organisation for the SQE. We expect the selection process will take place over the course of this year. Once appointed, we will work with the assessment organisation on the development and testing of the content and design of the SQE. We will do this in a transparent and

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<sup>3</sup> <http://www.sra.org.uk/solicitors/competence-statement.page>

<sup>4</sup> <http://www.sra.org.uk/solicitors/competence-statement/threshold-standard.page>

consultative way and work closely alongside all those, from academics to law firms, who have the expertise to help us get this right.

After full implementation, which at the earliest will take place in September 2020, candidates who have already started working towards qualifying to be a solicitor will have the choice of which route to follow – the existing route or the SQE – for a number of years. We will consult on transitional arrangements later this year as part of our proposed changes to our Handbook.

### Consultation on admission regulations

At the same time as selecting an assessment organisation to administer and run the SQE, we will consult on proposed admission regulations to introduce the new qualification system. We will issue a short consultation on the wording of the regulations in May 2017 and, subject to the outcome of that consultation, will then seek approval of the regulations from the Legal Services Board (LSB).

### Developing the assessment

We will carry out a comprehensive programme of work to develop the assessment. This will include:

- a review of the SQE design
- testing of the SQE
- publication of pre-tested sample assessments
- the development of a supporting toolkit for candidates
- the development of a supporting toolkit for education and training providers and firms.

These proposals should be able to provide a high level of assurance that individuals who are admitted as solicitors are safe to practise through a regulatory structure which is:

- proportionate
- targeted
- transparent
- accountable
- consistent.

As stated, the assessment will be intended to distinguish between candidates who are able to demonstrate the skills set out in the competence statement to the standard prescribed in the Threshold Statement, and candidates who fail to reach this standard. We will require the assessment organisation to use professionally qualified examiners and assessors who are able to use their professional judgement to decide who has met the required standard and who has not. Their work will be supported by modern statistical standard-setting methodologies.

We hope that the economies of scale derived from a common assessment can create the time, expertise and resources to develop a world-leading assessment of which solicitors can be proud and which will underpin their standing at home and abroad. The public expects a common assessment standard and we hope that the SQE will become a gold standard for consumer protection.

## Getting involved

We are keen to continue to work with you to get the details of the assessment right. If you would like to be involved, please get in touch with us at [t4t@sra.org.uk](mailto:t4t@sra.org.uk)

## Responses to proposals by area

### SQE stages 1 and 2

#### Assessment specification

Although we did not receive many comments on the detail of the assessment specification, those we did receive were particularly helpful. We will take them into account when we publish a slightly revised version of the assessment specification for the purposes of selecting an assessment organisation. This will form part of our statement of requirements for the assessment organisation and will be the starting point for the testing and development phase of work.

We are encouraged that a range of organisations offered to help us with the design of the SQE, and we will look at ways to involve as many stakeholders as possible as we continue its development.

#### Assessment design

Some commentators liked the integration of substantive and procedural law and recognised the demands of the proposed assessment. Others expressed concerns with aspects of the SQE design. In particular, there was some confusion that we were proposing multiple choice questions (MCQ) alone to assess functioning legal knowledge. In fact, our proposal is for computer-based testing, which includes a range of question types:

- single best answer questions
- extended matching questions
- MCQs<sup>5</sup>.

The best evidence from research and from academic experience is that computer-based testing can provide a rigorous, accurate and reliable way to assess

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<sup>5</sup> Single Best Answer Questions give candidates several alternative answers from which they must choose the best answer. More than one answer may have elements that are correct, but one will be superior. Extended Matching Questions consist of lettered options followed by a list of numbered problems/questions. For each numbered problem/question, candidates select the one lettered option that most closely answers the question. Candidates can use the lettered options once, more than once, or not at all. Multiple Choice questions require the candidate to select the correct answer to a question from a list of options.

candidates' ability to use fundamental legal principles to address client problems or in client transactions. We recognise that it will not assess oral or written communication skills. That is why we will assess these skills elsewhere in the SQE through other assessment methods.

We recognise that some stakeholders remain sceptical about our ability to use computer based testing to assess functioning legal knowledge. So, while computer based testing will form the starting point for SQE development, we will adopt an evidence-led approach to make sure that the SQE uses the best ways to test the full range of cognitive skills solicitors need. We will work closely with our assessment partner and with stakeholders to get this right.

We recognise some employers felt strongly that trainees need to have the right knowledge and skills to learn effectively, and to make a contribution to the business during their qualifying work experience (QWE). We will look again at the balance of skills assessments between SQE 1 and SQE 2, and whether we should assess more of the skills elements in SQE 1.

### **Practice areas and rights of audience**

We also recognise the challenge of making sure that all candidates could attempt SQE 2, regardless of the practice area in which they had gained their work experience. We set out a range of options in relation to the contexts for the assessment of SQE 2 and we will test these options in the SQE development phase. At the same time, we recognise the concerns of some stakeholders about the need for both contentious and non-contentious experience, particularly in the context of advocacy, where rights of audience are a reserved activity, and are awarded with title.

This leads us to the conclusion that, as at present, all solicitors must pass an assessment in advocacy in order to qualify. We will review the design of the SQE to address this. We are considering whether we might include a rights of audience assessment in SQE 1, not SQE 2, so that it could follow on more easily from a course of classroom-based teaching. By definition, rights of audience cannot easily be practised in the workplace pre-qualification. An advocacy assessment could also provide a mechanism through which analysis, argument, persuasion and logic could be assessed in SQE 1.

### **Developing confidence in the SQE**

We know that all new assessments take time to establish credibility. To help instil confidence in the end product, we intend to take a consultative and transparent approach to the testing and development phase of the SQE. This will involve the profession, universities and consumers at each step. The purpose of this testing phase will be to consider and amend, if necessary, the design and content of the SQE, but will not re-open the question of whether or not the introduction of a common assessment is the right solution. The testing will check our proposed approach before it is introduced, including testing of the assessment content, assessment design and administrative arrangements.

We intend that the collaborative approach to SQE testing and development will lead to the creation of a "community of practice" between the assessment supplier and training providers, where they can share information on and experiences of the SQE. Expert professionals and academics with experience of practice will be involved in

the SQE's delivery as examiners, markers and in standard-setting processes. We will continue to consider how to make the testing phase as collaborative as possible and how to best involve academics, the profession and other stakeholders. This might include setting up an advisory board.

We will also develop mechanisms for independent scrutiny of the SQE. This might include:

- the appointment of independent chief examiners
- an annual report on the operation of the SQE
- post-implementation evaluation and review.

### Degree or equivalent qualification

Most respondents supported the requirement for new solicitors to have a degree, an equivalent qualification or equivalent experience, and we will retain this. Some suggested we should require all solicitors to have a law degree. We do not think we could justify this requirement. Candidates do not need to hold a law degree under the existing system, and recruiting non-law graduates is popular with the profession. There is no evidence of consumer detriment from those solicitors who do not have a law degree.

The SQE will, however, assess the compulsory subjects currently taught in either a Qualifying Law Degree (QLD) or Graduate Diploma in Law (GDL). We are clear, therefore, that those who are not law graduates will have a significant amount of learning to do to prepare for the SQE, and consequently it is likely they will take longer to qualify than those who undertake a law degree.

### Qualifying work experience

We intend to retain a requirement for two years' qualifying work experience (QWE) prior to admission. There was strong support for this from most stakeholders. The purpose of QWE will be to socialise candidates into the legal profession, expose them to ethical problems, and make sure they have the opportunity to develop the competences set out in the competence statement. We note the comments on a possible lack of structure in our proposals for the period of QWE, but we remain of the view that our requirements should be as flexible as possible to avoid creating unnecessary barriers to qualification. We will make sure that candidates have gained the necessary knowledge and skills to qualify as a solicitor through the SQE assessments.

The new approach to work experience will mean the removal of the current requirement for a block two-year training contract which all trainees must complete. This removes a barrier which has created a real block on numbers and diversity. It enables us to recognise the greater variety of ways in which candidates can acquire the competences for practice as a solicitor.

Some respondents also expressed concerns about work experience becoming too informal. We intend to limit the number of placements in which candidates can gain QWE to four. This will make sure candidates' experience is not too fragmented. We decided not to impose a minimum time limit for work experience placements, because this might prevent students from including experience gained through

clinical legal education and working pro bono or in student law clinics. We anticipate that time spent in a range of workplaces under the overall supervision of a university could count as a single placement.

The work experience will need to be signed off by:

- the firm's compliance officer for legal practice (COLP)
- in the absence of a COLP, a solicitor nominated for this purpose by the entity/firm
- if neither of the above are available, a solicitor.

Some stakeholders have suggested that we should require candidates to have completed their work experience before they are permitted to attempt SQE 2. We can see some logic in this suggestion.

Certainly, most candidates will need to have done a substantial amount of work experience before they can successfully attempt SQE 2. However, we do not consider that such a rule is needed to protect standards, and it could have unintended consequences. For example, there may be individuals who have developed professional skills in other contexts who could pass SQE 2 without QWE. We will, therefore, issue guidance about the stage at which we advise candidates to attempt SQE 2, but we will not prescribe that it must be taken after work experience has been completed.

