

Solicitors
Regulation
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Solicitors Qualifying Examination (SQE) Briefing

February 2020

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Introduction

1. The solicitor profession is used and trusted by people at some of the most difficult times in their lives. The work of the profession is key to the delivery of the legal services that support the rule of law and underpin social and economic transactions across different sectors and jurisdictions.
2. We set the standards for the profession in the public interest. It is critical that everyone can have confidence that people joining the profession all meet the same high standards. In order to do that, we have to be assured that entry into the profession is consistent, up to date and fit for purpose.
3. This briefing sets out the story of the development of the Solicitors Qualifying Examination (SQE) to date, covering the rationale, the objective and the detail of the work that has been undertaken on a range of important components of this new approach to qualification. We will update this briefing regularly.
4. The first steps towards the SQE were taken in 2013. Significant work in the intervening years has identified problems with the current system of qualification. There are inconsistencies in how routes into the profession are currently assessed, meaning we cannot be confident that everyone is meeting the same standards at point of entry. The current system is also expensive and inflexible, which creates difficulties for many aspiring solicitors, particularly those from less affluent and diverse backgrounds.
5. Our proposals are designed to deliver a single qualifying examination for all those who want to join the profession.
6. Our first objective is the greater assurance of consistent, high standards at the point of admission.
7. We also want the SQE to result in the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.
8. We are committed to working with a wide range of key stakeholders throughout the development of the SQE, not least through our SQE Reference Group, the membership of which includes The Law Society, the Junior Lawyers Division, the Young Legal Aid Lawyers, the Association of Law Teachers, the Society of Legal Scholars and the City of London Law Society.
9. Changing the way that a profession qualifies is a complex task. We have been listening and responding to the concerns that people have shared and will continue to do so.

Background

10. We first set out our intention to consult on changes to the way we regulate education and training in our 2013 [Training for Tomorrow Policy Statement](#), published in response to the [Legal Education and Training Review](#).¹

11. Our statement outlined a desire to move from:

“...a system where we prescribe the pathways to qualification... to one in which we set out the day-one skills, knowledge and attributes that a new solicitor must possess and permit much greater flexibility as to how those competences are acquired.”

12. In 2014, the Legal Services Board (LSB) published [Statutory Guidance](#). Its recommendations included:

- education and training requirements focusing on what an individual must know, understand and be able to do at the point of authorisation
- providers of education and training having the flexibility to determine how to deliver training, education and experience that meets the outcomes required
- regulators placing no inappropriate direct or indirect restrictions on the numbers entering the profession.

13. In 2014/15, we worked with the profession to define the competences we expected of all solicitors and we published a new [Statement of Solicitor Competence](#) in April 2015. This was accompanied by the:

- [Statement of Legal Knowledge](#): which sets out the legal knowledge that solicitors are required to demonstrate by point of admission.
- [Threshold Standard](#): which prescribes the minimum standard the competences in the Competence Statement must be demonstrated to.

14. Together, these documents define the standards for practice as a solicitor and the competences that aspiring solicitors need to demonstrate in order to qualify, and which we will be assessing through the SQE. They were developed through extensive engagement with focus groups, a Delphi group of experts, large-scale public research and a formal consultation. In all, we engaged with around 2,000 consumers, solicitors, training providers and other stakeholders.

¹The Legal Education and Training Review (LETR) Report was published in July 2013. Jointly commissioned by the SRA, Bar Standards Board and CILEx Regulation, the LETR report reviewed professional legal education and training in light of the changed regulatory framework introduced by the Legal Services Act 2007 and the changing market for legal services. Among the issues it identified with the current system were the need for more flexibility in training requirements and a more rigorous approach to standard setting.

15. Having defined solicitors' practice standards, we set about reviewing how best to assess those standards at point of admission. Our objectives were both to assure standards rigorously and to widen access to the profession. We identified a number of issues with the current approach to regulating the education and training of aspiring solicitors.

16. We identified inconsistencies in the current system:

- a) There are different routes to admission as a solicitor, which are assessed in different ways – see Annex 1.
- b) On the graduate routes for domestic candidates, more than 110 providers offer the professional legal assessments we specify. They each set and mark their own assessments. We know that there is significant, unexplained grade inflation in higher education.² We also know that pass rates on the Common Professional Examination (CPE)/Graduate Diploma in Law (GDL) and Legal Practice Course (LPC) vary from under 40% to 100%, but we don't know the reasons why.
- c) At the end of the Period of Recognised Training (PRT), there is no benchmarking or standardisation to ensure that decisions to sign off trainees are taken against a consistent standard. In practice, few trainees do not get signed off.

17. We also recognised that the current system is expensive and inflexible. Aspiring solicitors can get stuck along the path to admission, for reasons other than their aptitude to practise, such as the cost of funding training (the LPC can cost up to £16,750)³ and access to training contracts.

18. The table below shows average progression figures through the current system, between 2011 and 2019.⁴

Start qualifying law degree	Start CPE	Start LPC	Start PRT (training contract)	Admitted as a solicitor by these pathways
23,413	4,499	9,978	5,757	5,407

² [Office for Students analysis of degree classifications over time, December 2018](#); [Law Society Statistical Analysis 2018](#), page 30.

³ For example, enrolments as a percentage of applications for the full time LPC and CPE in 2018 were 85.6% (CPE) and 94.9% (LPC) for those funded by their training provider/employer; and 58.7% (CPE) and 72.3% (LPC) for those self-funded, or funded by a parent/guardian: Central Applications Board Ltd Annual Report 2018.

⁴ The data for qualifying law degrees covers the period 2014 and 2019. No data is available before 2014.

19. We considered a range of alternative assessment options:

- updating the current system (specified qualifications offered by authorised providers) to reflect the Statement of Solicitor Competence
- permitting training providers to offer any programme of training and assessment which met the requirements of the Statement of Solicitor Competence
- assuring standards through a centralised assessment, instead of prescribing pathways.

Our evaluation found that the third option was the only one which could introduce both better assurance of standards and greater flexibility of training.

20. We explored the options and our developing proposals to introduce the SQE through three [consultations](#) in each of 2015, 2016 and 2017. We spoke to more than 10,000 people and received more than 540 responses to our three consultations. We revised and adjusted our proposals in response to feedback. For example, we retained a requirement for two years' practical pre-qualification experience; we extended the implementation period from 2020 to 2021; and we provided detailed information about how the proposed assessment could work.

