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# An evaluation framework for the Solicitors Qualifying Examination

## Final report

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## Executive Summary

### Background

The Solicitors Regulation Authority (SRA) protects consumers and the wider public and supports the rule of law and the administration of justice. It does this by overseeing the education and training requirements, licensing individuals and firms, setting the standards of the profession and regulating and enforcing compliance against these standards. An effective system of legal services education and training is therefore vital to ensuring the quality and integrity of services so that the SRA can ensure that consumers and the public are protected and that the rule of law and administration of justice is supported.

The Solicitors Qualifying Examination (SQE), which will assess 'day one' competence, is the basis upon which the standards for practice are to be assessed at the point of qualifying as a solicitor. The introduction of the SQE and other reforms to the qualification process are intended to address the following problems with solicitor admission routes: inconsistent assessment across different routes into the profession; the system being expensive and inflexible; and, barriers to access.

### Objective of the reforms

The SRA have defined two core objectives for these reforms:

1. Greater assurance of consistent high standards at the point of admission as a solicitor; and
2. Development of new and diverse pathways to qualifying as a solicitor which: i) respond to the changing legal services market; and ii) promote a diverse profession by removing artificial and unjustifiable barriers.

### The evaluation programme

The SRA has planned a programme of evaluation to understand whether this major reform achieves the stated objectives, and if there are any wider impacts or consequences. The evaluation will both inform the ongoing implementation of the reforms by learning lessons from the early stages of implementation and assess the impact of the reforms. The first phase of the evaluation (the scope of this project and report) has involved establishing an evaluation framework and associated tools to underpin further phases of evaluation spread over ten years following implementation of the reforms. This report outlines the evaluation framework.

### Evaluation approach

The introduction of the SQE and other related reforms to the qualification process is a complex policy change. Therefore a theory-based evaluation approach has been adopted as this helps to understand the changes resulting from SQE's introduction, why changes have happened, and how they are impacted by contextual factors.

The desired change, referred to as a 'Theory of Change', that the programme of evaluation will test, is that: a single assessment gateway for all intending solicitors (the SQE) which the SRA controls, the availability of transparent data from the SQE, the removal of regulatory barriers such as the period of recognised training and the requirements for prescribed study, and expanded availability of training routes are expected to primarily lead to (a) the SRA being better able to assure consistent

high standards at the point of admission and (b) the development of new and diverse pathways to qualifying as a solicitor.

This desired change is illustrated by a graphic called a logic model which sets out the:

- Problem that the reforms are designed to address
- Objectives of the reforms
- Resources (inputs) and activities related to the SQE
- Anticipated immediate outputs from the reforms
- Expected, longer-term outcomes and impacts of the reforms.

The evaluation programme will collect data (see 'Gathering evidence to inform the evaluation', page 29) to explore whether the reforms have achieved the expected outputs, outcomes and impacts. The full outputs, outcomes and impacts that the SRA will evaluate are set out in the logic model (see Figure 2, page 15).

### **What the SRA will evaluate**

In summary, in the immediate post-implementation stage the SRA will evaluate whether:

- the SQE is a fair, valid and reliable assessment
- education and training meets SQE specifications, supports students/trainees and prepares candidates effectively for the SQE
- there is an expanded availability of price points and lower cost routes to admission
- the availability of transparent data gives candidates, training providers and legal services providers better information to help drive competition, driving up quality and reducing cost
- there is an expanded availability of training routes.

In the longer term, the SRA will evaluate whether:

- they have the information they need to assure consistent high standards at the point of admission
- they have confidence that consumers of legal services and the public are better protected by newly qualified solicitors having a consistent level of competence on entry
- candidates have confidence in a fair assessment
- there is confidence within the profession that the SQE provides a robust assurance of consistent high standards
- there is increased availability of cost effective and flexible routes to the profession
- students with protected characteristics and diverse backgrounds have greater access to opportunities which allow them to enter the profession.

It is important to note that:

- The first of the SRA's two objectives<sup>1</sup> is more directly within the sphere of its influence than the second<sup>2</sup>;
- Some of the broader impacts are dependent on wider societal change, such as universities' selection processes, not solely the introduction of the SQE, and are therefore out of scope of this report.

The logic model has been translated into indicators to help assess the extent to which the reforms meet their objectives. The indicators are the measurable information that can be collected to evidence whether the reforms are achieving the outcomes and impacts as expected. For example, indicators to identify if the availability of transparent data about the effectiveness of training results in prospective candidates being able to select the most suitable courses for their particular circumstances include:

- SQE pass mark and pass rate
- Movement of prices over time
- Candidate satisfaction with the data (extent of use and helpfulness)
- Candidate satisfaction with training
- Number of students by training provider
- Diversity of students
- Changing behaviour by training providers

Such indicators will be collected through several data sources, including data from Kaplan (the single assessment provider), and surveys and depth interviews, for instance with candidates and training providers. The research activities in the planned evaluation programme will comprise these data sources. More detailed information about the indicators and their data sources for the anticipated changes resulting from the introduction of the reforms can be found in Tables 2-4 in the report. The indicators referenced in this report are examples of those included in a supporting indicator framework. This itself is not exhaustive as other indicators might become more relevant over the next ten years, for example as a result of wider changes.

### **How the SRA will evaluate the impact of the reforms**

The SRA has planned a ten-year programme to evaluate whether the SQE and wider reforms are achieving the desired objectives. The SRA and Kaplan have a robust programme of quality assurance in place for ongoing monitoring of the SQE assessments. An independent evaluative study is planned to take place after five years (with an initial consideration of the scope of this after three years) to ascertain whether the SQE is fair, valid and reliable. This would be undertaken by independent assessment experts who would determine the framework for analysis and indicators to be included at that time.

We recommend that the SRA's programme of evaluative research includes:

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<sup>1</sup> Greater assurance of consistent high standards at the point of admission as a solicitor

<sup>2</sup> Development of new and diverse pathways to qualifying as a solicitor which: i) respond to the changing legal services market; and ii) promote a diverse profession by removing artificial and unjustifiable barriers

- An initial perception study (to be repeated at 3, 5 and 10 years), measuring stakeholders' views and perceptions of the SQE;
- A specific, initial evaluation of the impact of Qualifying Work Experience (QWE) (to be repeated at 3, 5 and 10 years), informed by an annual survey on QWE;
- An initial evaluation of the market impact of the SQE;
- An evaluation of the SQE reforms three years post-implementation;
- A full evaluation of the SQE reforms five years post-implementation encompassing:
  - updated studies of those comprised in the initial and three-year evaluation an investigation into the impact of the SQE on the profile and background of the profession as well as candidate experiences; and,
  - an independent evaluative study of the fairness, validity and, reliability of the SQE assessments; and,
- A full evaluation of the SQE reforms ten years post-implementation, updating the research encompassed in the five years full evaluation to identify longer-term impacts.

Possible risks and unintended consequences of the reforms have also been considered in this report.

It is recommended that the SRA revisit the evaluation framework (including the Theory of Change, logic model, indicators, research plan as well as risks and unintended consequences of the reforms) on a regular basis with a view to making changes as and when needed, for example adding indicators as new information or data is made available. Such checkpoints will also offer an opportunity to consider any updates to the currently identified risks and unintended consequences.

## ● Introduction to the Solicitors Qualifying Examination

The Solicitors Regulation Authority (SRA) protects consumers and the wider public and supports the rule of law and the administration of justice. It does this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards. An effective system of legal services education and training is vital to ensuring the quality and integrity of services so that the SRA can ensure that consumers and the public are protected and that the rule of law and administration of justice is supported.

Since September 2021, the Solicitors Qualifying Examination (SQE) has been the basis upon which the standards for practice are to be assessed at the point of admission<sup>3</sup>. The SQE assesses the competences that a new solicitor must possess from day one. There will be much greater flexibility as to how those competences can be acquired than under the current system. The focus on outcomes rather than process allows more attention to be placed on ensuring the competence of those entering the profession whilst embracing wider access to the profession through apprenticeships, and other new schemes, in addition to traditional academic pathways and on-the-job training courses<sup>4</sup>.

The aims of the reforms are set out in the *Solicitors Qualifying Examination (SQE) Briefing* (see footnote 1), which identifies the following problems with existing solicitor admission routes:

- Inconsistent assessment across different routes into the profession;
- An expensive and inflexible system;
- Barriers to access.

The SRA have defined two core objectives for the reforms<sup>5</sup>:

1. Greater assurance of consistent high standards at the point of admission as a solicitor; and
2. Development of new and diverse pathways to qualifying as a solicitor which: i) respond to the changing legal services market; and ii) promote a diverse profession by removing artificial and unjustifiable barriers.