## Training

We have noted respondents' concerns about our proposals not to specify particular training routes or qualifications (other than a degree or equivalent). We also noted the views of some respondents that we should monitor the quality of teaching.

Although we recognise that this is a move away from the current system, we did not receive compelling evidence that regulating educational processes would be as effective in checking that those we admit as solicitors are competent as setting an end-point assessment. We will, therefore, cease to require candidates to have particular qualifications, such as a QLD or GDL, or to complete the Legal Practice Course (LPC) or Professional Skills Course (PSC).

Our proposed model has checks and balances in place to encourage good teaching and good learning. It is clear that good assessment drives good learning. If the knowledge and skills being assessed are the right ones, intending solicitors will be encouraged to learn what they need to know for safe practice. We will publish data on education and training providers' SQE performance. This should offer an incentive for providers to drive up the quality of their teaching, and benchmark it against other providers.

Although we did not receive compelling evidence that it would be necessary to regulate training, we think there may be a place for signposting training providers to candidates. We will consider whether it would be possible to create a list of those providing preparatory training or materials for the SQE within the toolkit of resources for candidates. Following the first year of the SQE, we will also be in a position to publish data available on the success rates of candidates, broken down by training provider, which will help trainees choose which provider would best suit their needs.

Over successive consultations, many stakeholders commented on the different skills and knowledge needed for the increasingly diverse range of practice areas within the profession.

Many respondents noted that the SQE is narrower in focus than the full range of subjects currently studied by aspiring solicitors, and it does not include an assessment of the wide range of practice areas in which solicitors work. It is deliberately focused primarily on the reserved activities because we must assess candidates in the areas where they gain practice rights with the award of title. More broadly, its purpose is to check core knowledge and skills, and, through that, give assurance that successful candidates have the ability to develop expertise in other specialist areas where necessary.

The SQE provides the threshold confidence that solicitors are safe to practice and it can also create a new freedom for the profession and universities to collaborate in the training they think their firm or their sector needs, without unnecessary interference from the regulator. Employers can build on the SQE to develop targeted training programmes which provide the range of additional skills and knowledge needed now for practice in particular sectors. And, in the future, employers and educators will be able to react swiftly to ensure solicitors continue to have the right skills as the market for legal services changes.

### **Character and suitability test**

Our intention is to administer the character and suitability test at the point of admission. We will publish guidance on the factors that would prevent candidates from being admitted as a solicitor. We will also offer helpline advice for anyone concerned about whether or not they meet the requirements of the test.

So candidates are aware that they need to pass a character and suitability test before they are admitted, we will ask our appointed assessment supplier to provide information to candidates on the character and suitability requirements for admission as a solicitor when they register for SQE 1.

### **Equality, diversity and inclusion (EDI) impact**

We have prepared an EDI risk assessment, which has been published separately. This has been informed by feedback from the consultation and by our recently commissioned report from the Bridge Group<sup>6</sup>, which has advised us about how best to maximise the positive EDI impacts from the SQE.

Many respondents to the consultation were sceptical that the SQE could improve access to the profession. We recognise that issues of social mobility, diversity and inclusion are complex and society-wide. The introduction of a standardised assessment for intending solicitors will not solve all those ills. The Bridge Group report also recognises that there is no magic bullet to address diversity in the legal profession – but, like us, is hopeful the SQE can play a part.

The Bridge Group report comments that the SQE:

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<sup>6</sup> [www.sra.org.uk/sra/policy/training-for-tomorrow/resources.page#maximising-diversity-report](http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources.page#maximising-diversity-report)

- can help the sector to have an improved understanding of the causes of, and potential solutions to, the lack of diversity, due to the greater transparency it affords
- has the potential to increase the range and choice of legal training, without compromising on the need for high standards
- may drive down costs for trainees through competitive pressures in the market.

The report identifies the risk that greater choice of training, whilst of itself a good thing, could make the training market more difficult for students to navigate. It emphasises the need for effective information, advice and guidance. It argues that data from the SQE will allow us to monitor, far more closely, the performance and progression of particular groups. It also recognises the role for employers and education and training providers to take advantage of better information and new freedoms to promote greater diversity in recruitment.

A market-led approach is very likely to encourage new organisations to offer training, and a common assessment will give credibility to new courses. It may help candidates from less prestigious universities to demonstrate they are the equal of their peers. Different models and ways in which to study will emerge – for example, online or work-based – and better information may enable students to make choices about which course would suit them best in terms of cost and benefits. Information about courses and providers will also be available to recruiters to help them make informed decisions.

We do not believe that this will lead to a two-tier system. On the contrary, the new approach should level the playing field by making sure that all solicitors are assessed against a single standard. At the same time, flexibility is crucial to the new system to provide choice and a wide variety of routes into the profession.

We recognise that greater choice requires more information, so we will develop and publish a toolkit of resources to help candidates make informed decisions. This will include details of exemplar pathways and training options. We recognise that this will need to be available to candidates in good time before the SQE is introduced and we will start work to develop this as an early priority.

Whilst recognising these risks, it is important not to forget that the removal of prescribed pathways and the new approach to qualifying legal work experience, gives real flexibility to individual candidates to construct their own careers pre- and post- qualification. It means they have greater choice in where to train, over what period, and in how to fund their training. This flexibility may particularly help those with caring responsibilities, older candidates and those who fund their studies through working.

Many respondents raised concerns about the cost of the SQE and associated training. We recognise that this is a significant issue. Cost will be one of the bases of evaluation of bids for the assessment organisation contract. We will also include cost controls in our contract with the eventual assessment organisation.

The new system is likely to be more cost-effective, for the following reasons:

- A more transparent legal education market could produce greater competitive pressures on education and training providers

- More flexibility means that students could continue to study through university routes which qualify for loan funding if they wish, but have more opportunity to fund the SQE through earning and learning
- Firms and candidates who come through the apprenticeship route (either from a school leaver or graduate point of entry) will qualify for apprenticeship funding
- We will no longer specify current qualifications, such as the LPC or PSC
- Students will be able to choose universities which integrate SQE preparation into their degrees. This provides both a cheaper and a funded route to qualification.

The new approach will not drive students to make inappropriately early decisions on whether to become either a barrister or solicitor as some have suggested. The new Bar Standard Board (BSB) approach to qualification will also focus on assuring standards, but be flexible in the pathways towards admission. The BSB approach will be different from our model, but compatible with it. A law degree that includes preparation for the SQE will meet the BSB's requirements, so students can continue to choose whether to become a solicitor or barrister after they have completed their law degree.

### Recognition of qualified lawyers

We will recognise other legal professional qualifications from within England and Wales, the UK, the EU and the rest of the world. Where qualified lawyers from jurisdictions we recognise can demonstrate they have gained the knowledge of English and Welsh law or the professional skills assessed by the SQE through their qualifications or experience, we will not require them to pass the corresponding parts of the SQE. We will publish principles setting out the detail of our approach.

This approach will demonstrate that we are open for business after the UK leaves the EU, and it will help spread the practice of English and Welsh law internationally.

### Transition and timing

There is a substantial amount of work to do to get the SQE ready for implementation. At the same time, stakeholders need time to introduce new courses and to adjust recruitment processes. Many stakeholders have asked for a longer lead-in to the introduction of the SQE. We will, therefore, not introduce the SQE until our target date of September 2020 at the earliest.

The transition to the SQE will take place in a gradual and inclusive way, which enables candidates to choose between qualifying under the current system or the SQE for a number of years. Upon introducing the SQE, our preference is to have a lengthy transitional period, which would allow anyone who had commenced training under the existing regulations to complete their training. This would include those training part-time. We believe this approach will also provide the market with sufficient time to adjust. It will be necessary to impose an end date on the current training regulations. However, this will be far enough in the future so that candidates do not have to switch training routes.

We will consult on proposed transitional regulations setting out the new approach in summer 2017.

### Question by question analysis

We received a wide range of responses to our second consultation on a new approach to qualification as a solicitor. Many people took the time to submit comprehensive, incisive and thoughtful feedback, which has been helpful in shaping how we take the proposals forward. Many respondents expressed negative opinions about different aspects of the proposals. However, responses varied widely between stakeholder groups, as did the number of responses submitted by each group.

#### **Twitter polls run during the consultation period**

Question: How important is it for the standards we expect of new solicitors to be consistent?

56% said this was very important (84 votes)

Question: Is it fair for all solicitors to take the same independently set professional exam before qualifying?

74% agreed (112 votes)

Question: Is the current cost of qualifying as a solicitor too high?