21. In April 2017, our Board announced that we would proceed with our proposal to introduce the new approach to qualification.

22. In line with the [Training for Tomorrow Policy Statement](#), and the proposals on which we consulted, the new approach shifts the focus of our regulation from specifying pathways to assuring outcomes.

The new approach recognises that 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. It also recognises that minimising regulatory barriers and introducing flexibility enables the most talented candidates to qualify, and thus both broadens access and raises standards.

23. The intended outcomes of the introduction of a single common assessment for all aspiring solicitors, regardless of route taken, are:

- greater assurance of consistent, high standards at the point of admission
- the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.

The SQE and the new approach to qualification

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

- a) have passed the two stages of the SQE assessment
- b) have been awarded a degree or an equivalent qualification, or have gained equivalent experience
- c) have completed a period of at least two years' qualifying legal work experience
- d) be of a satisfactory character and suitability, to be assessed at point of admission.



25. As now, both non-graduates and non-law graduates will be able to qualify as a solicitor.⁵ We expect that the profession may continue to be a predominantly, but not exclusively, graduate profession, although we hope to see candidates beginning to qualify through the new apprenticeship route. But the SQE will enable us to be sure everyone admitted as a solicitor can demonstrate they have the knowledge and skills we specify in the Statement of Solicitor Competence.

26. In summary, the SQE will benefit:

- **The public** – who can trust that solicitors, no matter how they trained, are meeting the same high standards. In a survey we conducted, 79% members of the public said that everyone should pass the same final exam to become a solicitor, and 76% said

⁵ About 6% of solicitors qualify through the CILEx route and may not hold a degree. About 14.5% of solicitors qualify through the Qualified Lawyers Transfer Scheme. About 80% qualify through completing a QLD/GDL, LPC and a training contract. About 55% of LPC students have a law degree and 45% have a non-law degree.

that they would have more confidence in solicitors if they all passed the same final exam.⁶

- **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 use their own expertise to train SQE candidates effectively and can respond nimbly to developments in legal services, such as legal tech, which do not fall within the SQE.
- **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 bottleneck.

27. These are important benefits which we hope will flow from the SQE. However, there are wider societal issues that the SQE cannot resolve and we know that there are a number of factors, including social background, which affect the diversity of the legal profession.^{[1][2]} For example, there is a pattern of differential performance by protected characteristic and social background across higher education and professional assessment.^[3] It is essential that the SQE is fair and free from bias, but it is nonetheless probable that this pattern will continue, as it does elsewhere and in all the current solicitor training assessments. There are also poor workplace practices in legal services – as there are in many sectors – and underlying inequalities in society, including issues of social mobility and discrimination, which the SQE cannot address.

28. The SQE can provide a fair and rigorous assessment of competence at point of admission, regardless of the route taken, in line with our objective of greater assurance of consistent, high standards at the point of admission. We also want it to result in the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers. As part of that, it can offer a better opportunity to monitor and research what is happening over time, which will make a positive contribution to a strong and diverse profession.

⁶ [ComRes survey of 1866 adults in England and Wales in August 2016.](#)

^[1] [Bridge Group report 'Introduction of the Solicitors Qualifying Examination: Monitoring and Maximising Diversity, March 2017. See figure 2: 'Factors affecting diversity in the legal profession', pages 10–11.](#)

^[2] See more at paragraph 74, including reference at footnote 31: [Universities UK: Closing the Gap.](#)

^[3] [Authorisation and monitoring activity 2016/17.](#)

Developing the SQE

29. In March 2018, the LSB approved the framework for our new admission requirements and the SQE Regulations. A second application will be made for approval of further regulatory arrangements, once the SQE design has been finalised.
30. In July 2018, we appointed Kaplan to develop and deliver the SQE. The appointment followed a competitive, year-long procurement process. Kaplan provides education, training and assessment across professional services, including in law, financial services, accountancy and banking. It has direct experience of assessment within the legal sector in England and Wales as the provider of the Qualified Lawyers Transfer Scheme (QLTS). Kaplan will not provide training for the SQE and has sold its legal training division to BARBRI International.
31. So far, 27 organisations have signed up to the SQE list of training providers on our website. These range from traditional universities (Nottingham Law School, Nottingham Trent University; City, University of London; De Montford University) to established providers of professional legal education (BPP University, University of Law) and to private organisations (Oxford University Press, BARBRI International).
32. As we promised in our three public consultations⁷, we are working collaboratively with stakeholders on the SQE's development. We have:
- Established an SQE Reference Group, whose members include: The Law Society, the Junior Lawyers Division, the Young Legal Aid Lawyers, the Association of Law Teachers, the Society of Legal Scholars and the City of London Law Society.
 - Formed a LinkedIn group, which is open to all. The group currently has 1,470 members drawn from the profession, universities and other training providers.
 - Held regular SQE webinars, which have been viewed by more than 1,000 people.
 - Drawn together subject matter experts to advise on technical aspects of the SQE.
 - Conducted surveys on aspects of the SQE, including the Assessment Specification and the timing of the assessment windows. We have had more than 650 responses to our surveys.
 - Held round tables to discuss the assessment of skills in SQE1 and 2.
 - Held annual conferences with training providers, which have attracted about 100 delegates each year.

⁷ Response to second consultation, April 2017; and para, 24, response to third SQE consultation, November 2017.

- Engaged with stakeholders about providing the SQE in Welsh (see further below).
33. These groups are helping us to develop the content and format of the SQE assessment design, as expressed through the SQE Assessment Specification. We describe our work to pilot and test the SQE below.

The design of the SQE

34. We are still developing the SQE assessment design. The skills and knowledge which the SQE will assess are settled, as stated in paragraph 13. They are the competences set out in the [Statement of Solicitor Competence](#) and the knowledge set out in the [Statement of Legal Knowledge](#). They will be assessed to the standard set out in the [Threshold Standard](#). The standards were widely consulted on and there was broad support for the proposed knowledge, skills and competences. Professional ethics will pervade the assessment. Unflagged⁸ ethical questions will be included in both SQE1 and 2. This represents a significant enhancement of the current position: ethics is not required to be taught on the Qualifying Law Degree (QLD) or GDL.