## Developing the Solicitors Qualifying Examination

In its 2013 Policy Statement *Training for Tomorrow*, the SRA acknowledged that its regulatory approach to education and training was out of step with and not integrated into a desired outcomes-focused, risk-based approach to regulation<sup>6</sup>. Throughout 2014 and 2015 the SRA undertook a great deal of development work and consultation activity (comprising engagement with around 2,000 stakeholders, including consumers, solicitors and other stakeholders), which resulted in a competence statement (mainly focused around the reserved areas of practice) comprising:

- A Statement of Solicitor Competence, which presents the competences required of all solicitors;

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<sup>3</sup> SRA (2020) [Solicitors Qualifying Examination Briefing](#)

<sup>4</sup> SRA (2013) [Policy statement: Training for Tomorrow](#)

<sup>5</sup> SRA (2020) [Solicitors Qualifying Examination Briefing p.6](#)

<sup>6</sup> This approach was implemented prior to the Legal Services Act 2007 as well as before the establishment of the Legal Services Board (LSB) and the SRA.

- A Statement of Legal Knowledge, which outlines the knowledge that solicitors are required to demonstrate by the point of admission; and
- A Threshold Standard, which sets out the level at which the competences should be demonstrated at the point of admission.

Taken together, these documents define the standards for practice as a solicitor and the competences that aspiring solicitors need to demonstrate in order to qualify.

The SRA subsequently considered multiple assessment options, and decided that assuring standards through a centralised assessment, instead of prescribing pathways was the only way to introduce better assurance of standards as well as greater flexibility of training<sup>7</sup>.

The SQE is a robust assessment of professional competence based on the knowledge and skills set out in the Statement of Solicitor Competence and the Statement of Legal Knowledge. Key features of the SQE assessment, which underpin how it should provide a greater assurance of consistent standards than the current system, include:

- One assessment for all;
- Modern statistical methods – to ensure reliability and precision and including standards setting based on modern psychometric techniques to ensure the pass mark is derived from the standard of competency;
- Mechanisms to ensure that the standard is consistent over time and between candidates;
- Mechanisms to ensure that the assessment validly assesses the right skills/knowledge.

This approach will give confidence to the SRA that anyone passing the SQE and becoming a solicitor has met high standards, thereby protecting consumers and the public.

As shown in Figure 1, to qualify as a solicitor, candidates must:

- Pass two stages of the SQE assessment;
- Have a degree or equivalent qualification or experience;
- Complete a period of at least two years' qualifying legal work experience<sup>8</sup>;
- Be of a satisfactory character and suitability, assessed at point of admission.

**Figure 1: The four elements of the new approach to qualifying as a solicitor**



Source: SRA (2020) [Solicitors Qualifying Examination Briefing](#) (p. 7)

<sup>7</sup> SRA (2020) [Solicitors Qualifying Examination Briefing](#) p.6

<sup>8</sup> Qualifying work experience (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' (see page 18 of footnote 1).

The SQE itself will comprise two stages of assessment:

- SQE1 will assess functioning legal knowledge and will usually follow periods of study on either a law degree including appropriate course content covering the SQE1 curriculum, or a law degree or non-law degree (or degree equivalent) plus a standalone preparatory course or apprenticeship programme.
- SQE2 will assess practical legal skills and application of law and will usually, but not always, follow a period of practical work experience.

Professional ethics will be assessed in both stages, which represents a significant enhancement on the Qualifying Law Degree (QLD) or Graduate Diploma in Law (GDL) as these do not place a requirement on these being taught. Candidates must pass SQE1 before attempting SQE2 but can integrate their preparation and appropriate work experience in any way they wish – reinforcing the shift from process to outcomes.

- **Evaluating the SQE**

### Developing an evaluation framework

The SRA is commissioning a programme of independent evaluation – over several phases – to understand whether this major reform achieves the stated objectives.

The first phase of the evaluation (the scope of this project) involves establishing an evaluation framework and associated tools to underpin four further phases of evaluation spread over ten years following implementation of the SQE (see Figure 3).

In this section, the evaluation method selected for the SQE is described. In identifying the most appropriate method, it is vital to understand the design of the SQE (described above); the objectives of the evaluation itself; who the evaluation is for; and, the principles guiding good evaluation design. These are described below before the reasoning for the selection of the evaluation method is detailed.

### SQE evaluation objectives

There are two key aims of the SQE evaluation:

- **Formative** – To inform the ongoing implementation of the SQE by learning lessons from the early stages of implementation.
- **Summative** – To assess the impact of the SQE.

Through assessing impact and lessons learnt, the SQE evaluation will help the SRA to assess whether the SQE has met its core objectives, and provide an understanding of how this was done, and why this might not have happened (where applicable).

### Who is the evaluation for?

The primary audience for the evaluation is the SRA itself. The SRA is responsible for assuring consistency of standards on entry to the profession and can respond to any implementation issues identified through the evaluation by, for example, using regulatory tools, providing guidance and/or revising the assessment design. Kaplan (the single assessment provider) will also be a key audience.

The evaluation will also help demonstrate to the SRA's stakeholders, including training providers, law firms, aspiring solicitors, and consumers, the openness and accountability of the SQE and play a role in ensuring its credibility and stakeholder confidence in the new way of qualifying. The SRA will engage in open dialogue with all parties regarding the impact.

### Evaluation principles

Good evaluation design is based on the following principles, as described in the government's *Magenta Book*<sup>9</sup>:

- **Useful** – meets the needs of stakeholders and produces useful, usable outputs at the right point in time – when data first becomes available or in time to rapidly influence policy and practice.
- **Credible** – evaluations must be credible, often achieved through ensuring a degree of objectivity by work being conducted by external evaluators.

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<sup>9</sup> HM Treasury (2020) [Magenta Book: Central Government guidance on evaluation](#)

- **Robust** – an evaluation should be well-designed, with an appropriate evaluation approach and methods, and well-executed. Impact should be rigorously compared over time, between groups or to alternative theories.
- **Proportionate** – not all interventions will require the same level of scrutiny or have the same learning needs. The SQE is a major policy project, breaking new ground, and so, the SRA have rightly identified that it requires a large-scale evaluation.
- **Flexible** – additionally, the SRA have an important requirement for the evaluation framework to be flexible in implementation to adapt to changing circumstances and respond to unintended consequences, without undermining the basis of the design.

### Which evaluation method?

After considering different evaluation method options<sup>10</sup>, it was decided that a theory-based evaluation would best suit the purposes and context of the SQE. The introduction of the SQE is a complex reform in a complex environment, with many extraneous factors. A theory-based evaluation seeks to understand the causal factors thought to bring about change and explores what happens between inputs and outputs and how that is impacted by contextual factors.

Therefore, for the SQE, a theory-based method is more suitable, as this will explore:

- the extent of change related to the programme objectives;
- why any changes have occurred;
- contextual factors which may have influenced changes, in addition to the introduction of the reforms;
- the extent to which any observed changes are directly attributable to the introduction of the reforms, or the extent to which the reforms have indirectly contributed to change.

A theory-based evaluation is centred on a Theory of Change for the policy being evaluated, and the SQE Theory of Change is presented in the next section.

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<sup>10</sup> The methods considered are detailed in the Appendix.

- **SQE Theory of Change and logic model**

This section presents the narrative of the SQE's Theory of Change and how the activities within the programme will lead to the intended impacts.

### Baseline

Essentially, the 2020 *Solicitors Qualifying Examination Briefing*<sup>11</sup> summarised the baseline condition, as follows.

#### *Inconsistent assessment and unexplained results*

- There are a variety of routes to admission as a solicitor, which are assessed in different ways.
- There are in excess of 110 providers of the graduate routes for domestic candidates, each setting and marking their own assessments.
- The Law Society reports that the proportion of law graduates in England and Wales awarded first-class degrees stood at a new high of 16.5% in 2018. Almost three-quarters of law graduates in England and Wales received either a first or upper second degree. Numbers receiving lower second and third class law degrees have fallen consistently since 2010. While these numbers may reflect improvements in students' abilities from entry to graduation, there is concern that the grade inflation cannot be explained.
- There is unexplained variability in pass rates between different training providers on the Common Professional Examination (CPE)/Graduate Diploma in Law (GDL) and Legal Practice Course (LPC) from under 40% to 100%.
- There is no benchmarking or standardisation at the end of the Period of Recognised Training (PRT) to ensure that decisions to sign off trainees by the Training Principal are taken against a consistent standard. Few trainees do not get signed off.

#### *Barriers to access*

- 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 £17,300 as at August 2020) and lack of access to training contracts. This cost 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.
- The numbers flowing through to enter the profession suggest bottlenecks and restricted access. The table below shows average progression figures through the current system, between 2011 and 2019<sup>4</sup>.

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<sup>11</sup> SRA (2020) [Solicitors Qualifying Examination Briefing](#)

**Table 1: Bottlenecks and restricted options through to qualifying**

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

Source: SRA (2020) [Solicitors Qualifying Examination Briefing](#) (page 5)

The Bridge Group have highlighted how cost and access to training contracts, among other factors, can affect diversity in the profession<sup>12</sup>. Its 2017 report for the SRA outlined that the SQE has the potential to introduce greater consistency and transparency to help the sector better understand the causes of, and potential solutions to, the lack of diversity. Additionally, the reforms could increase the range and choice of legal training, while maintaining high standards, and drive down costs for trainees through competitive pressures in the market (see footnote 14). In its 2020 update report<sup>13</sup>, the Bridge Group pointed out how the SQE has the potential to increase transparency through a standardised examination process. It welcomed the SRA’s commitment to monitoring performance by protected characteristics, and recommended the inclusion of socio-economic background measures in relation to access, performance, and SQE outcomes.