89% said yes (114 votes)

There was also a marked difference in feedback received at the events we ran, or in meetings with individual stakeholders, which tended to be more positive. This was in contrast to the written responses, which tended to be more negative. A number of those who expressed positive views to us at events or meetings chose not to submit a formal response. And a number of stakeholders, particularly universities, were significantly more positive when we met them than is apparent from their formal consultation responses. Many universities told us that they would consider introducing SQE preparation into their degrees, if the SQE was introduced. Some recognised that there were opportunities for them in the new approach. Their consultation responses, however, concentrated almost exclusively on the aspects of our proposals with which they disagreed.

"The proposed SQE is a challenge for law schools but also brings new opportunities. We are embracing the change by reviewing our curriculum and programmes to explore whether and how to align them with the new qualification proposals. We know we have an obligation to think about future careers of our students. So we are asking what are the skills, qualities and experiences that graduates need to succeed in the legal sector and other professions"

**Toby Seddon, Professor of Criminology and Head of the School of Law,  
University of Manchester**

"A centralised assessment of legal knowledge and skills has been accepted practice for decades in the US. [Part of this is] a 200-question multiple choice test assessing [if] an examinee can apply fundamental legal principles and reasoning within a realistic scenario. We have found that multiple-choice questions are a highly economical & unbiased way to assess knowledge"

**Joanne Kane, Associate Director of Testing, National Conference of Bar  
Examiners**

"The revised SRA consultation paper goes a long way to answering the principal criticisms made of the one issued last December. Qualifying legal work experience is a vital part of the training of a prospective solicitor and it is pleasing to see that that has now been recognised and it is pleasing too that what is assessed at each stage of the SQE has been rethought." <sup>7</sup>

**Chris Hale, Senior Partner and Partner Corporate, Travers Smith LLP**

Responses ranged from the academic sector and universities, who generally submitted the most critical responses, to employed and trainee solicitors, who tended to be most positive.

The Law Society of England and Wales, the Law Society of Scotland and CILEx Regulation submitted responses in support of the proposals and the principle of centralised assessment. Likewise, assessment suppliers (for example, Kaplan and Cambridge Assessment) were supportive. On the other hand, there were a number of significant respondents who did not agree with our proposals. These included the academic representative groups (the Association of Law Teachers, the Society of Legal Scholars, the Committee of Heads of Law Schools, and the Socio-legal Studies Association), the City of London Law Society, the University of Law and BPP. Even here, however, the City of London Law Society and the University of Law did not disagree with the need for a centralised assessment.

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<sup>7</sup> Quotations are from formal consultation responses (attributed, where respondents have given their permission), public statements made about the SQE, or private comments (again, published with permission).

"We expect that the great majority of universities will be compelled to adapt their law curriculum to incorporate some or all of the SQE1 preparation. A small number of elite institutions may well be able to ignore the changes. But for other research intensive universities, like us, who do not currently offer vocational teaching, the SQE could dramatically affect everything we do – which could also mean radically changing our staff base. Only about 50 percent of our students go on to qualify as lawyers; we would still need to make provision for both groups. We are unconvinced that reducing the time spent on education and training (as a three-year degree including SQE preparation would do) will improve standards in the legal profession. We are concerned about negative impacts upon widening participation, given that less-privileged students benefit from additional attention and experience, to help equalise the playing field. The SRA should be far more up-front about such likely impacts on universities of the SQE proposals."

**A Russell Group University**

"As previously expressed, the JLD is supportive, in theory, of a centralised examination being regulated by the SRA, which would ensure that all aspiring solicitors are assessed to a consistent standard and achieve the same outcomes. The JLD recognises that, presently, there is significant disparity in the content of courses/teaching and assessment practices throughout England and Wales."

**Junior Lawyers Division**

"The Panel recognises the extensive stakeholder engagement that has occurred, and the SRA has gone some way to ease our concerns in this second consultation. It has referenced more evidence and undertaken better analysis. These improvements mean that the Panel can agree in principle to a centralised qualifying examination. However, concerns remain around flexibility and diversity, funding and timings for implementation."

**Legal Services Consumer Panel**

**Consultation question 1: To what extent do you agree or disagree that the proposed SQE is a robust and effective measure of competence?**

In this question we introduced the SQE and asked respondents whether they thought that it would adequately measure the competence of those entering into the profession. The SQE would comprise two parts:

- SQE stage 1, which would assess functioning legal knowledge through a series of six examinations
- SQE stage 2, which would assess candidates' skills through five practical legal skills assessments in two different contexts.

We would procure an independent assessment organisation to run and deliver the SQE. Standards would be set through the use of expert panels, made up of academics and practitioners.

"The proposed change is too radical to be confident on the evidence provided that it will be a robust and effective measure. The desire to have a single, nationally set exam is understood, but, until it is designed and piloted, it is not possible to have confidence. Ideally, it would be good to see it introduced at LPC level, rather than as the immediate single means of entry to the profession. It is good that the need for graduate level has been adopted but this should be at least level 6."

**Academic**

"I think this question can only be answered once the system is up and running. However, I agree that a centralised system would provide a more robust measure of competence than at present."

**Staffordshire University**

Although most respondents disagreed with our proposals, there was not a consensus in the views expressed. Some respondents agreed with the proposals; some agreed with the principle but not with its proposed execution. And some respondents clearly disagreed strongly. Some respondents were concerned that introducing the SQE would reduce standards and therefore damage the reputation of the profession. Sometimes, this was because commentators believed the introduction of a centralised assessment was wrong. In other cases, this was because people supported a centralised assessment in principle, but not the particular model being proposed.

Some respondents welcomed the proposals, stating that it would make it easier for individuals to be judged on their own merit, and would encourage more competition in applications for legal work experience. Several people said they would prefer a graded system for marking the SQE, considering that this would help to distinguish high-performing candidates.

Some considered that a centralised system would provide a more robust measure of competence than the current approach.

Some respondents tentatively supported the SQE, but wanted to see sample papers before giving full commitment to the proposals. Some of these suggested that the SQE be piloted in the first instance, with data published on the reliability of the exams.

Many stakeholders stressed the importance of setting the SQE at the right level so that the right candidates were able to qualify, and said that we should be willing to adjust the level at which the SQE is set in light of experience, particularly in the first few years.

There were a number of comments on the timing of the two assessments. Some thought that there should be a requirement that all work experience must be undertaken before candidates were permitted to sit SQE 2, to prevent firms from only taking on trainees who had passed both parts of the exam. Some stated that SQE 2 should be taken prior to commencing work experience, otherwise firms would be taking on trainees with a lower level of education and training than those currently

coming to them. Some raised concerns about students being required to sit all SQE 1 assessments in one session, stating that this would be too hard, or too pressurised for students. Others thought all SQE stage 1 assessments should be taken in one session, because this would be better preparation for work experience, or because the learning would all be interrelated.

A large number of stakeholders commented on the use of MCQs to test functioning legal knowledge in SQE 1, expressing concerns that they would not be robust or suitable for testing legal knowledge or reasoning. Some thought that this method of testing would encourage cramming for the exam, with the knowledge being forgotten soon after. Some respondents misunderstood the nature of the testing methods proposed for SQE 1, believing that we were proposing to use solely multiple choice-based questions, when we were in fact proposing a range of computer-based testing methods, including single best answer, extended matching and MCQs.

While some respondents thought that the content of the SQE was too wide, others thought that there were elements missing that should be included, for example, family law, intellectual property law, and employment law.

Some respondents thought that the new system should include electives, to allow specialisation, for example in banking and debt finance. They thought SQE stage 1 should be expanded to include elective subjects, otherwise firms would need to "close this gap" and provide that training themselves.

Some respondents questioned the intention to hold SQE 2 assessments twice a year. Some firms considered that having large numbers of trainees out of the office at set points during the year in order to revise and sit assessments would be detrimental to their firm. Some firms thought that trainees might not gain the full benefit of the training seat during which they sat SQE2, or that it might prevent trainees from undertaking international secondments. To address this, many suggested offering a greater number of opportunities for candidates to sit the SQE stage 2.

A number of respondents thought that the SQE should include assessments in both contentious and non-contentious areas of practice. Some thought that firms would struggle to offer experience in two of the SQE 2 contexts to all their trainees during their work experience, and this would put them at a disadvantage in attempting the exams.

**Consultation question 2a: To what extent do you agree or disagree with our proposals for qualifying legal work experience?**

In this section we set out proposals for QWE, recognising the importance it plays in solicitors' development. In the consultation we proposed that those wishing to become a solicitor would need to undertake a period of work to gain experience of the law, and that this could be obtained in a number of ways, including through student law clinics, through in-house practice or through working as a paralegal. This ability to accrue work experience in different entities would replace the traditional training contract.

We asked respondents whether there should be a limit on the number of placements a trainee could undertake, or a minimum length of time which would count. We proposed requiring trainees to maintain a record of their work experience, which

would be signed off by a solicitor or other individual with whom we had a regulatory arrangement at the end of their training. We asked respondents whether they agreed with this model for work experience.

"We like the broader definition of work experience as we believe this incorporates legitimately valuable experience of paralegals and similar roles. This opens up more entry routes into the profession."

