

Note of SQE reference group meeting – 3 November 2017

Purpose of the group

Julie Brannan explained the purpose and our thinking about the reference group:

- The purpose of the group is to share information to support the introduction of the SQE.
- The group is not the only forum to discuss the SQE. There is also the SQE LinkedIn group, our December conference for universities and training providers, and frequent one to one meetings with universities and other stakeholders.
- The group is not the forum to debate whether the SQE should be introduced. The decision to proceed has been made by the SRA Board. We need to use the time and expertise of the reference group to ensure we get the SQE right.
- Discussion at the meeting is not confidential. Materials and a note of discussion points will be shared with the SQE LinkedIn group.
- We will ask members to disclose any commercial interests they have in the SQE, although we will not publish them.
- The focus of the group may shift once we have appointed the assessment organisation.

SQE update

Julie Brannan gave an update on the SQE. (See attached slides)

Key points included:

1. The consultation on SQE transition is included within our [Looking to the future: phase 2 of our handbook reforms](#). The closing date is 20 December. Assuming the SQE is introduced from our target date of September 2020, we are proposing that the last date to start a QLD, ELD or CPE and have the option of qualifying through our existing regulations is academic year 2019-2020.
2. Our proposed new approach to the assessment of character and suitability is also included in the LTF consultation.
3. Our [response](#) to the consultation on the new SQE regulations will be published shortly.
4. We now expect the process for LSB approval of the new SQE regulations to continue into early 2018.

5. We expect to have completed the appointment of the assessment supplier, with whom we will work to develop the SQE, by April/May 2018.
6. Our target date for introduction of the SQE is from September 2020. The new regulations will come into effect when the SQE is introduced.
7. We will only introduce the SQE once we have completed a programme of testing and piloting during 2018-2020 and are sure that the design is robust, valid and reliable.
8. Although the final details of the SQE assessments will not be known until then, anyone looking to develop preparatory courses for the SQE can already refer to the [Statement of Solicitor Competence, the Statement of Legal Knowledge and the Threshold standard](#) and the draft Assessment Specification (June 2017) [attached]. We know that some universities and other training providers are already using this information to start to review and redesign their existing courses.
9. We will take an evidence- based approach to finalising the design of the SQE.
10. The SQE design set out in the draft Assessment Specification (June 2017) will be the starting point, but, during the testing and piloting phase we will explore:
 - a) the overall structure of the SQE and the number of assessments in each stage
 - b) the number of questions/tasks and length of each assessment required to reliably and validly sample the assessment outcomes and competences
 - c) whether there should be greater modularisation of assessment at SQE stage 1 and/or stage 2
 - d) the number of practice contexts for stage 2, recognising the challenge of covering the reserved activities and the other contexts in which trainees are working without making SQE stage 2 unmanageable and unreliable
 - e) how best to assess rights of audience
 - f) what are the most appropriate standard setting approaches for stage 1 and stage 2 and whether there should be compensation between assessments.

Issues raised in discussion included:

1. *Whether there was any appetite on the part of the government to review the reserved activities.*

No-one in the room had any evidence to suggest that this was the likely to happen soon.

2. *Whether there should be a minimum time period for Qualifying Work Experience (QWE) before the candidates were allowed to sit the SQE.*

There were differing views on whether this was necessary and what approach the city firms might take to the timing of SQE stage 2 assessments. Some firms may wish their candidates to sit SQE stage 2 straight after university without any QWE, although they risk candidates failing because they are unlikely to be performing at the standard of a newly qualified lawyer. Others are considering requiring their candidates to sit SQE stage 2 after 12 month's QWE, enabling the candidates to then specialise in the second twelve-month period of QWE.

3. *What the rationale was for not allowing candidates to combine a QLD/LPC and QWE.*

Julie Brannan explained that the only reason we were able to allow greater flexibility in work experience was because we were assuring standards through SQE stage 2. If a candidate has only completed a QLD/LPC and QWE, they would not have been assessed at point of qualification by SQE stage 2, nor have been assessed by a solicitor as having met our training requirements as they would with a training contract or period of recognised training.