### **SQE Theory of Change**

The SQE Theory of Change is summarised in a graphic called a logic model (see Figure2) which sets out the baseline, inputs, activities, outputs, outcomes and impact.

Whilst the two objectives of the SQE are shown in separate rows, there is considerable overlap in the stages of the logic model to inform the progress of each objective.

<sup>12</sup> The Bridge Group (2017) [Introduction of the Solicitors Qualifying Examination: monitoring and maximising diversity](#)

<sup>13</sup> The Bridge Group (2020) [SQE: Monitoring and maximising diversity - Update](#)

Figure 2: SQE logic model

| Problem/ Opportunity/ Baseline...<br>which lead to...  | Objectives   | Inputs...  | Activities...<br>which lead to...  |
|--|--|--|--|
| <p><b>Inability to assure consistent standards on entry to the profession</b></p> <ol style="list-style-type: none"> <li>Insufficient information to assess consistency or monitor standards on entry to the profession poses a risk to consumers (e.g. unexplained variability in pass rates on the CPE/GDL/LPC from under 40%-100%; no benchmarking or formal objective assessment at end of PRT).</li> <li>Any variation and lack of transparency in all assessments risks bias and unfairness (i.e. a risk that someone might pass at one provider but fail somewhere else)</li> </ol> | <p><b>Greater assurance of consistent high standards at the point of admission to the profession</b></p>   | <ol style="list-style-type: none"> <li>Involvement of: SQE programme board and project team; SQE Delphi group; SQE Reference Group; and external consultants/expertise on new standards: Statement of Solicitor Competence, Statement of Legal Knowledge and Threshold Standard; on the concept of a centralised exam, and the detail of the SQE, on replacing PRT with QWE, and on the requirement for a degree or equivalent qualification.</li> </ol> | <ol style="list-style-type: none"> <li>Design, development, and implementation of the SQE within a new approach to entry to the profession, including centralised assessment and the appointment of a single assessment provider.</li> <li>Ongoing activities to ensure fairness and consistency include: one exam for all candidates; use of valid assessment methodology; statistical evaluation of performance as to reliability and precision at assessment level and also at item and assessor level; and quality assurance by the SRA.</li> <li>Collation and publication of SQE data (monitoring information).</li> </ol> |
| <p><b>Restricted choice of pathways</b></p> <ol style="list-style-type: none"> <li>Narrow choice of pathways to qualification.</li> <li>High cost of education for aspiring solicitors, with no guarantee of qualifying.</li> <li>Training contract bottleneck.</li> <li>These barriers to qualification particularly affect specific groups, such as those with certain protected characteristics and from less affluent backgrounds.</li> </ol>  | <p><b>Development of new and diverse pathways to qualification are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers</b></p> | <ol style="list-style-type: none"> <li>Research, consultation and engagement with the sector on the topics in 1. above.</li> </ol>   | <ol style="list-style-type: none"> <li>Design, development, and implementation of the SQE within a new approach to entry to the profession, including the removal of regulatory barriers: the training contract and requirement for specified courses/qualifications; and the introduction of QWE, SQE, and a degree or equivalent requirement.</li> <li>Ongoing activities to ensure a fair, reliable and precise assessment include: data monitoring and evaluation; assessor training; reviewing questions to exclude cultural bias.</li> <li>Evaluation of the impact of new regulations.</li> </ol>                         |

| Immediate outputs ...<br>which lead to...   | Outcomes ...<br>which will have the desired...  | Impact (on problem/opportunity)  |
|---|---|--|
| <i>Stronger</i><br><hr/> <i>Immediate</i>   | <i>Influence of project</i><br><hr/> <i>Time</i>  | <i>Weaker</i><br><hr/> <i>Longer-term</i>  |
| <ol style="list-style-type: none"> <li>1. The SQE is a fair, valid, reliable assessment.</li> <li>2. Delivery of education and training that meets SQE specifications, supports students/trainees, and prepares candidates effectively for the SQE.</li> <li>3. Expanded availability of price points and lower cost routes to admission for candidates.</li> <li>4. Increased candidate awareness of data available to inform choices about training courses<sup>14</sup></li> </ol> | <ol style="list-style-type: none"> <li>1. Availability of transparent data allows:               <ol style="list-style-type: none"> <li>a. Greater information about effectiveness of training to enable prospective candidates to select the most suitable courses for their particular circumstances, and so competitive pressures drive up quality and drive down cost.</li> <li>b. SQE training providers to attract candidates through improving the quality of their courses and/or offering additional support to students to succeed and/or reducing their course fees.</li> <li>c. Legal services providers to attract candidates and newly qualified solicitors through changing their recruitment practices to take into account objective data from SQE results (e.g. instead of reputation of university attended or A-level results) and therefore recruit from more diverse backgrounds; improving training and QWE quality; and/or offering additional support to aspiring solicitors to succeed.</li> </ol> </li> <li>2. Expanded availability of training routes (new or different SQE training providers; new training firms; and more diverse training opportunities, including courses and trainee placements).</li> </ol> | <ol style="list-style-type: none"> <li>1. SRA has the information to assure consistent high standards at the point of admission.</li> <li>2. SRA confidence that consumers of legal services and the public are better protected by newly qualified solicitors having a consistent level of competence on entry.</li> <li>3. Candidate confidence in a fair assessment.</li> <li>4. Professional confidence in the SQE providing a robust assessment of consistent high standards.</li> </ol> <hr/> <ol style="list-style-type: none"> <li>1. Increased availability of cost-effective and flexible routes to qualification.</li> <li>2. Students with protected characteristics and diverse backgrounds have greater access to opportunities which allow them to enter the profession.</li> </ol> |

<sup>14</sup> This is not expected to be an immediate output as time is required for the accumulation of data before it is made publicly available and accessed, however it is a necessary stage in the logic model to enable Outcome 1.a of candidates acting on the provision of information about the effectiveness of training.

Regarding the Theory of Change, it is important to note that:

- The first of the SRA's two objectives is more directly within the sphere of its influence than the second;
- Some of the broader impacts such as universities' selection processes are dependent on wider societal change, not solely the introduction of the SQE, and are therefore out of scope of this report.

## SQE Objectives

As described above, the SRA is introducing the reforms with the intention of:

- Providing greater assurance of consistent high standards at the point of admission as a solicitor; and
- Development of new and diverse pathways to qualifying as a solicitor which: i) respond to the changing legal services market; and ii) promote a diverse profession by removing artificial and unjustifiable barriers.

A detailed understanding of these objectives is vital to the design of the evaluation.

Misinterpretation of the objectives could lead to the wrong questions being asked and wrong data being collected. For example:

- The first objective responds to concerns with *consistency* of standards and how best to assure those standards; and
- The second objective is to allow a flexible approach for the development of new and diverse pathways to qualification.

The SRA has focused the SQE on core competences, and included flexibility on how to train, to recognise the increasing variety of legal services provision, instead of a one-size-fits-all approach. Such changes aim to allow the market to provide pathways to become a solicitor that can respond to changes in the market and in a way that promotes a diverse profession by removing barriers. The SRA, on its own, cannot increase diversity in the profession, but it can help by removing unjustifiable barriers to qualification, such as the period of recognised training and the prescription of training, and ensuring that all aspiring solicitors are assessed to the same, consistent standards.

## Inputs

To deliver the objectives, significant **inputs** have been, and will be, required. The process of developing the SQE has involved several groups, including:

- The SQE programme board and project team;
- The SQE Delphi group;
- The SQE Reference Group; and
- External consultants/expertise on new standards (the Statement of Solicitor Competence, Statement of Legal Knowledge and Threshold Standard); on the concept of a centralised exam, and the detail of the SQE, on replacing PRT with Qualifying Work Experience (QWE), and on the requirement for a degree or equivalent qualification.

The SRA has also undertaken research, consultation and engagement with the sector.

## Activities

The SRA has been preparing for the implementation of the SQE since the publication of the Legal Education and Training Review (LETR) in 2013 and the *Training for Tomorrow* Policy Statement that year, which began a series of consultations on proposals for the new approach to gaining entry to the profession. These **activities** included:

- Consultations on the development of proposals;
- Development of the Statement of Solicitor Competence, Statement of Legal Knowledge and the Threshold Standard<sup>15</sup>;
- Application to the Legal Services Board for approval of the new framework for requirements;
- critically, the appointment of a single assessment provider (Kaplan) to develop and deliver the standardised assessment in place of multiple assessment providers;
- Design and development of a robust assessment based on modern psychometric best practice;
- Appointment of an independent reviewer to ensure the assessments are running properly;
- Piloting of SQE1 and 2;
- Developing new arrangements for QWE;
- Consulting on and setting a timetable for the development of SQE in Welsh;
- Undertaking and responding to equality, diversity and inclusion risk assessments and commissioning specific research and consultation on diversity issues in the profession, cited above.