**Law firm**

"The introduction of greater flexibility is desirable, but there will be substantial work involved in ensuring that some forms of experience do indeed meet the eligibility requirements, especially work outside SRA-regulated entities and where multiple placements are involved."

**University of Dundee**

Many of those who responded supported maintaining a requirement for work experience. Many stressed the importance of pre-qualification experience and its value in creating good lawyers. Some respondents thought that the current model of a formal training contract worked well and questioned the need to remove the requirement for a structured period of work-based learning within a single firm. Others thought that the proposed changes would provide more flexibility and could help to reduce the "training contract bottleneck" that can prevent QLD, GDL or LPC graduates from qualifying. Some welcomed the proposals because they would open up access to the profession and prevent law firms from restricting access to becoming a solicitor.

Some people commented that the proposed changes might create a two-tier system, in which those candidates who had more structured training contracts would be preferred by recruiters over those who had taken a more flexible approach.

Some respondents thought that there should be less flexibility by which trainees could obtain work experience. Once again, some respondents commented that there should be a requirement to gain experience in both contentious and non-contentious areas of law, and others thought trainees should be required to get experience in at least three different areas or "seats".

Views were mixed about whether we should allow shorter placements. Some felt that this might make it easier for candidates to secure the necessary experience, while others felt that shorter placements might not contribute to the development of skills. Some respondents thought that employers would not be able to provide meaningful work in smaller chunks, and so supported a lower limit on the length of each individual placement. A similar number favoured placing a maximum limit of four placements, and several respondents thought that there should be both a minimum length of placement and a maximum number of placements.

Views were also mixed about where work experience should be obtained. A number of responses welcomed the ability for would-be solicitors to gain experience in a law clinic or through working as a paralegal, citing the greater flexibility and increased

routes to qualifying this would provide. Conversely, others felt that experience gained outside a traditional training contract might not provide the same opportunity to develop the necessary competences. Some thought that trainees might be exploited if we were to allow unpaid work to count, and that this might place more wealthy students, who could afford to work unpaid, at an unfair advantage.

**Consultation question 2b: What length of time do you think would be the most appropriate minimum requirement for workplace experience?**

In this question we stated that we were considering a range of options for the length of workplace learning, but were leaning towards a requirement for two years' experience. We asked stakeholders what they felt the most appropriate minimum requirement for workplace experience should be.

"The proposed limitations placed on the numbers of different types of placements appear reasonably sensible. A series of fractured short placements appear unlikely to provide the candidate with the level of immersion required to develop a thorough grounding in a particular area of practice."

**University of Leeds**

While some respondents thought that workplace experience should be flexible and based on candidates' existing knowledge, skills and competence, the majority thought that two years in the legal workplace was the most appropriate requirement. Proponents of a two-year period of work-based learning cited experiences of the current two-year training contract being fit for purpose and an appropriate length of time to allow trainees to acquire the necessary skills to become a solicitor. A minority of respondents thought that an 18-month period would be the most appropriate.

**Consultation question 3: To what extent do you agree or disagree with our proposals for the regulation of preparatory training for the SQE?**

In this section we set out a proposed approach to how candidates would prepare for the SQE. We would not require candidates to take a specific course, but would instead allow them to prepare for the SQE in the way in which best suited their needs. We would publish SQE pass rates by training provider so that candidates could use this information to influence their choice of course. We would publish exemplar pathways to illustrate some of the possible routes to qualification, along with a toolkit to inform students of their options.

"This will not provide sufficient protection against 'rogue' providers. There is too much emphasis on assessment in exam conditions with too little information on the preparation required for SQE 1 and 2."

**Clinical legal education organisation**

"We support this approach in principle. In removing the SRA-prescribed preparatory training requirements, the SRA will need to be confident that the SQE can test candidates' legal knowledge and skills to a newly qualified level. The SRA will also need to provide firms with a comprehensive understanding of what will be tested and assessed in SQE 1 and SQE 2 well in advance of the SQE live roll-out. This information will be imperative to ensure we can develop and implement an appropriate training programme, or outsource it, if appropriate."

**Freshfields Bruckhaus Deringer LLP**

Some respondents recognised the high cost imposed by the LPC and welcomed a move to a more flexible, consumer-driven approach, stating that this could encourage innovation in the training market. Conversely, other respondents raised concerns over the lack of regulation and oversight for training within the new system. Of particular concern was the lack of data within the first few years, which respondents felt might lead students to make inappropriate or costly choices, for which they would not have any redress.

A number of respondents raised concerns that the quality of teaching would deteriorate or become more variable, or that there would be an increase in crammer courses or courses focused on teaching just for the test, rather than providing a more holistic grounding in law. Others questioned whether teaching on SQE1 content would be available, and, in particular, whether universities would incorporate it into their courses.

Some respondents thought that we should continue to specify training routes, or to regulate training providers under the proposed system.

Stakeholders again raised concerns that the proposed changes might lead to a "two-tier" training system, whereby those who had secured a training contract would be supported by their firm financially and would receive higher-quality training than those who had to fund themselves.

In terms of the data we propose to publish, many stressed the need for a robust guidance pack to assist students in choosing a training provider and that the exemplar pathways should be more comprehensive. Some thought that the publication of data would need careful consideration to make sure it accurately represented the quality of teaching. Some considered that the proposals would have the effect of putting universities off recruiting weaker students, so as not to bring down their ranking. Some thought that publishing results would allow those providers achieving good results to put up prices, leading to an increase rather than a decrease in costs. Stakeholders stated that there might not be the necessary funding in place in the form of student loans to meet the cost of training.

**Consultation question 4: To what extent do you agree or disagree that our proposed model is a suitable test of the requirements needed to become a solicitor?**

In this question we asked whether our model of the SQE stages 1 and 2, plus work experience, a degree and a character and suitability test would work as a whole to provide a robust test for those wishing to qualify as a solicitor.

"This depends on where the solicitor intends to work. If it is a City law firm, then the SQE is not covering as much as it currently does (we understand that the curriculum for the proposed SQE would equate to the core modules of the current LPC, but not cover topics covered in LPC elective modules). Therefore, to achieve a similar level of education/training, City firms will need to back-fill/add to the learning modules required for the SQE exam with additional learning modules, which will also create more expense for the firm. A single qualification for all solicitors is challenging, given that there are so many different types of firms/practices (from high-street to City firms). However, if this is the desired aim, then, for quality assurance and the brand of the England and Wales solicitor qualification, we should be aiming to stretch the level of the qualification as high as possible, including at least as much learning as is currently required."

**Law firm**

"The proposals are not significantly different to the current system – bar the introduction of examinations and the likely elimination of the LPC. The change in SRA policy on a degree level qualification and a lengthy supervised period of work experience adds considerable strength to the SRA's proposals."

**The Law Society of Scotland**

Some respondents were supportive of the proposed system, welcoming the flexibility, fairness and transparency it would provide. The majority did not agree, feeling we had not sufficiently made a case to move away from the current system.

Some respondents thought that the role of a solicitor was becoming more specialised and that the SQE qualification ought to reflect this. Conversely, others thought the areas of law covered in the SQE were arbitrary and that they should be widened.

Many stakeholders commented on the costs of the proposed system. Here, views were split between those who thought it would reduce costs, those who felt there was not enough detail to make a judgment on the total costs, and those who thought the SQE would impose an additional cost on trainees. One respondent thought that the proposals would put too much of a cost burden on small firms because there would be pressure for them to pay for SQE 2 preparation.

### **SQE assessment**

On the topic of the SQE, respondents reiterated concerns that MCQs would be a crude method of testing fine points of law, and that the SQE as a whole would not test all the requirements (for example analytical writing) needed to become a

solicitor. Some respondents said that they could not judge the effectiveness of the SQE without specimen assessments.

Some firms suggested that candidates would begin work experience before receiving their SQE 1 results and asked how quickly after the candidate's assessment results would be available. They suggested this might have an impact on how firms dealt with candidates who failed any part of SQE 1.

A number of people commented on the timetable for the SQE exams, or felt that candidates would be out of the office for a disproportionate amount of time preparing for and sitting the exams. Some thought that offering SQE stage 2 twice a year would not be enough. One respondent suggested that firms would need to make offers of qualified solicitor positions to trainees conditional upon their passing SQE 2. Trainees who failed might not be permitted to take up a position as a qualified solicitor and a firm could be left with fewer solicitors than they had planned for. To minimise disruption, they suggested that results should be available as soon as possible and candidates should have time to receive results and resit before the end of their work experience.

### **Work experience**

Some of those commenting on the requirements for work experience suggested that the proposals were too unstructured and that candidates should build up a portfolio, to be assessed before admission. In terms of the timing, some thought that work experience should take place after candidates had completed all of the SQE assessments. Others thought that trainees should sit the SQE stage 2 part way through their work experience, to give them enough time to resit if they were to fail any part of it.

Some respondents expressed concern that law firms would not be able to provide work experience in two of the five proposed contexts.