⁸ “Unflagged” means that a question will not be identified to candidates as being about ethics or professional conduct. As in practice, they will be required to spot that a fact pattern gives rise to an ethical issue.

35. The SQE will assess these competences in two stages. SQE1 assesses functioning legal knowledge (FLK); SQE2 assesses practical legal skills. As we explain below, we continue to consider whether we should assess skills in both SQE1 and SQE2.

SQE1	SQE2
<p>Functioning Legal Knowledge Assessments</p> <ul style="list-style-type: none"> - Principles of Professional Conduct, Public and Administrative law and the legal systems of England and Wales - Dispute Resolution in Contract or Tort - Property Law and Practice - Business Law and Practice - Wills and the Administration of Estates and Trusts - Criminal Law and Practice <p>Practical Legal Skills Assessment</p> <ul style="list-style-type: none"> - Legal Research - Writing Skills 	<p>Practical Legal Skills Assessments</p> <ul style="list-style-type: none"> - Client interviewing - Advocacy/Persuasive Oral Communication - Cases and Matter Analysis – including Negotiation Planning - Legal Research and Written Advice - Legal Drafting <p>Assessed in the following contexts:</p> <p>Criminal practice; Dispute Resolution, Property; Wills and the Administration of Estates and Trusts; Commercial and Corporate Practice.</p>

SQE1: Multiple choice single best answer questions

36. The FLK Assessments in SQE1 will consist of multiple choice single best answer questions. Multiple choice questions are widely used in assessment in other professions (for example, in medicine, pharmacy, accountancy). They are also used in the legal context, both in a university setting and in high-stakes licensing examinations (for example, within the LLB, on the LPC, on the Bar Professional Training Course and as part of the US Multi-state Bar Exam, including the New York Bar).

37. The legal knowledge curriculum to be assessed through the FLK in SQE1 includes all the current Foundations of Legal Knowledge required to be taught on the QLD/GDL and the core subjects of the LPC, with the addition of Conflict of Laws. As stated, questions on professional ethics will pervade all parts of the assessment. This represents a

significant enhancement compared with the current system, where ethics forms no part of the academic stage of training. Substantive law is specified in more detail than in the current [Joint Statement](#).

38. The FLK assessment integrates substantive and procedural law. It is designed to assess candidates' ability to:

- a) Characterise the nature of a legal problem (the assessments cover a range of different legal topics).
- b) Identify relevant legal principles.
- c) Apply legal principles to factual scenarios, similar to the type of cases which a newly qualified solicitor might encounter in practice.
- d) Reach a decision, for example, on a point of advice, or next steps in a transaction.

39. Multiple choice single best answer questions:

- a) can measure the cognitive skills we wish to test effectively⁹
- b) provide better assurance of a candidate's breadth of knowledge than a small number of essay-style questions: doing three essay questions on a topic reduces the risk that a candidate "gets lucky" on the subjects that come up in an exam and does not, in fact, have the range of knowledge we expect of a solicitor
- c) can be objectively marked
- d) enable us to adopt modern, statistically based standard-setting processes, to ensure a high level of accuracy in assessment decisions and consistent assessment over time, across successive sittings and between different candidates.

Overall, they will contribute to a high-quality, rigorous assessment.

40. To realise these benefits, the questions must be well written. Multiple choice single best answer questions require expert drafting to make sure they properly assess the right cognitive skills, and not just knowledge recall. This involves significant investment of time and expertise, along with testing of draft questions.

41. Multiple choice questions cannot be used as the sole method of assessment in the SQE. They cannot assess the range of legal skills set out in the Statement of Solicitor Competence which we require aspiring solicitors to demonstrate. These include, for example, the ability to present a reasoned argument and to communicate clearly in writing and orally. These are critical competences which all solicitors must have.

⁹ Developing High Quality Multiple Choice Questions for Assessment in Legal Education, Susan Case and Beth Donahoe, *Journal of Legal Education*, September 2008.

42. We will assess them through a suite of skills exercises, which we describe in more detail below (paragraphs 49–51). Our Assessment Specification includes an analysis of the SQE’s elements which will assess each of the competences in the Statement of Solicitor Competence, so that across the SQE all competences are assessed.¹⁰
43. The SQE will be delivered through a suite of secure assessment centres. All written tests will be available in England and Wales and internationally through the Pearson VUE network of testing centres. The oral skills assessments will be available initially only in England and Wales, in three to five centres, so that the assessments can be properly controlled and standardised. Over time, however, we plan to roll out the oral assessments internationally, too.

SQE1 pilot

44. In March 2019, we ran a pilot of SQE1. More than 300 candidates took part in 46 test centres in England and Wales and abroad. The range and diversity of candidates was broadly representative of the profile of candidates we expect to take the live assessment. The pilot model was of three 120 FLK question papers, and an assessment of basic legal research and writing skills. The inclusion of a skills assessment in SQE1 addressed some employers’ wish for a basic level of legal skills to have been taught and assessed before Qualifying Work Experience (QWE).
45. The pilot tested whether the SQE1 assessment design was fair, reliable and appropriately robust. Both Kaplan¹¹ and our independent reviewer¹² confirmed that the pilot was a useful and valid exercise that achieved our aims:
- a) it showed it is possible to design a robust, manageable assessment of FLK
 - b) the majority of pilot candidates were positive in their feedback
 - c) the operational aspects of the pilot went well.
46. In light of the pilot, Kaplan and our independent reviewer recommended changes in two areas:
- a) They recommended amending the design from three 120-question assessments to two 180-question assessments. Making this change does not affect curriculum coverage. However, moving to two assessments will improve the reliability and accuracy of the assessment, so we can be more confident about pass/fail decisions at the borderline. This is critical in a national licensing exam where consumers must

¹⁰ Annex 3, SQE1 Functioning Legal Knowledge Assessment Specification and Annex 5, SQE2 pilot Assessment Specification.

¹¹ [Kaplan report on SQE1 Stage Pilot](#)

¹² [Report on SQE 1 Stage Pilot](#)

be protected. Kaplan also looked at the impact of compensation¹³ in moving to a model with two hurdles. They found that there was no marked pattern of compensation between different subject areas. Most candidates who did well in individual subjects did well consistently across the assessment. Most candidates who performed poorly in individual subjects consistently performed poorly across the assessment. Therefore, we have decided to accept this recommendation.