4. *What the rationale was for not asking solicitors to sign off that candidates were competent at the end of the QWE, only to sign off that they had had the opportunity to develop the competences.*

Julie Brannan explained that we have no mechanism to make sure that all firms and solicitors are making comparable decisions about whether a candidate is competent, which is potentially unfair to candidates and which does not give us or consumers assurance of consistent standards. For this

reason we will assess competence centrally through SQE 2 instead of requiring firms to make an assessment of competence.

5. *What the rationale was for not prescribing QWE (e.g. hours; holidays; sickness) in more detail and whether the lack of detail would generate uncertainty.*

Our requirement is for two years full time equivalent work experience. It would not be good regulatory practice to attempt to pin this down in a rule as any regulation could not cover the different employment conditions and circumstances of all trainees. We would end up policing the rule instead of the substance of whether QWE has happened. Asking firms to take a common sense approach would be less likely to lead to unintended consequences or to limit the flexibility arising from the introduction of QWE.

6. *How the legal education and training market will respond to the SQE.*

It appears likely that there will be a variety of provision, with some universities looking to develop SQE-ready law degree courses and others looking to offer post-degree top-up courses. Other training providers are also looking to develop SQE preparatory courses. Julie stressed that we of course want training to be of high quality. The issue is how best to achieve this. We could continue to specify inputs into training, but they are difficult to police and have unforeseen consequences. We believe that a more effective approach is to measure and drive up the quality of training by looking at outputs, i.e. providing information about the performance of candidates on the SQE. This creates incentives for training providers to produce effective training.

7. *The future of the CPE/GDL.*

It seems likely that there will be need for a course equivalent to the CPE/GDL to continue for non-law graduates, which may also include SQE stage 1 preparation, even though such a course is not specified by the SRA. Firms may wish to start conversations with universities about their training requirements for non-law graduates.

8. *How firms will respond to the SQE and QWE.*

It seems likely that firms will respond in different ways to QWE. Some may wish to run parallel systems of QWE and PRT/training contracts; others may look to move all candidates on to QWE as soon as possible. Some firms are looking at solicitor apprenticeships. Firms and employers will also make their own decisions about whether they will support and/or retain candidates who need to resit parts of the SQE.

9. *What steps are being taken to ensure that the SQE does not discriminate against students with disabilities.*

Julie Brannan explained that ensuring that the assessment methods used in the SQE, and all arrangements for the assessments, were not discriminatory, would be a critical part of the testing and piloting phase and that we and the assessment supplier would work with stakeholders to achieve this.

10. *Whether uncertainty about the new routes to qualification might deter candidates, especially those from lower socio-economic backgrounds.*

There is clearly a need to provide information about the changes to our regulations for all stakeholders. We will provide this through the programme of work to develop our toolkit. (see points 12 and 13 below).

11. *Other observations:*

- Universities need 18 months to two years to develop new degree courses and to comply with CMA guidance.
- We need to recognise the growth of in-house solicitors.
- The provision of sample questions alone will not be particularly helpful. Training providers need to understand the underpinning assessment principles. The approaches used by the NCBE and GMC might be a useful reference point.
- Information about the changes should be provided for consumers.
- Consumers should be given the opportunity to contribute to the development of the SQE.
- A standard piece of text explaining the changes which all universities can use would be helpful.

Toolkit

12. Richard Williams gave an update on our plan to develop a toolkit. Key points included:

- Resources will be accessible, clear and targeted at stakeholder groups.
- The tool kit will be delivered in four phases and aligned to the remaining development of the SQE.
- The purpose of the tool kit is to help stakeholders consider what is required to implement the SQE. It will not provide prescriptive advice on individual pathway choice or implementation.
- Once the SQE is introduced, the tool kit will focus on helping people meet SQE regulations.

13. The group were asked to identify topics to be potentially included in the tool kit. These included:

- Information for small firms and in-house solicitors/employers.
- Greater clarity on the proposed transitional arrangements.
- More information on Qualifying Work Experience.
- Qualification roadmaps.