### **Degree**

The majority of respondents supported the proposal to require solicitors to have a degree before admission. Some commented that they thought that the requirement should be for a law degree (or either a QLD or CPE) because it would otherwise lead to a generation of solicitors with an incomplete understanding of the law. Some thought that there should be an exemption from SQE stage 1 for those who had a law degree.

In addition, some thought that the loss of LPC electives would mean that trainee solicitors would lack key knowledge when starting their legal work experience. On the other hand, some respondents, albeit a minority, did not think there should be a requirement for trainees to hold a degree at all.

### **Character and suitability**

The majority of stakeholders supported retaining a robust character and suitability test. Some commented on the timing of the suitability test, stating that it should be carefully considered, in particular suggesting it ought to take place prior to the trainee

undertaking legal work experience. Respondents thought it would be important for us to provide clear information on the suitability test to students at an early stage, to make it clear if previous conduct might stop them from joining the profession, and to set out the conduct they would be expected to demonstrate upon becoming a solicitor.

**Consultation question 5: To what extent do you agree or disagree that we should offer any exemptions from the SQE stage 1 or 2?**

In question five, we stated our preference that the overwhelming majority of those becoming solicitors would have to pass the SQE, and invited views on whether this would be proportionate.

"We are concerned that the proposal not to offer exemptions will result in additional and unnecessary costs to potential solicitors. There currently are legal practitioners who have attained the requisite knowledge and skills through recognised and rigorous routes. It seems illogical, under the SRA's proposals, that someone in that position in the future will be required to undertake assessments which are comparable to assessments that have already been successfully completed. The obvious examples would be barristers and CILEx fellows."

**City Law School – University of London**

"We recognise that it will be very difficult to provide exemptions from the SQE Stage 1 and 2, and to do so would undermine the system proposed by the SRA. We have concerns, though, about the possibility that EU candidates (even post-Brexit) may be granted exemptions from the SQE, when domestic candidates and other international candidates will not be allowed exemptions. We see no reason for preferential treatment of EU candidates in this regard."

**Monmouthshire Incorporated Law Society**

Responses were split between:

- those who thought there should be no exemptions from the SQE
- those who thought there should be some exemptions for those who had passed a qualifying law degree
- those who thought there should be some exemptions for individuals who had already qualified (either as a lawyer in England and Wales, or in another jurisdiction).

There was broad support for offering the minimum number of exemptions. Those who supported all future solicitors being required to sit the SQE stated that this would ensure a consistent standard and that offering exemptions would defeat the point of having a centralised exam.

A significant minority of responses stated that there should be a full exemption from SQE stage 1 for those who had passed a law degree, making the point that those students would already have passed a similar assessment and requiring both would be over-examination.

Some respondents felt that those already qualified in law in England and Wales – for example Barristers, CILEx Fellows and Licensed Conveyancers – should be exempt from the parts of the SQE upon which they had already been examined. A number of commentators also cited the LSB's statutory guidance on legal education and training, which requires regulators to minimise barriers between different parts of the legal profession.

A number of responses advocated allowing exemptions for those who had already qualified in an equivalent profession in another jurisdiction. One respondent brought up the point of reciprocity for solicitors qualified in England and Wales and questioned whether not allowing exemptions here might create difficulties for English and Welsh solicitors looking to qualify abroad.

**Consultation question 6: To what extent do you agree or disagree with our proposed transitional arrangements?**

In question six, we set out proposed transitional arrangements, which, from 2019, would allow solicitors to take their preferred route of the new or old system, up until a longstop date of 2024, when the current system would be withdrawn. We would require all overseas candidates and apprentices to take the SQE from September 2019.

"The longstop date of 2024 seems to allow sufficient transition time, but it highlights the urgent need of information around how the supporting training structure would work. We will be in a position very soon where we may want to sponsor law degree students but will be unable to describe to them how their training will work once they graduate. We do feel that the transition inevitably creates a two-tier system and the consequences of this may require some mitigation."

**Law firm**

"We are concerned that the proposed timescale for change remains very challenging. Many individuals have already embarked on their route to qualification and it is very important that none of the expense and effort that they have already incurred should be in vain, so our main concern about transitional arrangements is that they are both very clearly set out and very clearly communicated to current students."

**University of Westminster**

While a number of responses supported the proposed transitional arrangements, others thought that the start date of 2019 was too soon. Others thought the transitional period was not long enough. Some respondents proposed a staged

implementation, whereby the new system would be piloted on a smaller cohort before being introduced more widely.

Of those who questioned the 2019 implementation date, some raised concern that there might not be courses or materials available in time to prepare students. Others thought that this would not be sufficient time for us to procure an assessment supplier and for that organisation to build up a sufficient bank of questions and publish sample assessments.

Some firms thought that the implementation of the SQE should be pushed back to 2020, because many firms recruit for training contracts two years in advance. Although the transitional arrangements would allow candidates to choose which route to qualify through, some firms said they would want to put their all trainees through the same route. It would take time for them to develop new-style training contracts and other processes.

Some stakeholders suggested that a longer transitional period would be necessary and that the longstop date should be pushed back to 2025 or 2026. Some respondents mentioned that it would be important to take into account the length of Scottish degrees, which run for four years, in setting a longstop date. Others suggested that students undertaking a degree part-time, or who take a break in studies due to parental leave, illness or caring responsibilities would also need a longer transitional period.

Some commented that it would be necessary to coordinate the transitional period with that proposed by the BSB. Some respondents voiced concerns that the changes would put students on a single track to qualification as a solicitor and suggested that we should take into account changes currently being proposed by the BSB in order to preserve a common route to qualification.

Some respondents raised concerns over the proposal to require overseas candidates to take the SQE from September 2019, questioning whether that related to international students, qualified international lawyers or both. Some questioned whether this would put overseas candidates at a disadvantage and be incompatible with equality legislation.

One respondent questioned whether the proposals would lead to a flood of paralegals seeking to qualify in the first year.

**Consultation question 7: Do you foresee any positive or negative EDI impacts arising from our proposals?**

We recognised in the consultation that the SQE could not solve wider issues of social justice, but suggested that the proposals could promote fairer access to the profession. We set out some of the concerns raised in response to the first consultation and how we intended to address those concerns. We asked whether the proposals would have a positive or negative EDI impact.

"It seems to us that it is likely that these proposals will increase the costs of qualifying, and that is likely to have a negative EDI consequence. We are very concerned that this is going to create cramming schools, who will be able to charge whatever they want to get students through the examinations, and this will be a cost to those who will see it as a tick-box exercise and just want to get into the profession. It will prey on the desperate."

**Sheffield and District Law Society**

"I foresee really positive impacts. The more standardised the exam, the more likely candidates are to be on an even-playing field when accomplishing their route to qualification."

**Solicitor (private practice)**

Many respondents thought the proposals would cause a negative EDI impact.

Many respondents commented on the cost and availability of funding for the SQE. Respondents commented that information about the cost of the SQE assessments and training was not available, and therefore found it difficult to make an evaluation of cost relative to the current system. Some doubted that the combined cost of the exams and training would be less than the current cost of qualification.

Similarly, stakeholders commented on access to funding for training for SQE 1 and 2, as well as for the assessments themselves. Respondents suggested that funding in the form of graduate or training loans might not be available, which would disadvantage those students who did not have the means to fund themselves. One respondent suggested that the government's professional and career development loans could provide a funding option, and that we should carry out further investigation into this. Some thought that the proposals would favour wealthier candidates, who would be able to take unpaid leave during their work experience to study and to pay for better or additional training.

Opinion was split on whether the proposals on work experience would have a positive or negative EDI impact. Some thought that the ability to include work experience from a greater variety of placements would widen access and help to remove the "training contract bottleneck". Several respondents commented that securing a training contract is disproportionately difficult for black, Asian and minority ethnic students, and suggested that the proposals would improve equality by making it easier to meet work experience requirements. Several respondents thought that offering work experience to trainees might become more attractive to employers as they would not need to commit to a full two-year training programme.

Some respondents thought that the proposals would polarise solicitors, with those who had completed a more traditional training contract at a large firm being favoured by the market over those who had undertaken work experience through a variety of pro bono placements.

A number of respondents thought that the deregulation of work experience would mean that this might take the form of a sequence of unpaid or low-paid internships, and this would benefit those who could afford to take unpaid or low-paid work.

Some respondents thought that the ability for students to put off paying for SQE 2 until they had secured their work experience would be a positive impact, and would remove the current "LPC gamble", which has a negative impact on less wealthy students.

Some stakeholders thought there would be a positive EDI effect if the SQE proved to be robust, fit for purpose and free from bias. They thought that this might lead to students being judged solely on their merits, rather than by other factors, such as which university they had attended.

Stakeholders commented that the six-year limit between completing SQE stages 1 and 2 would discriminate against those who were studying part time, or took time off for reasons of sickness, caring responsibilities or parental leave.

Some respondents thought that the timing of the SQE might prove difficult for overseas students who might want to take SQE 2 directly after passing SQE 1.