- b) Kaplan also reported that the pilot results did not give a sound basis for proceeding with the proposed assessment of skills in SQE1. The fundamental problem was that the small number of skills exercises included in the assessment did not enable sufficiently accurate pass/fail decisions at the borderline. Kaplan accordingly recommended not assessing skills in SQE1 at all, but instead relying on the skills assessments in SQE2. It is also important to note that, in the pilot cohort, candidates from a black, Asian and minority ethnic (BAME) background performed poorly in this assessment, in line with the differential performance by ethnicity found elsewhere in higher education and in professional assessment, including in the current system of solicitor qualification. This meant that any inaccuracies in pass/fail decisions disproportionately affected them.¹⁴

Post-SQE1 pilot work

47. Since the pilot, we have published [the final assessment specification for the FLK](#) and [sample questions](#). We know that some employers value the assessment of skills at SQE1 stage. Over the autumn of 2019, we have, therefore, discussed alternative approaches with Kaplan and stakeholders, including a range of law firms, both small and large. Firms who intend to employ trainees after SQE1 and who will present their candidates for SQE2 during their QWE have expressed a preference for including skills in SQE1. Those, mainly city firms, planning to introduce a pre-QWE training course for their trainees, including both SQE1 and 2, preferred removing skills from SQE1.
48. We continue to explore views. We will check findings from the skills assessments in the SQE2 pilot (see below), so that we can make an overall decision about how and where we assess skills in the SQE across both stages of assessment.

¹³ Compensation is where poor performance in one area can be compensated by a better performance in a different area, so that overall a candidate passes the assessment.

¹⁴ This issue is dealt with more fully below.

SQE2 skills assessments

49. SQE2 assesses the skills of:

- legal writing
- legal research
- legal drafting
- advocacy (including court-based rights of audience)
- client interviewing and
- case and matter analysis (including negotiation strategy).

These skills correspond to competences specified in the Statement of Solicitor Competence. Throughout our stakeholder engagement, we have found wide consensus that these are the appropriate core legal skills which aspiring solicitors must demonstrate at point of admission.

50. The skills will be assessed through a series of tasks (stations) reflecting the type of work which a newly qualified solicitor would carry out in practice. There are likely to be at least 14 stations in the final design. Most stations will involve written exercises. Two skills (advocacy and client interviewing) will be assessed through oral role-play assessments.

51. The assessments will assess skills and candidates' application of legal knowledge. The candidates will be provided with appropriate legal materials. Candidates will be expected to understand and apply relevant legal principles so as to provide legally correct advice, documents, submissions, etc.

SQE2 pilot

52. Applications for the SQE2 pilot ran from August to September 2019, and the pilot took place in December with 167 candidates. Results will be published in summer 2020.

53. We are piloting a form of assessment which is not intended to replicate the final model for SQE2. Instead, it is intended to help us reach decisions on what the final form should be. A key question for us to explore is whether candidates should all take the same assessments or whether they should be permitted to choose the legal context in which they will be assessed, to reflect their QWE or their future career aspirations.

54. For the purposes of the pilot, candidates therefore took 14 skills assessments – seven across the core practice contexts¹⁵ and seven in either criminal practice or company and commercial. Candidates chose which of these two areas they wished to be assessed in. This structure is designed to enable us to test different possible models for the live assessment. It will provide us with evidence about whether we can standardise optional assessments, or whether we can only ensure consistency if all candidates take the same assessments.
55. We are discussing these options with stakeholders to understand their impact in terms of training and recruitment. We will reach final decisions on the form of SQE2, in light of the pilot results and what stakeholders tell us, mid-2020.

Setting the standard for the SQE

56. The SQE is set at the standard we specify for practice as a solicitor in the Threshold Standard. All question writers and examiners will be qualified solicitors. We will be using modern assessment methodology to set and maintain a consistent standard:
- a) A panel of solicitors will review questions to be used in the live assessment.
 - b) We will use an “Angoff panel” of solicitors to set the pass mark for the FLK assessments.¹⁶
 - c) The pass mark will include a calculation of the Standard Error of Measurement, to take the pass mark beyond the margin of error.¹⁷ This further increases confidence that only those who are competent pass the SQE.
 - d) We will measure the reliability of the assessment over time.¹⁸
 - e) We will use “borderline regression” methodology to set a consistent standard for the skills assessments.¹⁹

¹⁵ The core practice contexts are mainly focused on the reserved areas of practice and are: criminal practice, civil litigation, property law and practice, wills and probate and business law and practice.

¹⁶ This is a method of Standard Setting where a panel of trained judges provide an estimate of the proportion of minimally competent candidates who would get each item correct. The information is used in setting the pass mark.

¹⁷ All measurements involve a margin of error which is the potential difference between a true and observed score. The Standard Error of Measurement quantifies that error to provide confidence in assessment outcomes.

¹⁸ Reliability is the consistency with which an assessment can reproduce the same outcomes. Cronbach’s alpha (α) is a statistical measure used to estimate internal consistency or reliability.

¹⁹ Borderline Regression is a method of standard setting where a judge provides a score and a standard setting grade for each candidate. All candidate scores are plotted against their grades, and a best fit line (linear regression) is drawn through the data. The cut is set at the score where this regression line crosses the borderline grade.

- f) Assessors will be trained and monitored statistically to ensure they understand and assess against the standard required for competence.

57. These methods bring solicitor assessment into line with best practice in other high stakes professional assessments. They provide a high degree of assurance that the candidates who pass are those who should pass.

Qualifying work experience

58. We require candidates to complete at least two years' QWE. QWE is any experience of working in legal services which provides candidates for admission with the opportunity to develop the competences in the Statement of Solicitor Competence.

59. QWE is intended to be more flexible than the current training contract, helping to tackle the training contract bottleneck that causes so many aspiring solicitors real difficulty. It will provide opportunities for individuals to learn through apprenticeships, paralegal roles or placements during their degree programmes. It will provide opportunities for firms to provide work experience in circumstances where – because of their size, resources, or niche areas of law – they might not be able to provide a full training contract. Firms who wish to continue to offer contracts to train as a solicitor can of course continue to do so.