The introduction of the SQE, with its focus of attention on outcomes, has meant the removal of prescriptive requirements for particular courses leading to qualification as a solicitor. This change to the regulatory approach is a significant one, and the evaluation needs to explore how providers (education and training providers as well as law firms) and aspiring solicitors have responded to it.

The SRA has engaged extensively with education and training providers and law firms to ensure that they are aware of and understand the changes and are prepared for the new assessment. These activities included:

- Providing information through the website, social media (including the SQE LinkedIn Group), a monthly SQE bulletin, regular webinars;
- An annual SQE conference for training providers and firms, roadshows and speaking at conferences and events organised by others;
- One-to-one meetings either at the request of education and training providers or firms or prompted by SRA to gather feedback on specific issues;
- The SQE Reference Group, which involves a range of stakeholders including education and training providers and firms;
- Meeting with the Trailblazer Group for solicitor apprentices;
- Working closely with special interest groups, for example, the Lawyers with Disability Group; and
- Surveys on particular policy questions.

All of these activities are ongoing. The SRA will be undertaking other activities during the implementation of the SQE to ensure the SQE meets its objectives. There are two broad areas aligned to the objectives: i) actions to assure consistency of standards (related to the first objective) and ii) actions to ensure the assessments are fair and free from bias (related to the second

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<sup>15</sup> These documents represent a key input into the SQE because the curriculum needed to be developed before how best to assess it could be determined.

objective)<sup>16</sup>. Embedded within these are monitoring and evaluation actions (italicised in the sections below), which are integral to the delivery of the SQE, to provide confidence that the actions will deliver the required impacts.

*Ongoing activities to drive a fair, valid, reliable and cost-effective assessment*

It is essential that the SQE is a fair, valid, reliable, manageable and cost-effective assessment. Activities which will be routine include:

- Measures will be taken to promote equality of opportunity including
  - provision of reasonable adjustments
  - diversity training for all question writers, markers and assessors
  - seeking to recruit a diverse group of question writers, markers and assessors
  - engagement of external expertise
  - engagement with groups representing lawyers with protected characteristics
- Kaplan will conduct equality analyses of all assessments both at item and assessment level
- All questions will be set by solicitors who have been appropriately trained
- The pass mark for all assessments will be set using modern psychometric techniques, which relate the pass mark to the standard of competency
- All assessors and markers will be appropriately trained in the marking methodology and to assess against the standard of competency
- Kaplan will calculate and publish the reliability and precision of all assessments
- The SRA will also implement a framework for quality assurance of Kaplan's policies, processes and assessment design.

*Collation, publication of and reports on SQE data*

Ongoing activities related to the collection and publication of data from the SQE are:

- A report of the independent reviewer after assessments in the first year.
- The following reports, which will be published after each Assessment Board:
  - an operational report on the delivery of the assessment.
  - a report on candidate performance, which will include the demographic profile of candidates.
- From early 2023, the SRA will publish the following reports which will review the SQE and candidate performance over several delivery points:
  - Independent Reviewer Annual Report
  - Kaplan Annual Assessment Report
  - SRA Annual Report
- Published data on SQE pass marks and pass rates by provider.
- Published monitoring data on SQE pass marks and pass rates by protected characteristics of candidates.
- Production of monitoring and evaluation reports.

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<sup>16</sup> In addition to these actions directly related to the SQE, the SRA are concerned about the attainment gap, particularly by ethnicity, in professional legal education as seen in the LPC and the SQE pilots. It will therefore be undertaking separate research on that topic, into which it will feed SQE results.

A key intention of the reforms is to publish data on pass marks by provider to enable candidates to make an informed choice about the provider they select and thereby improve standards. These rates, and the publication of them (detailed above) are therefore critical to the success of SQE.

The intention of all of these activities is to achieve certain immediate **outputs**. These are described in the following sections. As Kaplan (the single assessment provider) and the SRA have an existing framework in place to implement a robust programme of quality assurance of the SQE assessments, this report has less detail of the outputs to achieve the first objective compared with the second objective. This existing quality assurance programme will produce a sound body of evidence to enable Kaplan and the SRA to evaluate, on an ongoing basis, whether the SQE is achieving the desired outputs and outcomes for objective 1. These in turn will be subject to a robust independent evaluation.

## Outputs

The outputs are those which are immediately demonstrable and designed to meet the longer-term outcomes and impact. They combine both outputs directly produced by the activities and inputs of the SRA and Kaplan and indirectly produced by education and training providers and law firms, following the SRA communication and engagement activities which have been conducted over the last few years.

### Output 1 – The SQE is a fair, valid, reliable assessment

It is anticipated this output will be achieved by the SRA's implementation of the new approach to qualification which comprises four elements (see Figure 1) and was finalised by LSB approval in 2020.

### *Outputs of education and training providers and law firms*

Education and training providers and law firms have had to implement their own changes. Some of these changes, such as SQE training providers having marketed and started new courses, are already observable at the point of first SQE assessment.

### Output 2 - Delivery of education and training that meets SQE specifications, supports students/trainees, and prepares candidates effectively for the SQE

Training providers must ensure that their provision aligns with the requirements of the SQE if they are to enable their students to pass. Thus, the Theory of Change would expect:

- Education providers will have made necessary changes to courses or curricula to reflect the SQE.
- Training law firms and other legal services employers will have made changes to training methods and to work experience to reflect the SQE and QWE.

### Output 3 - Expanded availability of price points and lower cost routes to admission for candidates

In order to assess whether or not the reforms have encouraged more diverse routes to qualification, it is essential to assess the number and type of providers offering education, training and work experience. The expectation is that following the reforms:

- There will be more variety in the education and training providers in the market.
- There will be more variety in the range of training pathways available (e.g. more apprenticeships or self-study options).
- There will be a range of price points available, which could lead to a reduction in the average cost of qualifying.

- QWE will be offered by a broader range and higher number of law firms and other legal services employers (e.g. law centres; advice agencies; in-house opportunities) than the opportunities currently offered through training contracts,

As the SRA no longer prescribes courses, other means (such as primary research) will be required to assess the delivery of these outputs.

A critical output is also SQE pass marks and pass rates by candidates. These will be observable at the point of first SQE assessment, although the early cohorts may not be typical<sup>17</sup> so performance by protected characteristics and other factors may see change over time.

#### Output 4 - Increased candidate awareness of data available to inform choices about training courses

Whilst not as immediate due to the time it will take for data to be published, a further anticipated output is increased candidate awareness of data available to inform their choice of training course.

If these outputs are achieved, they should, over time, make a contribution to the achievement of specific **outcomes**.

#### Outcomes

Outcomes are not usually immediately measurable and it will also be more difficult to disentangle the influence of the SRA on the achievement of outcomes compared with outputs. The logic model (see Figure 2) included above indicates this weakening of the relationship between activity and outcome, compared to activity and output, as well as the weakening of the role of SRA as other factors come into play.

In the logic model, outcomes reflect the behavioural changes by prospective candidates, education and training providers, and legal services providers, which the SRA wants to see as a consequence of the outputs and which are intended to lead to the desired impacts. The measuring of outcomes assesses the extent to which the activities and outputs are likely to change the baseline position.

Overall, the Theory of Change is that if the outputs are achieved, then the outcomes will also be achieved. The introduction of the SQE and related reforms and activities will result in the availability of transparent data which is expected to drive the following:

- Prospective candidates use the information about effectiveness of training to inform their study decisions. If candidates make informed decisions, competitive pressures will drive up quality and drive down cost as candidates select options which suit their needs.
- SQE training providers attract candidates through improving the quality of their courses (as indicated by the published pass marks and pass rates) and/or offering additional support to candidates to succeed and/or reducing their course fees.
- Legal services providers attract candidates and newly qualified solicitors through changing their recruitment practices to recognise the more transparent evidence of objective data of candidate competence from SQE results which has the potential to improve recruitment

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<sup>17</sup> As they have chosen the SQE with limited data to inform their choice.

from more diverse backgrounds; improving training and QWE quality; and/or offering additional support to aspiring solicitors to succeed.

The reforms are also expected to drive the expanded availability of training routes. This includes new or different SQE training providers; more law firms offering training to current and potential candidates. This also provides more diverse types of training opportunities, including different courses and trainee placements.

The achievement of these outcomes should, according to the Theory of Change, support the delivery of the required and expected **impacts**.