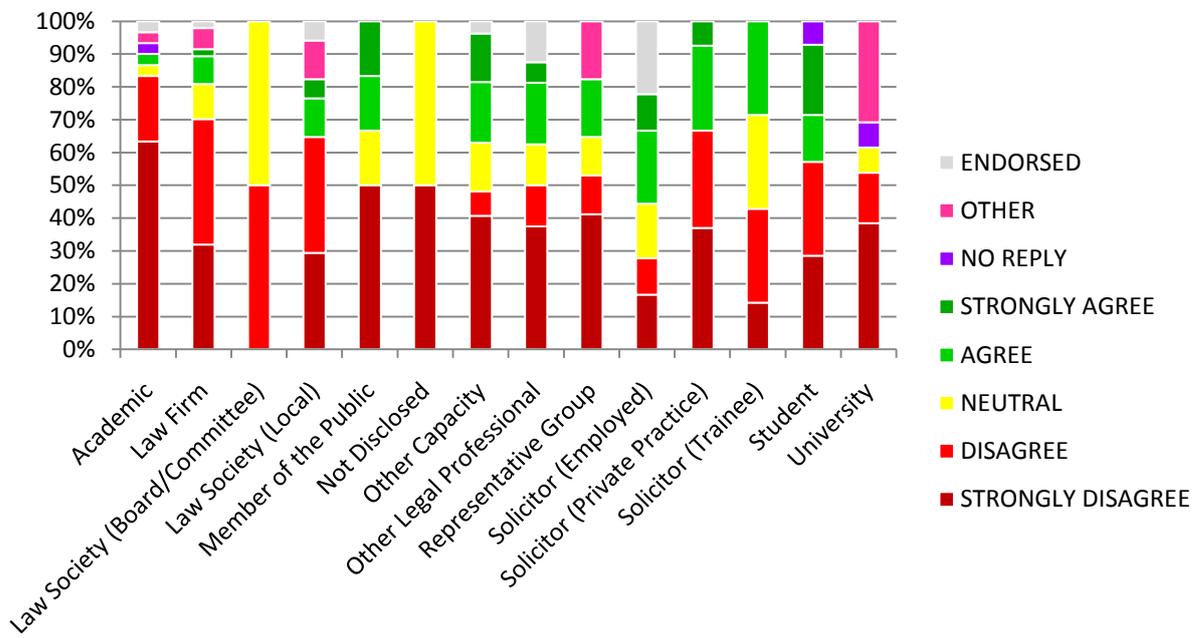
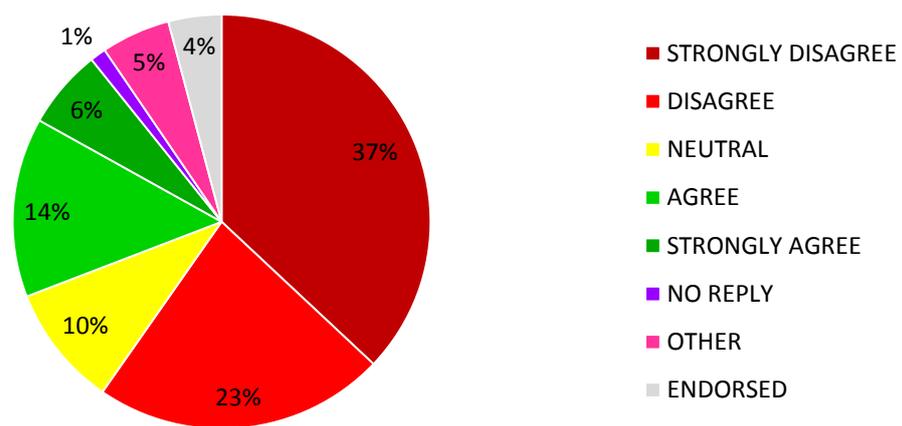
Some felt that the practice contexts of SQE 2 would discriminate against less wealthy members of the public by excluding legal aid firms, which practise social welfare or family law.

Some respondents raised concerns about the accessibility of the testing in SQE 1, and in particular worried that MCQs might discriminate against students with disabilities. Others felt that online tests, or tests with strict time limits, would discriminate against disabled students. Some suggested that reasonable adjustments should not be made only through giving additional time, and that we should consider alternative forms of assessment where necessary. Conversely, one respondent suggested that there is some evidence from the world of school qualifications that additional time can provide an unfair advantage.

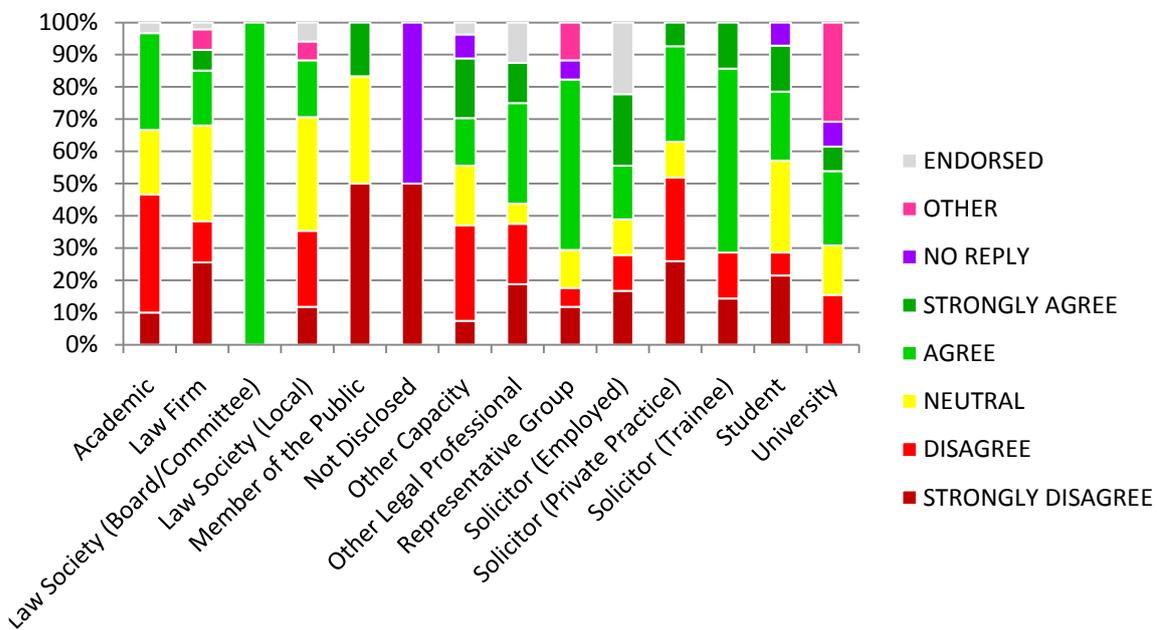
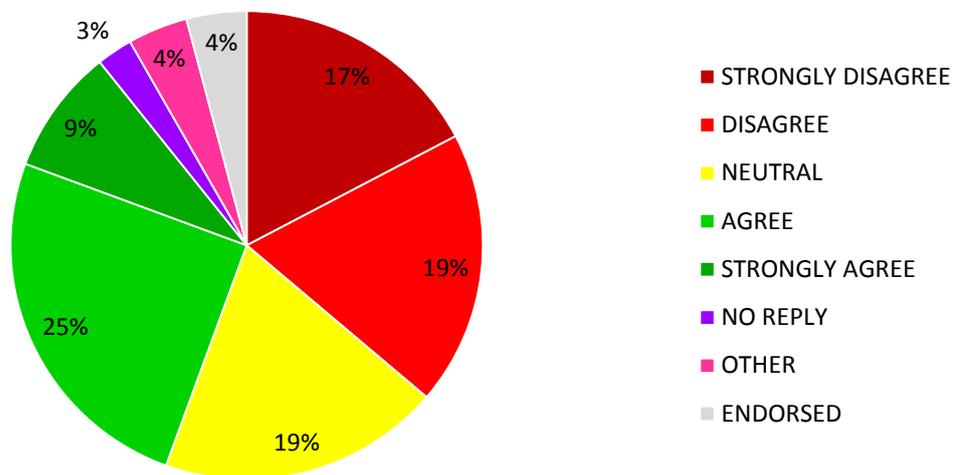
One potential positive impact that respondents identified is that universities might provide better value for money under the proposed model. Some respondents questioned which entities would be classed as a training provider for the purposes of publishing data.