60. In the current system, training contracts must be signed off by a Training Principal. In order to do so – and therefore to effectively decide whether an individual is competent to be admitted as a solicitor – the Training Principal must make an assessment of the individual's competence to practise. Across the thousands of training firms, there is no process for benchmarking or standardising this decision. In practice, it is highly unusual for an individual not to be signed off. As set out at paragraph 16c, this is a problem because we cannot be sure decisions are being made against a consistent assessment of professional competence.

61. Under the new arrangements, it is the SQE which will provide the assessment of competence. Signing off QWE will not involve any assessment of competence. Instead, it certifies:

- the period of work experience completed
- that the work experience provided the candidate with the opportunity to develop some or all of the prescribed competences for solicitors (ie those set out in the Statement of Solicitor Competence)
- that no issues arose during the period of work experience that raise a question as to the candidate's character and suitability to be admitted as a solicitor.

Supervision and sign-off

62. QWE must be signed off by a solicitor, who may be the Compliance Officer for Legal Practice. We will no longer require firms to have a Training Principal (although firms who wish to do so may continue to do so). While we expect that, in most cases, the solicitors signing off work experience will work in the same organisation as the candidate seeking admission; this is not a requirement. But, where the solicitor does not work in the same organisation as the candidate, the SQE regulations include additional safeguards: the solicitor must have direct experience of the candidate's work, for example, through reviewing a training diary or portfolio of work and receiving feedback from the candidate's immediate supervisor.
63. We expect those undertaking QWE to be properly supervised. Our Standards and Regulations require firms and solicitors to supervise employees or those they manage and to ensure they are competent to carry out their role. Breach of these obligations is a disciplinary matter where we can, and do, take enforcement action. We know that in the current system some trainees are not well trained or, even worse, experience a toxic workplace culture. Our Standards and Regulations also prohibit solicitors and firms from taking unfair advantage of clients and third parties – which includes trainees and, in future, anyone gaining QWE. Where QWE is provided through a number of placements under the umbrella of a training organisation, such as a university, additional protections and support can be offered to ensure the placements are evaluated and learning is reflected upon.
64. We will publish data on candidates' performance in SQE, including SQE2. This will help employers evaluate the effectiveness of their training. It will also help candidates identify firms which offer effective training.
65. The new flexibility of QWE means that we will no longer prescribe how firms should train future solicitors. We know that firms and candidates would welcome more information about how it will work. We will be developing and publishing resources on our website which will promote good practice and help candidates and employers understand what good quality QWE might look like. We welcome other organisations' involvement in the provision of information to guide good quality QWE and look forward to working together in this area.

Cost

66. We are aware that qualifying under the current system can be expensive and may deter some talented candidates from seeking admission as a solicitor. The LPC costs up to £17,500 and provides no guarantee of a training contract. This is in addition to undergraduate fees and, for non-law graduates, about £10,000 for the GDL. Firms must also pay £1,500–£2,000 for the Professional Skills Course.
67. We have published information about the indicative cost of taking the SQE assessments:

- £3,000–£4,500²⁰ for SQE1 and SQE2:
 - SQE1: £1,100–£1,650
 - SQE2: £1,900–£2,850.

68. This is comparable with other professional assessments, on a time per test basis. The cost of any training, some of which is optional, will be additional. There will be a wide range of training models and price points, including SQE-inclusive law degrees, apprenticeships funded through the apprenticeship levy and which allow people to earn a salary while training, bespoke SQE-focused training courses for law and non-law graduates, and new post-graduate professional law programmes which are more comprehensive than the current GDL. Some of these options will be materially cheaper than the current route to admission. Annex 2 illustrates some indicative SQE routes to admission. Where a candidate trains through a combination of a law degree integrating SQE1 preparation, and QWE integrating SQE 2 preparation, there is no additional training cost. Where a candidate requires SQE training over and above a law degree and their QWE, early market indications are that training costs may be in the region of £7,000.²¹

69. The structure of the SQE helps address the “LPC gamble”. Although some people get a training contract before taking the LPC, many people don’t. That means taking the risk of paying up to £17,500 for the LPC, which they might not pass, and risking failing to secure a training contract. With some 10,000 candidates a year taking the LPC and 6,000 training contract places, four out of 10 aspiring solicitors are losing this gamble. SQE1 is a much cheaper initial pre-work-based-learning assessment.

70. So, when the SQE is introduced, the risk to candidates is in the region of £1,100– £1,650 (plus any training costs they choose to incur). That is helpful to people seeking to enter the profession, particularly candidates from less affluent backgrounds. Government funding through the student loan system will be available for university courses (LLB or LLM²²) which include SQE preparation. And, of course, the cost of training and assessment is entirely covered in the apprenticeship route.

71. Student loan funding is not currently available for the cost of the SQE assessment itself, or for the cost of private courses that a candidate may choose to take. However, the upfront cost, as set out above, is very significantly lower and the SQE offers real flexibility (eg online training or integrated approaches combining classroom and workplace learning), providing more scope for “earning while you learn”.

²⁰ Indicative only – eventual fee may be inside or outside this fee range.

²¹ BARBRI International has [estimated](#) its SQE1 and 2 fees at £7,000.

²² Masters in Law.