### Impact

The intended impact is the achievement of the objectives and changing the baseline problems. This impact can be expressed as follows:

- The SRA has the information to assure consistent high standards at the point of admission.
- The SRA has confidence that consumers of legal services and the public are better protected by newly qualified solicitors having a consistent minimum level of competence on entry.
- Candidates are confident in a fair assessment.
- Professionals are confident that the SQE provides a robust assessment of consistent high standards.
- There is increased availability of cost-effective and flexible routes to qualification.
- Students with protected characteristics and diverse backgrounds have greater access to opportunities which allow them to enter the profession.

It is important to note, that some of the broader impacts, such as those related to increasing the diversity of solicitors entering the profession, are also dependent on wider societal change, not solely the introduction of the SQE.

The evaluation will explore whether this Theory of Change comes to pass with the introduction of SQE and wider reforms. It will also draw out whether unintended consequences of implementation of the programme emerge.

- **Implementing the logic model: developing indicators**

The logic model (and associated narrative) has been translated into indicators, which provide a way of measuring the position and/or progress against particular components (e.g. progress towards a particular outcome) of the logic model<sup>18</sup>. Data for the indicators can be collected to track change or progress over time, either through the monitoring data that is regularly available (and therefore can be accessed for the purposes of informing the indicators) and/or through undertaking new research (either where there are gaps in the information that is readily available or where there is a need for additional data). A comprehensive list of the indicators for the components of the logic model (baseline, outputs, outcomes and impacts) which also identifies the data source for each has been developed.

With regard to both the indicators and the suggested research programme, it is worth noting that more data relating to the SQE and the wider reforms will be published over time, and not all will be available from the outset. The evaluation framework as a whole should be reviewed regularly and updated and amended as required, for instance, to reflect new data available and any additional research questions of interest.

The following tables provide a summary of the indicators and their data sources for each component of the logic model.

**Table 2: Example indicators and data sources mapped against outputs from the SQE logic model**

| Outputs  | Indicators   | Data sources <sup>19</sup>   |
|--|--|--|
| 1: SQE is a fair, valid, reliable assessment   | <ul style="list-style-type: none"> <li>• Assessment data</li> <li>• Candidate data</li> <li>• Undertaking of all QA processes</li> <li>• Assessor training and monitoring</li> <li>• Statistical monitoring of assessors</li> <li>• Cost of SQE assessment</li> </ul>  | <ul style="list-style-type: none"> <li>• Kaplan data</li> <li>• Evaluative study of SQE assessment</li> </ul>  |
| 2: Delivery of education and training that meets SQE specifications, supports students/trainees, and prepares candidates effectively for the SQE | <ul style="list-style-type: none"> <li>• SQE pass mark and rate</li> <li>• Candidate data by training provider</li> <li>• Number of QWE placements undertaken by candidates by pass marks and pass rates</li> <li>• Proportion of QWE paid and unpaid</li> <li>• Candidate and employer satisfaction levels with QWE</li> <li>• Change in employer behaviour i.e. alignment between QWE and SQE</li> </ul> | <ul style="list-style-type: none"> <li>• SRA data</li> <li>• Kaplan data</li> <li>• Primary research with QWE employers and candidates for years 1, 3, 5 and 10 of evaluation</li> </ul> |

<sup>18</sup> Indicators provide a way of measuring the position and/or progress against particular component (e.g. progress towards a particular outcome) of the logic model.

<sup>19</sup> Further detail about the source of data and method of collection can be found in 'Gathering evidence to inform the evaluation' p.28

|  |   |   |
|--|---|---|
|  | <ul style="list-style-type: none"> <li>• Candidate satisfaction with training courses/materials</li> <li>• Order people meet the requirements to be admitted</li> </ul> |   |
| 3: Expanded availability of price points and lower cost routes to admission for candidates | <ul style="list-style-type: none"> <li>• Cost (range and average) of qualification by different routes</li> <li>• Cost of SQE assessment</li> </ul>                     | <ul style="list-style-type: none"> <li>• Primary research with candidates, SQE training providers and training legal services providers for years 1, 3, 5 and 10 of evaluation</li> </ul> |
| 4: Increased candidate awareness of data to inform training course choice                  | <ul style="list-style-type: none"> <li>• Proportion of candidates aware of/accessed data</li> </ul>   | <ul style="list-style-type: none"> <li>• Primary research with candidates for years 1, 3, 5 and 10 of evaluation</li> </ul>   |

**Table 3: Example indicators and data sources mapped against outcomes from the SQE logic model**

| Outcomes  | Indicators   | Data sources <sup>20</sup>  |
|---|--|---|
| 1. Availability of transparent data allows:   |  |   |
| a. Greater information about effectiveness of training to enable prospective candidates to select the most suitable courses for their particular circumstances, and so competitive pressures drive up quality and drive down cost | <ul style="list-style-type: none"> <li>• SQE pass mark and pass rates</li> <li>• Movement of prices over time</li> <li>• Candidate satisfaction with the data (extent of use and helpfulness)</li> <li>• Candidate satisfaction with training</li> <li>• Number of students by training provider</li> <li>• Diversity of students</li> <li>• Changing behaviour by training providers</li> </ul> | <ul style="list-style-type: none"> <li>• Kaplan data</li> <li>• Primary research with candidates, SQE training providers and training legal services providers for years 3, 5 and 10 of evaluation</li> </ul> |
| b. SQE training providers to attract candidates through improving the quality of their courses and/or offering additional support to students to succeed  | <ul style="list-style-type: none"> <li>• SQE pass mark and pass rates</li> <li>• Candidate satisfaction with training</li> <li>• Number of students by training provider</li> <li>• Diversity of students</li> <li>• Changing behaviour by training providers</li> </ul>   | <ul style="list-style-type: none"> <li>• Kaplan data</li> <li>• Primary research with candidates, SQE training providers and training legal services providers for years 3, 5 and 10 of evaluation</li> </ul> |

<sup>20</sup> Further detail about the source of data and method of collection can be found in 'Gathering evidence to inform the evaluation' p.28

*An evaluation framework for the SQE*

|  |   |  |
|--|---|--|
| <p>c. Legal services providers to attract candidates and newly qualified solicitors through changing their recruitment practices to take into account objective data from SQE results (e.g. instead of reputation of university attended or A-level results) and therefore recruit from more diverse backgrounds; improving training and QWE quality; and/or offering additional support to aspiring solicitors to succeed</p> | <ul style="list-style-type: none"> <li>• Employment in legal services providers</li> <li>• QWE placements in legal services provider</li> <li>• Changing behaviour of firms</li> <li>• Candidate experiences of accessing training/jobs</li> <li>• Diversity of candidates and new solicitors</li> </ul>  | <ul style="list-style-type: none"> <li>• Primary research with QWE employers and candidates for years 3, 5 and 10 of evaluation</li> </ul>   |
| <p>2. Expanded availability of training routes (new or different SQE training providers; new training firms; and more diverse training opportunities, including courses and trainee placements)</p>  | <ul style="list-style-type: none"> <li>• Number of SQE1 and SQE2 training providers</li> <li>• Number of SQE1 and SQE2 prep courses (type and delivery method)</li> <li>• Number of firms providing QWE</li> <li>• Number of QWE placements in place</li> <li>• Number of SQE candidates by education/qualification route</li> <li>• Number of QWE undertaken by candidates</li> <li>• Candidates' experiences (i.e. ease of finding training)</li> </ul> | <ul style="list-style-type: none"> <li>• SRA data</li> <li>• Kaplan data</li> <li>• Primary research with QWE employers and candidates for years 3, 5 and 10 of evaluation</li> <li>• Primary research SQE training providers and training legal services providers for years 3, 5 and 10 of evaluation</li> </ul> |

**Table 4: Example indicators and data sources mapped against impacts from the SQE logic model**

| Impacts   | Indicators  | Data sources <sup>21</sup>   |
|---|---|--|
| Objective 1: Greater assurance of consistent high standards at the point of admission to the profession |   |  |
| <p>1. SRA has the information to assure consistent high standards at the point of admission</p>         | <ul style="list-style-type: none"> <li>• Assessment data</li> <li>• Candidate data</li> <li>• Undertaking of all QA processes</li> <li>• Assessor training and monitoring</li> <li>•</li> </ul> | <ul style="list-style-type: none"> <li>• SRA data</li> <li>• Kaplan data</li> <li>• Independent review of SQE assessment at year 5 and 10 (TBA) of evaluation</li> </ul> |

<sup>21</sup> Further detail about the source of data and method of collection can be found in 'Gathering evidence to inform the evaluation' p.28