**Annex 1: Breakdown of consultation responses**

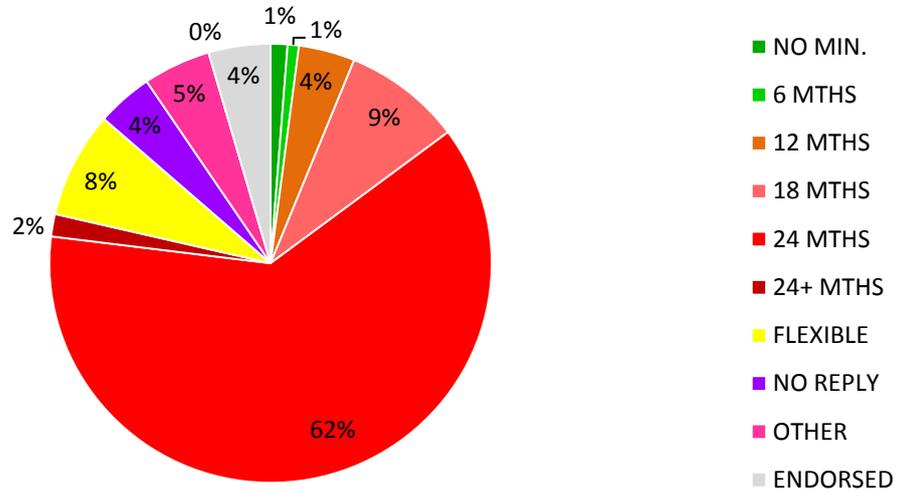
**Consultation question 1: To what extent do you agree or disagree that the proposed SQE is a robust and effective measure of competence?**



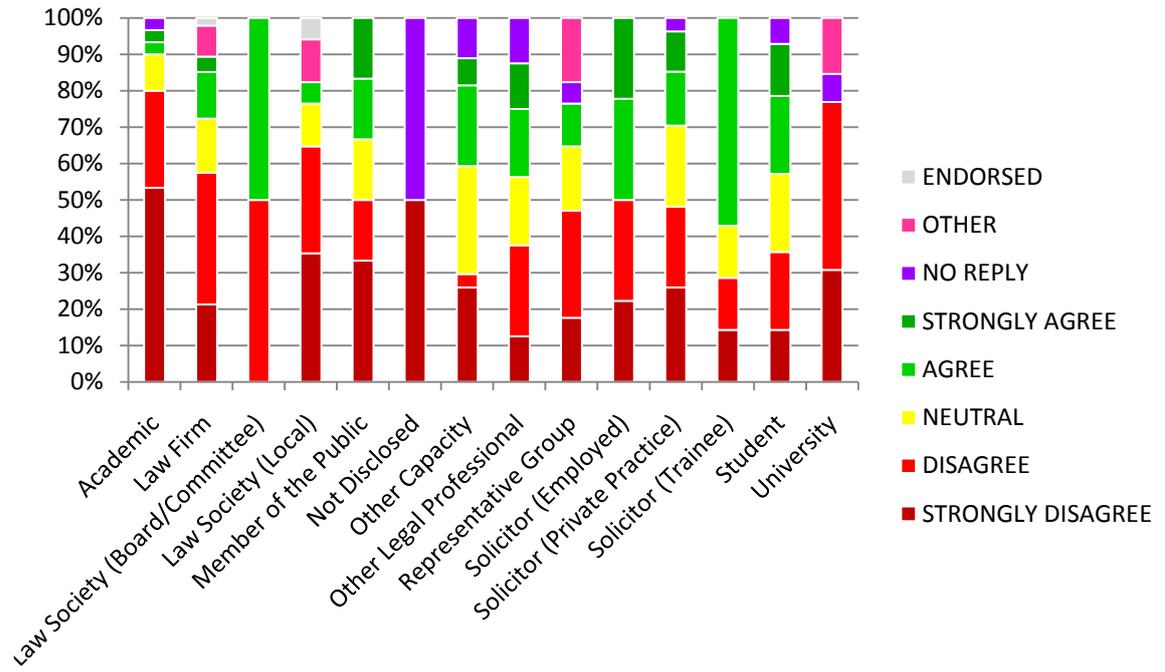
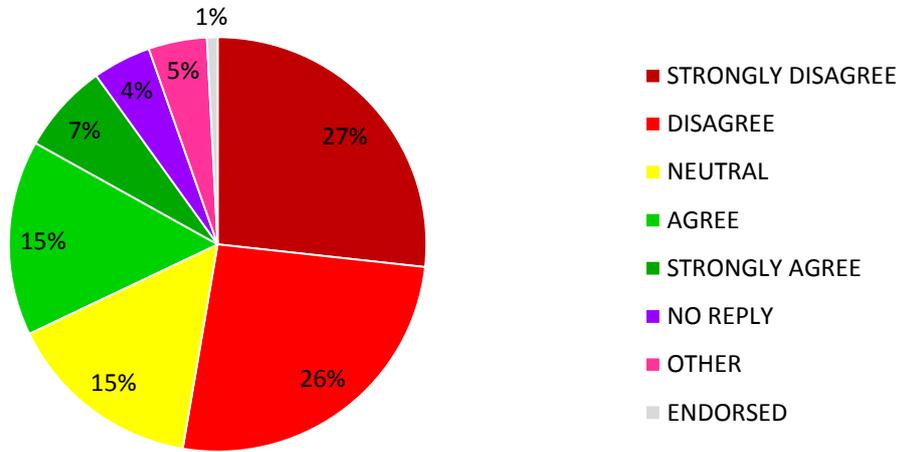
**Consultation question 2a: To what extent do you agree or disagree with our proposals for qualifying legal work experience?**



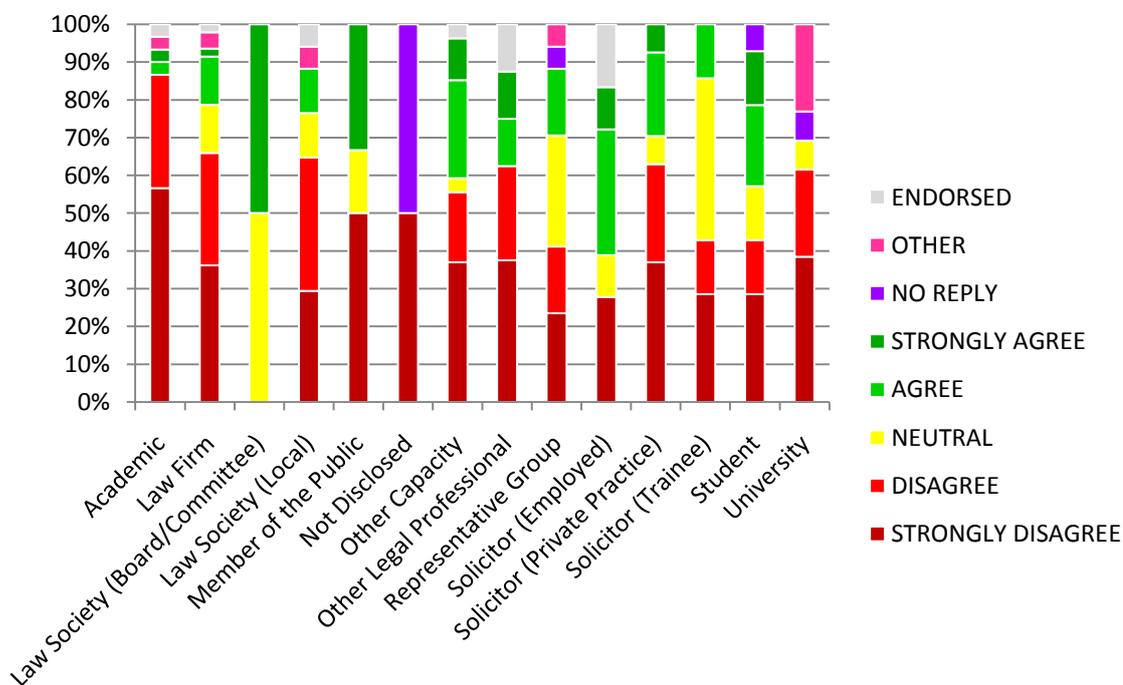
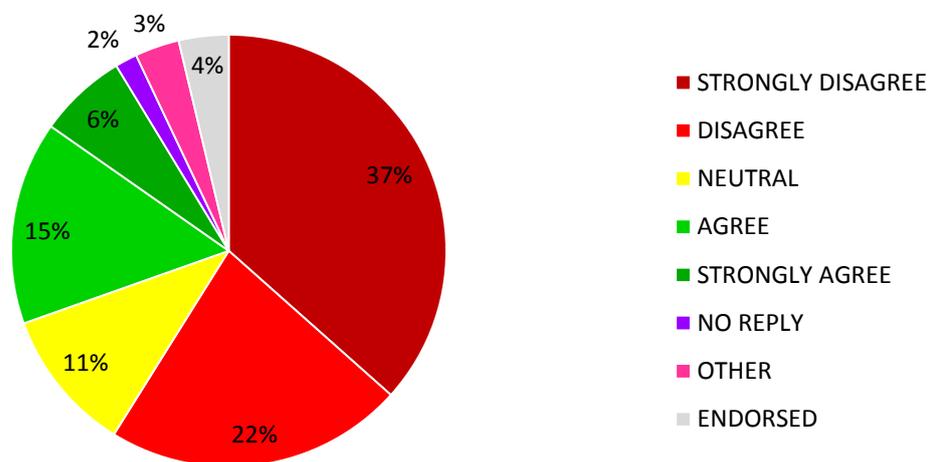
Consultation question 2b: What length of time do you think would be the most appropriate minimum requirement for workplace experience?