SQE in Welsh

72. England and Wales is a bilingual jurisdiction, and access to legal services in consumers' language of choice is something we want to support. We already work closely with a range of agencies in Wales, our Board meets regularly in Wales, and we provide key publications in Welsh, as well as more than 750 practising certificates a year in Welsh. We are not currently an organisation listed in the Welsh Language Measure and are therefore not under an obligation to provide our services in Welsh.²³
73. We are exploring the feasibility of giving candidates the option of being assessed through the medium of Welsh. We have already committed to the provision of SQE1 and SQE2 assessment centres in Wales.
74. We know that there are about 100 students studying part or all of the QLD in Welsh. Not all of these will wish to qualify as a solicitor – generally, only about a quarter of QLD students do so. However, some non-law graduates who have studied through the medium of Welsh may also qualify. We are unaware of the LPC being offered through the medium of Welsh.²⁴ Discussion with stakeholders in Wales suggests that out of the 10,000 or so anticipated annual SQE candidates across England and Wales, there may be a potential pool of about 50 candidates who may be interested in taking the SQE in Welsh, once the SQE is fully implemented.
75. We are considering an incremental approach to offering the SQE in Welsh. This is in line with the approach suggested by the Welsh Justice Commission.²⁵ An incremental approach will reflect the planned gradual introduction of the SQE. As we explain in paragraph 73 below, the transitional arrangements for the introduction of the SQE enable people who are partway through the current system to choose whether to complete the route to admission they have already embarked upon or to take the SQE. We therefore expect numbers taking the SQE1 when it is first introduced in 2021 to be small. We also expect that numbers taking the oral skills assessments (which will run for the first time in 2022) will take longer to increase because candidates must first pass SQE1 and then many will wish to complete QWE before attempting SQE2. We would not expect any significant demand for oral skills assessments through the medium of Welsh until about 2023 and, with the transition period lasting until 2032, the demand may take more time to reach a steady level.
76. Therefore, as a starting point, we are looking at giving candidates the opportunity to submit written answers in Welsh, with a view to using the learning from this to support the opportunity to offer oral answers in Welsh at SQE2. As stated, we are not currently listed in the Welsh Language Measure. However, were we to be listed, giving candidates

²³ [Welsh Language \(Wales\) Measure 2011](#).

²⁴ Since the introduction of the LPC in 1993, we are aware of one LPC student who has been assessed in advocacy and interviewing in the medium of Welsh.

²⁵ The Welsh Justice Commission Report, October 2019, chapter 11 recommended: "the phased introduction of availability of all professional examinations in Welsh."

the opportunity to submit written answers in Welsh is the type of approach that the Measure currently requires. This would also be a significant enhancement on the current position, where, as stated, LPC students are not taught or assessed through the medium of Welsh.

77. We are now seeking views from stakeholders within Wales and beyond, as well as exploring the practical considerations and how we might address them. Our priority has to be to ensure consistent standards for the SQE, regardless of which language candidates are using. The small numbers likely to take SQE in Welsh means that the statistical methodology used to monitor the wider SQE assessment will not be applicable to this cohort as a separate group, and robust quality assurance measures will need to be developed to ensure fair, accurate and consistent assessment across both languages. The factors we are considering include:

- a) the extent of demand for assessment in the medium of Welsh
- b) best practice in translation and Welsh medium editing
- c) the availability of bilingual assessors who are qualified solicitors, and best practice in recruitment and selection of bilingual assessors
- d) best practice quality assurance arrangements to ensure fair, accurate and consistent assessment across both languages
- e) the timetable for an incremental approach to the SQE in Welsh, based on initially giving candidates the opportunity to submit written answers in Welsh, and then moving on to offering the opportunity to offer oral answers in Welsh at SQE2.

78. Stakeholders we have been engaging with on the SQE in Welsh include the six Welsh universities who offer law degrees and/or professional legal assessment²⁶; Coleg Cymraeg Cenedlaethol; the Welsh Language Commissioner; the WJEC (the Welsh national examination board); the Welsh Government; and the Welsh Justice Commission. We will develop our engagement further as we work over the next two years to provide the best possible opportunities for candidates in Wales.

Equality, Diversity and Inclusion risk assessment

79. It is important that the SQE can play its part in supporting diversity in the profession and is a fair and robust assessment for everyone. We carried out and published a comprehensive [SQE Equality, Diversity and Inclusion Risk Assessment](#) as part of our second consultation in 2016/2017. We also commissioned a [Report from the Bridge Group](#) on how we might use the SQE to enhance the diversity of the profession. Since

²⁶ Aberystwyth, Bangor, Cardiff, Swansea, University of South Wales and University of Wales Trinity St David.

then, we have been developing the detail of the SQE assessments with those risks and opportunities firmly in mind.

80. The Risk Assessment identifies benefits, risks and mitigations under three key areas: cost, fairness and access. These are all factors which continue to shape decisions around assessment design.
81. On cost, we have now published indicative assessment costs (set out in paragraph 59). As also stated, information about training costs is beginning to emerge, which includes options which are materially cheaper than traditional pathways.
82. The flexibility in training that the SQE provides presents opportunities to a more diverse pool of candidates:
 - a) Working flexibly and learning in ways which suit individuals' needs should help candidates with disabilities or caring responsibilities.
 - b) Removing the requirement for compulsory extended courses of study, even for those with substantial practical work experience, should help mature candidates.
 - c) The SQE minimises the risk that people are put off qualifying because of the scale of the upfront financial and time commitment and the risk of getting stuck in the training contract bottleneck.
 - d) Standardised information on SQE performance will help employers spot talent. Specifically, it:
 - i. Minimises the risk of employers relying on proxies such as the reputation of the university attended or A level results.
 - ii. Enables greater flexibility in training by validating innovative ways of training, such as the new apprenticeship routes.
83. The full range of reasonable adjustments will be available for those with particular needs. Kaplan has many years' experience of making reasonable adjustments for candidates with a wide range of disabilities, through its involvement in the QLTS assessment. Examples of practice on the QLTS in relation to reasonable adjustments that can be made include: break periods, computer screen adjustments, the provision of an amanuensis, separate invigilation, signed assessments, use of audio-tape, adaptations to assessments, re-scheduling of assessments. Test centres will be accessible. Each SQE assessment centre will be compliant with all applicable equalities legislation and accessible to candidates with special requirements (for example limited mobility).

84. We recognise the challenge in Higher Education in relation to performance by different protected characteristics.²⁷ This is also the picture for professional examinations, for example in medicine²⁸, pharmacy²⁹, architecture³⁰ and barrister³¹ qualification.

85. In the current domestic route to admission as a solicitor, there is consistent under-performance by ethnicity on both the GDL and LPC. For example, in academic year 2017/18 (the latest for which we hold data) GDL completion rates were as follows:

- white students: 68%
- Asian/Asian British students: 49%
- Black (African/Caribbean/Black British): 43%.

For the LPC, completion rates were:

- white students 66% for
- Asian/Asian British students: 48%
- Black students: 35% .