*An evaluation framework for the SQE*

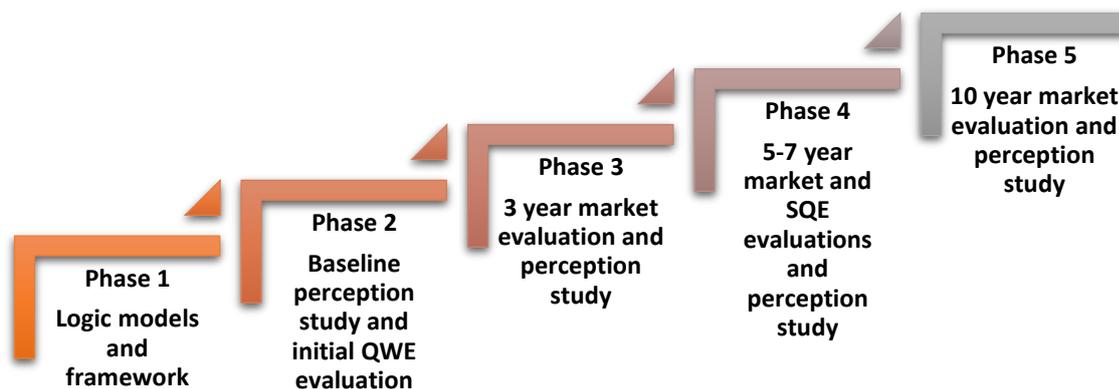
|   |  |   |
|---|--|---|
|   | <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>• Statistical monitoring of assessors</li> <li>• Cost of SQE assessment</li> <li>• SQE pass mark and pass rates</li> </ul>  |   |
| 2. SRA confidence that consumers of legal services and the public are better protected by newly qualified solicitors having a consistent level of competence on entry   | <ul style="list-style-type: none"> <li>• Quality of SQE assessments</li> <li>• Perceptions that consumers are protected</li> <li>• Number of claims to compensation fund</li> <li>• Number of competence complaints</li> </ul>   | <ul style="list-style-type: none"> <li>• Primary research with stakeholders for years 5 and 10 of evaluation</li> <li>• Evaluative study of SQE assessment</li> <li>• Kaplan data</li> <li>• SRA data</li> </ul>  |
| 3. Candidate confidence in a fair assessment  | <ul style="list-style-type: none"> <li>• Number and nature of SQE appeals</li> <li>• Number of SQE applications/appeals for reasonable adjustments and/or mitigating circumstances (and number upheld/rejected)</li> <li>• Candidate perceptions of fair assessment</li> </ul> | <ul style="list-style-type: none"> <li>• Kaplan data</li> <li>• Primary research with candidates for years 5 and 10 of evaluation</li> </ul>  |
| 4. Professional confidence in the SQE providing a robust assessment of consistent high standards  | <ul style="list-style-type: none"> <li>• Professional perception of SQE</li> <li>• Professional perception of quality of new entrants</li> </ul>   | <ul style="list-style-type: none"> <li>• Primary research with law firms for years 5 and 10 of evaluation</li> </ul>  |
| Objective 2: Development of new and diverse pathways to qualification are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers |  |   |
| 1. Increased availability of cost-effective and flexible routes to qualification  | <ul style="list-style-type: none"> <li>• Number of SQE candidates by education/qualification route</li> <li>• Number of QWE undertaken by candidates</li> <li>• Candidates' experiences</li> </ul>   | <ul style="list-style-type: none"> <li>• SRA data</li> <li>• Primary research with QWE employers and candidates for years 5 and 10 of evaluation</li> <li>• Primary research SQE training providers and training legal services providers for years 5 and 10 of evaluation</li> </ul> |

|   |   |  |
|---|---|--|
| <p>2. Students with protected characteristics and diverse backgrounds have greater access to opportunities which allow them to enter the profession</p> | <ul style="list-style-type: none"> <li>• SQE pass mark and pass rates</li> <li>• Diversity of candidates and new solicitors</li> <li>• Candidates' experiences</li> </ul> | <ul style="list-style-type: none"> <li>• Kaplan data</li> <li>• Primary research with employers and candidates for years 5 and 10 of evaluation</li> </ul> |
|---|---|--|

- **Implementing the logic model: supplementing data with evaluative research**

The SRA intends to evaluate the impact of the SQE over the short, medium and long term. There are five phases for the evaluation programme, which are shown in the diagram below.

**Figure 3: The five phases of the SQE evaluation programme**



From the outset of the implementation of the SQE reforms Kaplan and the SRA will implement a robust programme of quality assurance of the SQE assessments. This framework will generate a sound body of evidence to enable Kaplan and the SRA to evaluate, on an ongoing basis, whether the SQE is achieving the desired outcomes. The ongoing quality assurance activities will help to inform the independent evaluative study which will take place after five years.

The whole programme of research will:

- Supplement the existing data and data being collected, mostly by the SRA and Kaplan, and seek to fill in gaps with primary and secondary research;
- Explain the findings relating to the indicators, focussing on understanding the activities and behaviours of stakeholders (such as candidates, education and training providers, legal services providers, Kaplan and the SRA);
- Assess whether change is happening as planned or expected and why or why not (e.g. by exploring how and why the stakeholders are implementing required changes; barriers to change; how any barriers were overcome, where applicable, and lessons learnt; and what is working well);
- Assess and advise on what can be improved in the implementation of the reforms;
- Assess whether the reforms are achieving the desired outcomes and impact; and
- Assess the contribution of the programme to the achievement (or otherwise) of objectives in the context of wider factors.

### Gathering evidence to inform the evaluation

In this section, the proposed research activities to inform the evaluation and associated timing are set out and then the recommended evaluative programme is summarised in Table 5. Ultimately, the SRA will have to determine the research to be undertaken based on priorities and resources available at the relevant point in time.

### Monitoring data

The SRA plan to publish data about the SQE after each assessment round. It will also publish data about the SQE assessments on an annual basis, which will include:

- Numbers of candidates;
- Pass mark and pass rate;
- Distribution of candidate scores;
- All of the above by protected characteristic, socio-economic background and prior education and training.

In addition, the SRA will publish pass rates by provider to drive up standards and help candidates choose a training provider.

### Additional baseline data

The SRA should consider (recognising that this possibility depends upon sufficient resources) undertaking or commissioning supplementary baseline data research in early 2022 with the aim of seeking to fill in any gaps in the baseline data which can be built upon for future years. This includes ascertaining confidence levels, for example of the SRA, professionals, and candidates with the qualification routes prior to the introduction of the SQE, in order to compare those post-implementation. This research should be enhanced by an in-house review of data (which is already being collected) on the number, range and type of education and training providers so changes to the market over time can be ascertained.

In addition, it is recommended that the SRA revisit the evaluation framework (including the Theory of Change, logic model, indicators, and research plan) on a regular basis, and in particular when preparing for the work to be conducted as part of Phases 3-5 outlined in Figure 3 above. These reviews should be undertaken with a view to making changes as and when needed, for example adding indicators as new information or data is made available. Such checkpoints will also offer an opportunity to consider any updates required for the risks and unintended consequences.

### *Formative evaluation*

Formative evaluations help organisations make improvements to the running of a programme by examining what is working well, what is working less well, the reasons why, and what improvements can be made. They happen before impact evaluation to allow lessons to be learnt and changes made during implementation.

### **2022: Initial perception study**

To inform the formative evaluation, an initial wave of qualitative research is recommended to take place after publication of the first SQE assessments in **2022**. Some stakeholders will have implemented or planned changes by this point and it would be valuable for the SRA to understand these changes, whether there are any barriers and how they might be overcome.

At this stage, research (which could include surveys, interviews, focus groups, or a combination) is recommended with the following groups:

- Existing training providers;
- New training providers;
- Legal services providers that currently provide training (including but not limited to law firms);
- Legal services providers that start to provide QWE (including but not limited to law firms);
- Legal services providers that recruit newly qualified solicitors;
- SQE candidates, including subsets of SQE candidates from groups of interest; and
- Key stakeholder representative groups.

In addition to the above, the SRA could consider undertaking research with non-SQE candidates regarding their perceptions on the current system. At the same time, such candidates could be asked about their experience of obtaining training contracts in order to better understand barriers. It would also be helpful to get a sense of their cost of qualification as part of the baseline.

The perception study involving the above groups is expected to be repeated at 3, 5 and 10 years as part of wider evaluation activities at the time. A review of the **overall cost of qualification**, to include the type and cost of preparatory training for the SQE, could also be integrated into the initial perception study and/or as part of the market impact studies and again repeated as part of the wider evaluation activities at 3, 5 and 10 years. For this review, it is recommended that the SRA survey SQE training providers and trainee solicitors alongside conducting desk-based research.

#### *Impact evaluation*

The impact evaluation is the objective test of the changes which have occurred, the scale of those changes and the assessment of the extent to which they can be attributed to the SQE.

#### **2022: Initial survey and evaluation of the impact of QWE**

It is suggested that the SRA undertake an initial survey on QWE to be repeated annually in advance of the evaluation of its impact at 3, 5 and 10 years. The increased flexibility brought about by the removal of the period of recognised training and the introduction of the QWE is an important aspect of the SRA's reforms. To achieve its objectives, the SRA would expect to see:

- A wider range of opportunities for work experience available to candidates
- More firms and other legal services providers offering QWE
- Candidates reporting that it is easier to find work experience than under the current system
- Firms providing QWE that gives candidates the opportunity to gain the competences set out in the Statement of Solicitor Competence
- Firms providing QWE that helps candidates to prepare for the SQE2 assessment.