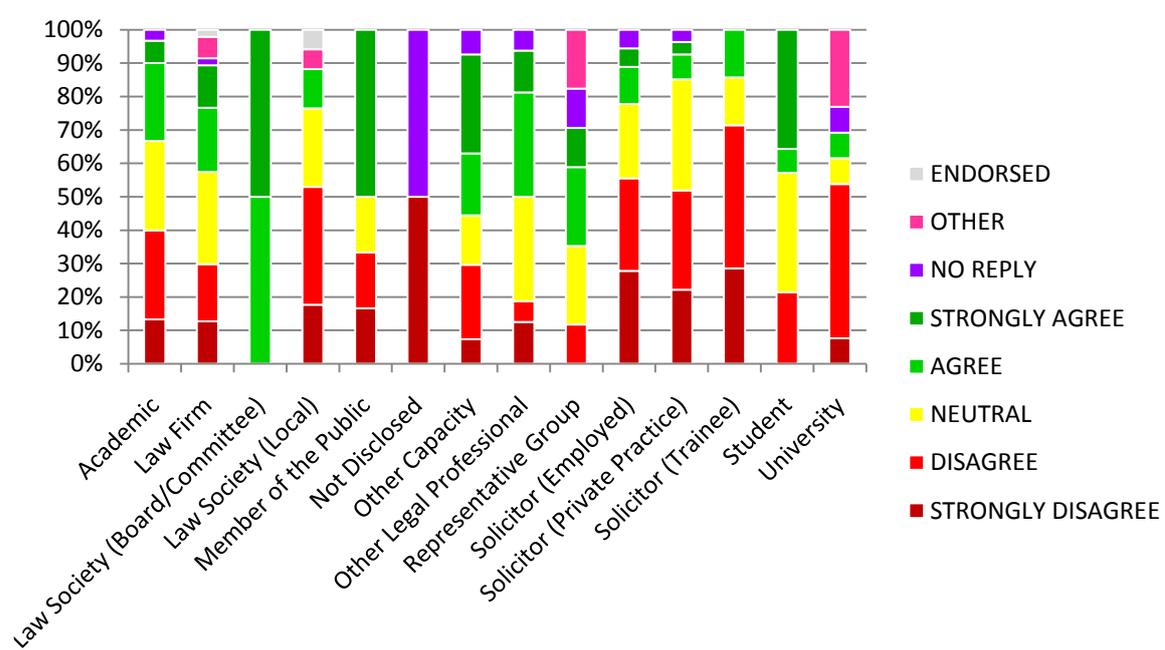
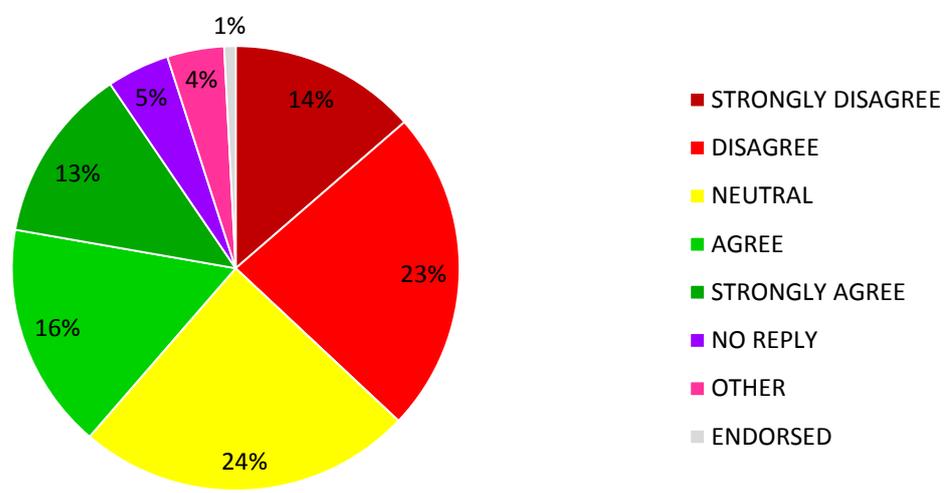
**Consultation question 3: To what extent do you agree or disagree with our proposals for the regulation of preparatory training for the SQE?**



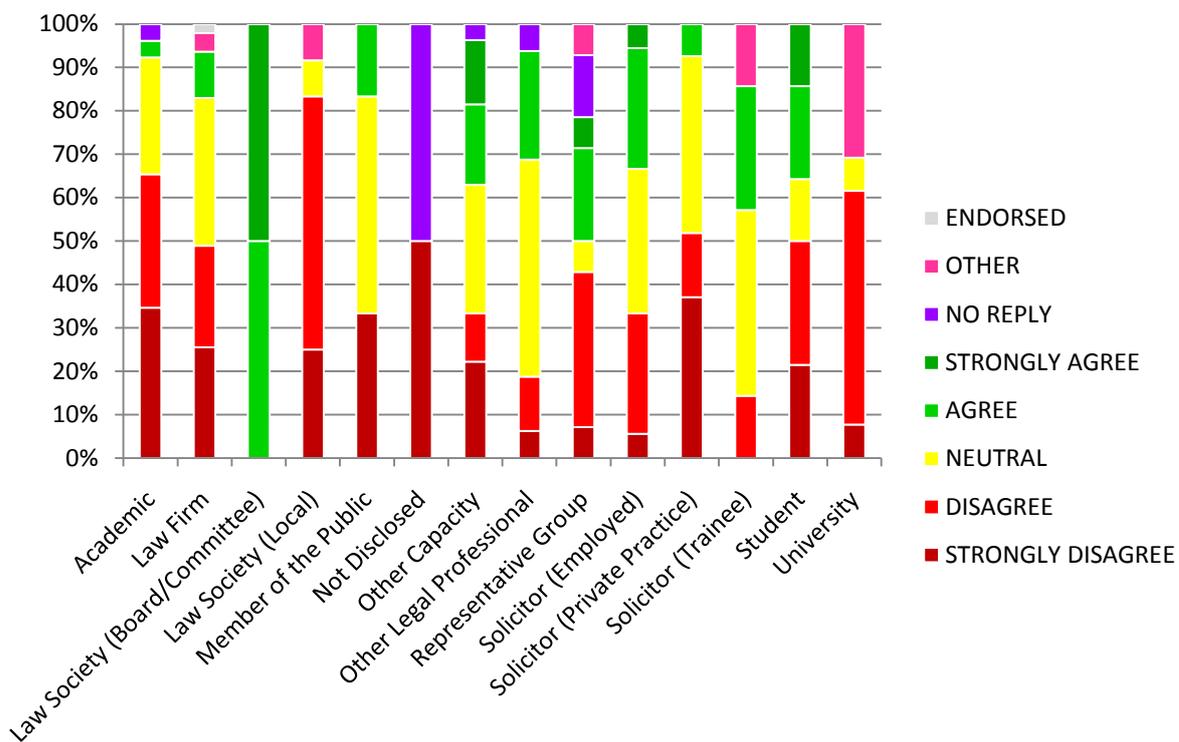
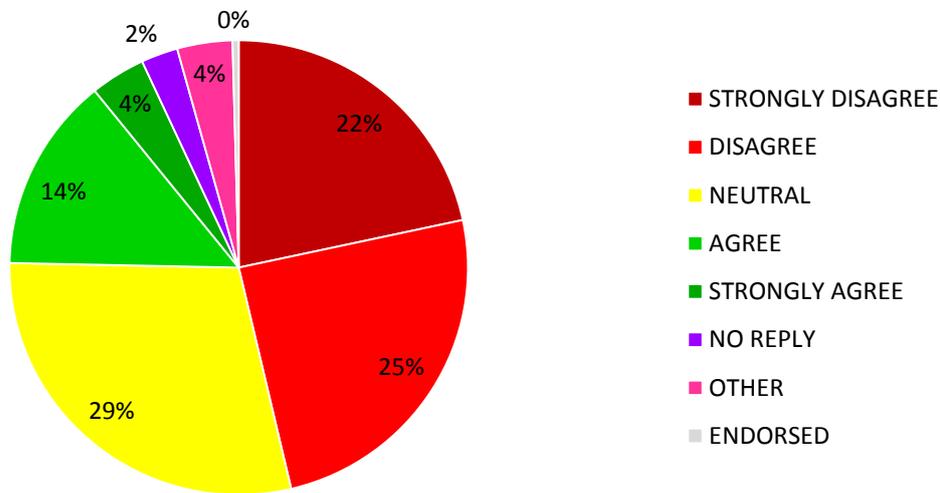
**Consultation question 4: To what extent do you agree or disagree that our proposed model is a suitable test of the requirements needed to become a solicitor?**



**Consultation question 5: To what extent do you agree or disagree that we should offer any exemptions from the SQE stage 1 or 2?**



**Consultation question 6: To what extent do you agree or disagree with our proposed transitional arrangements?**



**Consultation question 7: Do you foresee any positive or negative EDI impacts arising from our proposals?**