86. Patterns of performance on the SQE1 pilot were similar. It is important to recognise the relatively small sample size on the SQE1 pilot, particularly once the candidate cohort is segmented into different sub-groups. Nevertheless, within the cohort of candidates who sat the SQE1 pilot skills assessment, analysis against a range of protected characteristics showed that BAME candidates performed worse than white candidates.³² We are reviewing the assessment design in light of the findings to ensure greater precision in assessment decisions around the pass/fail boundary. However, the assessment tasks used in SQE are widely used elsewhere. We have found no evidence that any of these assessment methods are intrinsically biased or that the outcomes are worse than those seen in the current LPC system. But we will continue to review the research for any emerging evidence.

²⁷ [Universities UK: Closing the Gap](#)

²⁸ "[Medical students: systematic review and meta-analysis](#)": "Ethnic differences in academic performance are widespread across different medical schools, different types of exam, and in undergraduates and postgraduates. They have persisted for many years and cannot be dismissed as atypical or local problems. We need to recognise this as an issue that probably affects all of UK medical and higher education. More detailed information to track the problem as well as further research into its causes is required."

²⁹ [Pharmacy Regulation Performance Breakdown by Characteristic](#)

³⁰ [RIBA \(Education Statistics 2017-18\)](#)

³¹ [BPTC Key Statistics 2019, An analysis of students over three academic years](#)

³² We also looked at social mobility markers (parental education and school attended). Among the pilot cohort we found no pattern of association between candidate performance and level of parental education, and no significant association with type of school attended (although those privately educated or educated in selective state school did perform slightly better than others). Again, caution is needed in drawing conclusions due to the relatively small sample size.

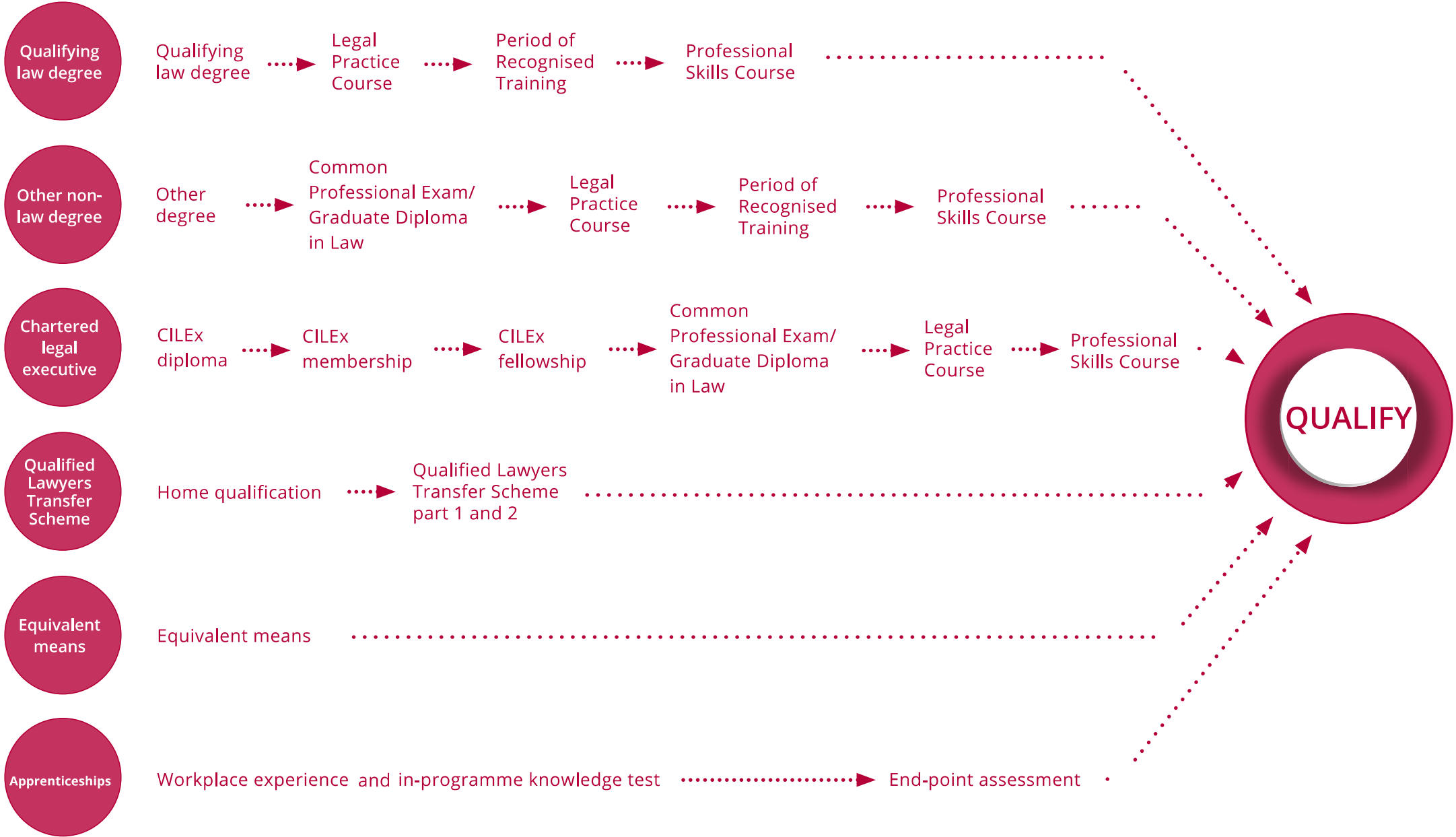
87. We will also monitor performance by protected characteristics on the SQE on an ongoing basis, helping us and others to understand the attainment patterns that are so widely seen across higher education and professional assessment, as set out at paragraph 84 and discussed in paragraphs 27 and 28. All questions will be reviewed for cultural bias, and all examiners will be trained to recognise unconscious bias. The data we gather on performance by training provider will help us to identify and disseminate good training practice in this area.
88. We will continue to assess diversity impacts through our further development work and pilots and will produce a further risk assessment before the SQE goes live. This is already part of our work plan, along with a full independent evaluation which will be carried out post-implementation. We will continue to engage with representative groups working in this area.
89. We will also continue to monitor the way diversity affects outcomes across the professions and consider whether there is potential for joint research into these challenging issues.