The survey, which would take place towards the end of 2022, would include employers and candidates and could focus on research topics such as:

- Information available to employers and candidates about QWE  
Employer response to the change, and their experience of it
- Candidate response to the change, and their experience of it (including the experiences of candidates from groups with certain protected characteristics or from less affluent backgrounds)

- Any concerns expressed by employers or candidates
- Employer and candidate satisfaction – what is working well, and what is not working well?

#### **2024: Initial evaluation of the SQE reforms**

This evaluation would comprise the review and further study of impacts relating to changes in perception, QWE, and market behaviour resulting from the SQE reforms.

##### [Repeat of the initial perception study](#)

The initial perception study could be repeated as part of this initial evaluation, three years post-implementation, to identify the early impacts of the reforms on the views of the target audiences. The scope of this study should be updated to reflect any changes in the Theory of Change since the original study was conducted.

##### [Impact of QWE](#)

The outcomes of the QWE surveys to date could form part of the overall evaluation of the impact of QWE, which could focus more specifically on topics that could include:

- The response of training legal services providers to the reforms (e.g. are a range of QWE opportunities available?)
- To what extent the overall objectives of the reforms have been achieved (e.g. has the training contract bottleneck been addressed?)
- The quality of QWE and what, if anything, could be improved and/or needs to change?
- Identifying unintended consequences (if any)
- Stakeholders' views on lessons learnt

These topics could be explored through interviews and/or focus groups with employers and candidates.

##### [Initial evaluation of the market impacts](#)

It is proposed that the initial evaluation of the **market impacts of the reforms**, including impacts on the training market and the recruitment of trainee solicitors. Possible research topics for this study include:

- To what extent the overall objectives of the reforms have been achieved
- Identifying unintended consequences (if any)
- Candidate satisfaction – what is working well? What, if anything, needs to change?
- How the perceptions and experiences of candidates/trainee solicitors have changed, if at all, since the initial perception study
- Stakeholders' views on lessons learnt and possible improvements?

#### **2026 (full evaluation five years post-implementation): An investigation into the impact of the reforms**

Three key aspects comprise the full post-implementation evaluation, outlined herein:

##### [Update of initial evaluation of SQE reforms](#)

Five-years post-implementation of the SQE reforms it will be timely to revisit the research studies undertaken two years previously (perception study, impact of QWE, and market impacts) to identify what further impact has been achieved.

#### Impact on profile and background of profession and candidate experience

This research will explore the impact of the SQE on the profile and background of the profession alongside exploring candidates' experiences. A mixed methods approach to this study is recommended, using data from primary and secondary sources on who is entering the profession and their profile combined with some interviews and/or focus groups. The groups of interest could be the same as the initial perception study, and research topics could include:

- The extent to which the profile and background of those in the profession has changed since the implementation of the SQE.
- The experiences of candidates in navigating training options, and the availability of different options (i.e. was there a range available?)
- Barriers (e.g. cost, if applicable) encountered by candidates and how these changed, if at all, since the initial perception study
- To what extent (compared with training contracts) has QWE helped or hindered opportunities for candidates from diverse backgrounds, for instance, to access more areas of law and a wider range of firms or legal services providers
- Identifying unintended consequences (if any)
- Views on what is working well and what, if anything, needs to change

#### Independent evaluative study of the SQE assessments

In addition, it is anticipated that an independent evaluative study will take place after five years (with an initial consideration of the scope of this after three years) to ascertain whether the SQE is fair, valid and reliable. This would be undertaken by independent assessment experts who would determine the framework for analysis and indicators to be included at that time.

#### **2031 (10 years post-implementation): Full evaluation of the SQE reforms**

The SRA had planned to pursue a study into the predictive validity of the SQE reforms seven to 10 years after the introduction of the SQE. This might have examined whether SQE performance could predict the future performance of a solicitor, in terms of their career and/or their future competence. However, it would be challenging to establish a control group as those who fail the SQE will not be practising as a solicitor.<sup>22</sup> The SRA should therefore consider reviewing the suitability of this proposed study.

Instead of a predictive validity study, it is recommended that the SRA considers re-running its five-year post-implementation evaluation again five years hence in 2031. Many of the impacts will take at least this long to be evident and therefore it would be useful to evaluate the impacts at this time. The SRA will need to review closer to the time the extent to which this completely reflects the earlier evaluation or is adapted (in terms of the indicators it seeks to collect and data sources it comprises) to take into consideration changes over time to the SQE reforms' Theory of Change.

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<sup>22</sup> Although the LPC route will continue during a transitional period, this does not represent a control group either as the cohorts will be different. For instance, LPC graduates would be older (and the variable of age could influence performance) and any distinction by pass rate of SQE candidate is inappropriate as the critical distinction is between those who pass and those who fail.

**Table 5: Recommended timetable of evaluative research**

| SRA's five phases of the SQE evaluation programme | Timing                                     | Activity  | Source/target group(s)  |
|---|--|---|---|
|   | Ongoing with annual reports                | Monitoring data that is regularly and periodically collected              | Assessment and candidate data   |
| 2   | 2022                                       | Fill gaps in baseline data  | Undertake or commission primary research as required  |
|   | 2022 (to be repeated at 3, 5 and 10 years) | Initial perception study  | Existing & new training providers; legal services providers already & new to delivering training; legal services providers recruiting newly qualified solicitors; SQE candidates including subsets of SQE candidates from groups of interest; key stakeholder representative groups |
|   | 2022 (to be repeated annually)             | Initial QWE survey  | Employers and candidates  |
|   | 2022 (to be repeated at 3, 5 and 10 years) | Initial study of the market impacts of the SQE                            | SQE training providers and training legal services providers  |
| 3   | 2024 (i.e. 3 years post-implementation)    | Initial evaluation of the impact of SQE reforms:                          |   |
|   |  | - Perception study update   | Existing & new training providers; legal services providers already & new to delivering training; legal services providers recruiting newly qualified solicitors; SQE candidates including subsets of SQE candidates from groups of interest; key stakeholder representative groups |
|   |  | - Review of QWE surveys to date   | Employers and candidates  |
|   |  | - Market impacts study update   | SQE training providers and training legal services providers  |
| 4   | 2026 (i.e. 5 years post-implementation)    | A full evaluation of the impact of the SQE reforms:                       |   |
|   |  | - Update of initial evaluation of SQE reforms                             | As per "Initial evaluation of the impact of the SQE reforms" (2024)   |
|   |  | - Impact on profile and background of profession and candidate experience | Existing & new training providers; legal services providers already & new to delivering training; legal services providers (non-trainers) recruiting newly qualified solicitors; SQE candidates including subsets of SQE  |

*An evaluation framework for the SQE*

|   |  |   |  |
|---|--|---|--|
|   |  |   | candidates from groups of interest;<br>key stakeholder representative groups                                   |
|   |  | - Independent evaluative study of quality assurance processes | Assessment and candidate data  |
| 5 | 2031 (i.e. 10 years post-implementation) | Update of the 5-year evaluation at 10 years                   | As per “A full evaluation of the impact of the SQE reforms” (2026) <i>(to be confirmed closer to the time)</i> |

- **Evaluation risks and unintended consequences**

The SRA has conducted detailed risk assessments related to the SQE and are monitoring the major risks. In developing the evaluation framework, the known and possible risks as well as potential unintended consequences of the introduction of the SQE have been considered. Examples of such risks/unintended consequences that the SRA will closely monitor include:

- The possibility that the SQE increases attainment differentials on assessment for candidates from certain protected characteristic groups or from less affluent backgrounds.
- Qualifying under the new system might cost the same, or more, than under the current system. That is, more affordable routes might not emerge.
- Publication of data by providers might result in providers with better outcomes increasing the cost of their training. This would mean that candidates from less affluent backgrounds are disadvantaged.
- Due to an increased number of options, candidates might find it hard to navigate the training market and/or to judge the quality of the training available. This could limit market pressures to improve quality and disadvantage candidates from particular groups.

During future phases of the evaluation, it will also be important that the appointed evaluator(s) identify any other risks or unintended consequences, which may or may not arise in practice but should be recorded.

- **Conclusion**

According to the Theory of Change we developed for this evaluation framework, the impact of meeting the objectives for the SQE would mean not only that consumers and the public are better protected, but also that students with a variety of protected characteristics and diverse backgrounds would be able to access opportunities to enter the profession without encountering the blocks faced by many aspiring solicitors at present. In so doing, the SQE would be successful in addressing the following challenges, as intended: inconsistent assessment across different routes into the profession; the system being expensive and inflexible; and barriers to access. Ultimately, assuring consistently high standards will contribute to the overarching purpose of the SRA's regulation: to protect consumers of legal services; and support the operation of the rule of law and the proper administration of justice (which will be at risk if a new solicitor is not competent). In addition to robust standards, access, diversity, and flexibility are the cornerstone of legal education reform in order to open up opportunities for all.