Next steps and evaluation

90. We have more to do and will continue to work closely and collaboratively with a range of stakeholders, including the profession, academics and expert voices, as we progress. We recognise the widespread interest in key areas, including the delivery of SQE in Wales and the importance of a diverse profession.
91. We aim to complete testing and piloting of the SQE in 2020. We will be applying to the LSB for final approval of the SQE in summer 2020. We remain on target to introduce the first live SQE assessments in 2021. We attach at Annex 3 a timeline showing key milestones in the development of the SQE. In practice, introduction will be gradual. Transition arrangements recognise that, whenever the SQE is introduced, some people will be partway through the existing system. Until 2032, people who have started (contracted to start or paid a non-refundable deposit to start) any part of the current domestic route to admission (QLD, CPE, LPC, PRT) will be able to choose to complete that route or take the SQE.
92. We intend to evaluate the impact of the SQE against our two intended outcomes:
- greater assurance of consistent, high standards at the point of admission
 - the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.
93. We plan to publish data about the performance of the SQE on an annual basis. This will include: numbers of candidates, pass mark and pass rate, distribution of candidate scores, performance by protected characteristic, socio-economic background and prior education and training.
94. Five to seven years after the introduction of the SQE, we will carry out:
- A perception study (to be repeated bi-annually), measuring of stakeholders' views and perceptions of the SQE.
 - A review of the overall cost of qualification, to include the type and cost of preparatory training for the SQE.
 - An investigation into the impact of training routes on career progression.
 - An investigation into the impact of the SQE on the ethnic profile and socio-economic background of the profession.
95. Seven to 10 years after the introduction of the SQE, we will undertake a study into its predictive validity. Predictive validity refers to whether the scores on the SQE can predict the future performance of a solicitor.

96. This approach will help us monitor the assessment and its market impact. We have a number of mechanisms available to us to address any issues we identify, including provision of guidance, amending our regulations and/or revising the assessment design. Indeed, a centralised assessment makes it easier for us to adjust assessment design more quickly than through a system where assessment is distributed across a large number of providers.
97. We have already started work to gather performance data within the current system, so as to have a benchmark against which to evaluate the SQE.

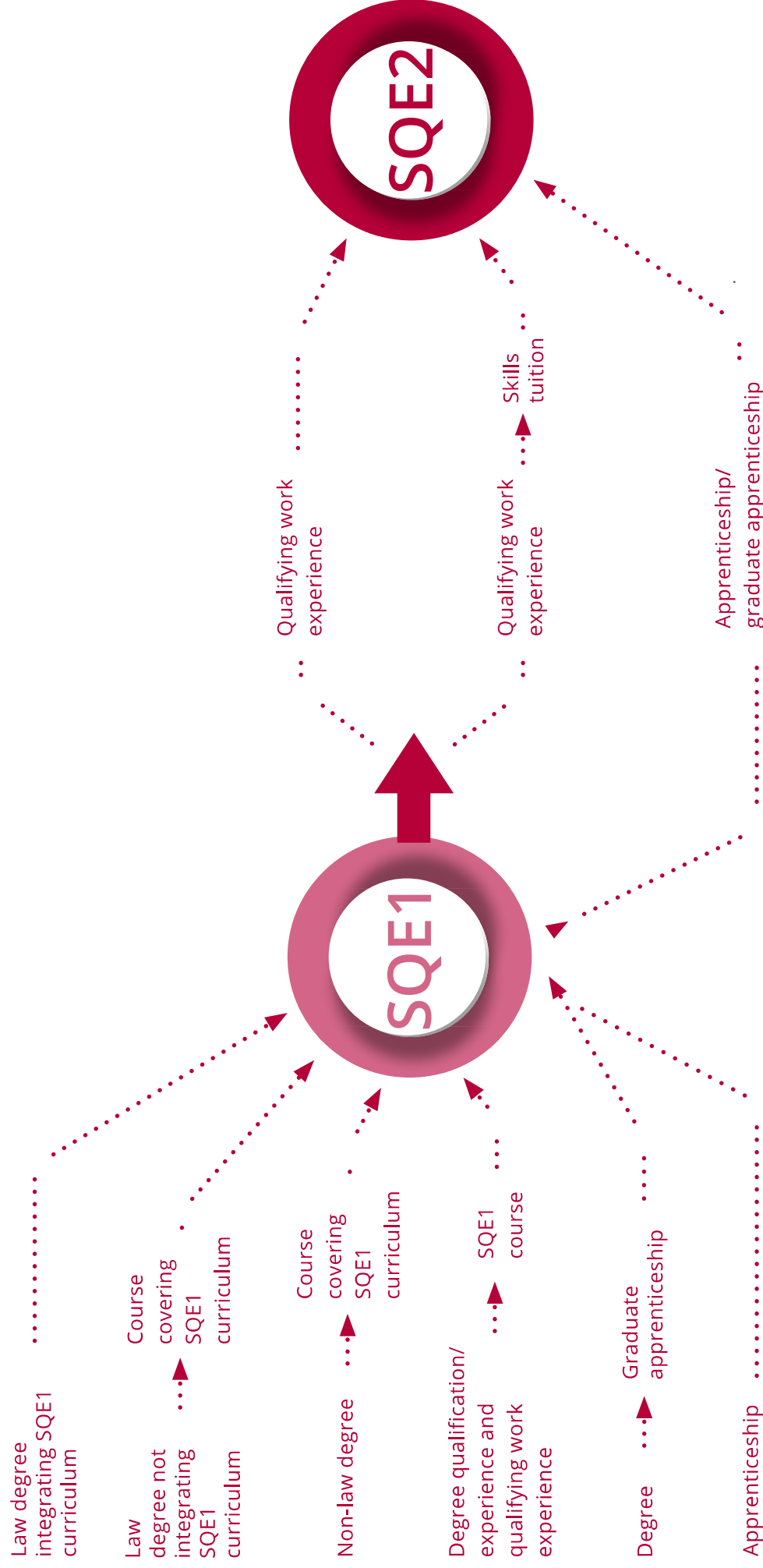
Annex 1 – Current routes to admission



Annex 2 – Indicative new routes to admission

Routes to SQE1

Routes to SQE2



Candidates must pass SQE1 before attempting SQE2. But, candidates can integrate preparation for SQE1 and 2 and qualifying work experience in any way they wish. These are indicative pathways only. We expect and wish to encourage different, innovative routes.

We do not accredit SQE training providers.

Annex 3 – SQE milestones