- **Appendix: Evaluation methods**

There are broadly three main impact evaluation methods, which were considered to identify which best suits the SQE and wider reforms ('the SQE') bearing in mind all of the above:

**Experimental or quasi-experimental approaches** – this approach needs to be built into the policy design and implementation as it is based on random allocation of a 'treatment' or 'non-treatment' to individuals. This approach would not have been appropriate for the SRA in implementing the SQE as it would have removed choice from the individual and required significant complexity in establishment with the co-operation of the numerous stakeholders involved in training delivery. However, the idea of whether it is possible to compare people undertaking the new SQE with those continuing with the existing pathways to qualification was considered. The evaluation would then need to explore whether there is sufficient data to treat this as a 'quasi-experiment'. Data would be needed at a sufficient depth to explore whether the route taken explains differences in results when other factors have been taken into account. This approach requires detailed information to be collected for both routes, something which is unlikely given the fact that a key reason for introducing the SQE is a lack of data about qualification under the current system.

**Before and after comparisons** – whilst data (such as information about those continuing with existing pathways to qualification rather than the SQE) which forms the baseline can be tracked to identify change, this approach does not explain why the change occurred or isolate the contribution made by the SQE from other factors. Given the complexity of SQE and the wide range of extraneous factors which can impact on the consistency of standards and diversity in the profession, a simple 'cause and effect' approach is not adequate to meet the objectives of the evaluation.

**Theory-based evaluation** – this method best suits the purposes and context of the SQE, and can build on the aspects of quasi-experimental and before and after comparisons mentioned above. The introduction of the SQE is a complex policy in a complex environment, with many extraneous factors. A theory-based evaluation seeks to understand the causal change thought to bring about change and explores what happens between inputs and outputs and how that is impacted by contextual factors.

Therefore, for the SQE, a theory-based method is more suitable, as this will explore:

- The extent of change in the programme objectives;
- Why any changes have occurred;
- Contextual factors which may have influenced changes, in addition to the introduction of the SQE;
- The extent to which any observed changes are directly attributable to the introduction of the SQE, or the extent to which the SQE has indirectly contributed to change.

A theory-based evaluation is centred on a Theory of Change for the policy being evaluated. According to the *Magenta Book*<sup>23</sup>,

'Good policy-making necessitates a thorough understanding of the intervention and how it is expected to achieve the expected outcomes. Good evaluation also requires this understanding. Thoroughly examining the proposed intervention ensures:

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<sup>23</sup> HM Treasury (2020) [Magenta Book: Central Government guidance on evaluation](#)

- An understanding of how the intervention is expected to work in practice, e.g. the problem the intervention aims to address; the change it aims to bring about; the causal chain of events that are expected to bring about the change; the main actors; the groups expected to be impacted; and the expected conditions required for the intervention to succeed;
- Exposing the assumptions upon which the intervention is based and the strength or weakness of the evidence supporting these assumptions;
- An examination of the wider context, such as other policy changes or changes in economic, social and environmental factors;
- Designers and implementers of the intervention have the opportunity to stress-test the intervention design and ensure they agree on how the intervention is expected to work'.

A theory-based evaluation can also provide analysis required by the SRA, as shown in the table below:

**Table 6: SQE evaluation analysis and theory-based evaluation method**

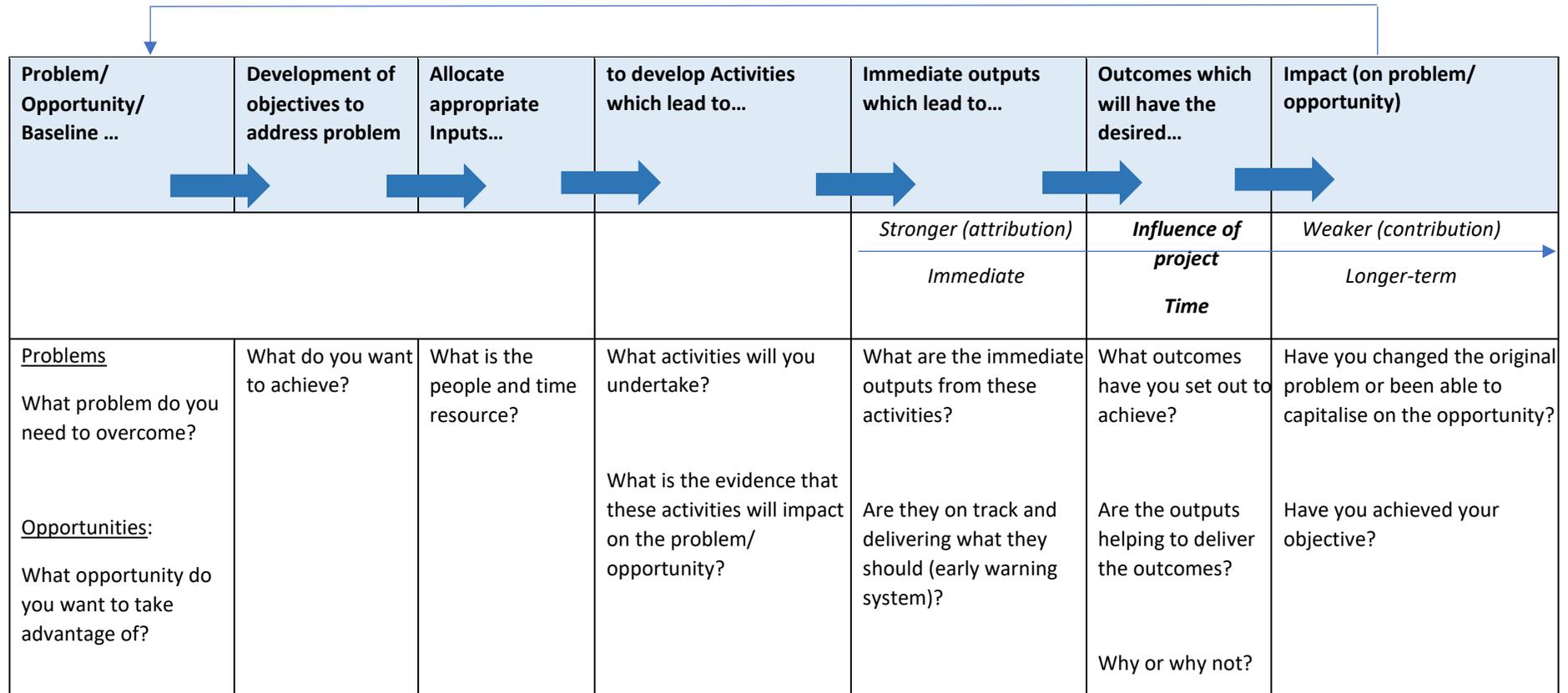
| <b>Required analysis</b>   | <b>Coverage in SQE theory-based evaluation</b>   |
|--|--|
| <b>Relevance analysis</b> – the extent to which the objectives of the reform meet the needs of beneficiaries. It will include factors such as other reforms, activities of other key players and other regulators, and wider developments in the legal services market.  | Recognition of the role of wider stakeholders in determining success of SQE, including measures of their activities and research questions specifically for stakeholders to assess how stakeholders are adapting to the SQE and the barriers and enablers to this (including wider contextual factors, beyond the remit of the SQE or the SRA).  |
| <b>Effectiveness analysis</b> - identifies the direct effects and wider impacts of the SQE reform. Research questions to consider here relate to assessing impacts on legal services providers, education and training providers, and trainees or students.  | The Theory of Change narrative draws together the start and end points, through a sequence of activities and expected consequences. The evaluation will explore the extent to which that Theory of Change is valid and how it is impacted by the SQE itself and wider factors. It will explore what the SRA can explicitly and realistically do to achieve the objectives.   |
| <b>Efficiency analysis</b> - looking at resourcing associated with designing and implementing the SQE (and the costs passed on to firms, education providers and students (which might include compliance and delivery costs)). The analysis should also identify key success factors, improvements, lessons for the future and regulatory competence. | The programme of evaluative research takes into account costs to firms, education providers and students. As it will be impossible to collect the exact cost of this for all stakeholders (e.g. will all firms have precisely costed the implementation of a changed training programme?), some estimations can be obtained and assessed against achievement of outputs, outcomes and, over the longer term, impact. |

We adopt a logic model approach to developing the Theory of Change. A generic logic model is outlined in the figure below.

In the figure, the arrows in the top row show the direction of travel; the arrow in the second row, from left to right, denotes the passage of time and the strength of the relationship between the activities undertaken (the introduction of the SQE and what that entails for the various relevant

parties) and the outputs and outcomes. More immediate outputs will directly reflect completed activities, should be clearly observable and measurable, and more clearly attributable to the SQE activity. Longer-term outcomes and impacts will be less clearly observable and be subject to greater influence by extraneous factors, therefore less clearly attributable to SQE activity. The arrow above the table shows how the impacts are expected to resolve the problem identified at the outset, thus creating a loop.

Figure 4: Logic model approach to the Theory of Change



Source: Carol Stanfield Consulting