



Summary of Decision

The following table is a high level summary of the decision of the Legal Services Board. It is not a formal part of the decision notice.

Purpose of notice
To set out the LSB's decision to grant the application from the Solicitors Regulation Authority, in which it applied for approval of amendments to its regulatory arrangements in respect of the authorisation of individuals.
Alterations that are being approved by this decision
<p>Introduction of revised criteria for admission as a solicitor, including the requirement to complete a centralised assessment. The application also introduces the principles that the SRA will apply for recognising qualified lawyers' professional qualifications and professional experience when determining whether to allow individuals to forego any components of the centralised assessment.</p> <p>In making its decision, the LSB has taken into account the fact that further regulatory arrangements will need to be approved by the LSB to give effect to the changes to the regulatory arrangements that are the subject of this application and therefore to implement the SRA's new admission requirements. The precise timetable for such an application from the SRA is not yet known, although the SRA anticipates that it will be made in 2019. Approval of the regulations that are the subject of this application is not sufficient on its own to allow the Solicitors Qualifying Examination to come into force.</p>

Decision notice

The Solicitors Regulation Authority application for approval of changes to its regulatory arrangements in respect of the authorisation of individuals

1. The Legal Services Board (“**LSB**”) has granted an application from the Solicitors Regulation Authority (“**SRA**”) for approval of amendments to its regulatory arrangements in respect of the authorisation of individuals.
2. This decision notice sets out the basis for the LSB granting the application and the decision taken, including a brief description of the changes.
3. The LSB is required by Part 3 of Schedule 4 to the Legal Services Act 2007 (“the Act”) to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements. The Law Society is an approved regulator and the SRA is the regulatory arm to which the Law Society has delegated its regulatory functions. The notes at page 11 of this notice explain the statutory basis for the decision.
4. The chronology for the LSB’s handling of this application is also set out at the end of this decision notice.

Proposed changes

5. The SRA is asking the LSB to approve:
 - new Authorisation of Individuals Regulations (1.1 to 4.1)
 - the SRA Handbook Glossary 2012 (Amendment) Rules
 - the Solicitors Qualifying Examination (SQE): Approach to qualified lawyers seeking admission as a solicitor of England and Wales – the principles.
6. The proposed “Authorisation of Individuals Regulations” establish four criteria for admission as a solicitor:
 - Passing a centralised assessment that is conducted by an assessment organisation appointed by the SRA
 - Holding a degree, or qualification or experience that the SRA is satisfied are equivalent to a degree
 - Completing qualifying work experience (“QWE”). The regulations provide that QWE must:
 - comprise experience that would provide the opportunity to develop the prescribed competences for solicitors
 - be of a duration of at least two years’ full time equivalent
 - be carried out with no more than four separate firms, educational institutions or other organisations.

For each period of experience, confirmation of certain matters would need to be provided by the firm’s Compliance Officer for Legal Practice, a solicitor working within the organisation or a solicitor working outside the organisation who has direct experience of an individual’s work.

 - Satisfying the SRA of character and suitability to be a solicitor.
7. The application also asks the LSB to approve the Solicitors Qualifying Examination (“SQE”): approach to qualified lawyers seeking admission as a solicitor of England and

Wales – the principles. That document outlines an approach to dealing with qualified lawyers seeking admission as a solicitor in England and Wales. It also explains the SRA's principles for recognising qualified lawyers' professional qualifications and professional experience when determining whether to allow individuals to forego any components of the centralised assessment. A copy of the principles is attached to this notice at Annex B.

Scope of application

8. This application follows three public consultations by the SRA that have outlined its plans to reform the admission requirements for anyone wishing to become a solicitor. Central to these reforms is the SRA's intention to develop and implement an SQE. The SQE will become the centralised assessment that the Authorisation of Individuals regulations introduce through regulation 1.1(a).
9. The SRA has not finalised its plans for the structure, content and assessment methodology for the SQE. It expects to appoint an assessment organisation in May 2018 to develop and ultimately deliver the SQE.
10. The SRA has applied at this stage for approval of the framework that will allow for further development and potentially implementation of the SQE, in order to provide greater certainty and to reduce the financial risk to the assessment organisation that it intends to appoint in May 2018. The SRA's justification is that the assessment organisation will be expected to invest significant funds in the development of the SQE over the coming months.
11. The Authorisation of Individuals Regulations (1.1 to 4.1) and SRA Handbook Glossary 2012 (Amendment) Rules do not reference the SQE. The SRA's application acknowledges that in order for regulation 1.1(a) in particular to have effect, it will need to apply to the LSB for approval of additional regulatory arrangements that prescribe awarding requirements for the SQE.

Key issues considered in the assessment of the application

12. Having considered the application and accompanying material, further information provided by the SRA during the application process, and additional information that was considered relevant to the application, the LSB has decided to grant the application. In reaching its decision, the LSB has taken the following into account.

The assessment process

13. This section provides further detail on the LSB's assessment process and the key issues that were considered in its assessment.
14. The LSB has made its decision based on the scope of the application, as set out above. The information provided on the possible structure and content of the SQE has been relied upon as context for the purposes of assessing the impact of the regulatory arrangements that are the subject of this decision.

15. In making its decision, the LSB has also taken into account the fact that further regulatory arrangements will need to be approved by the LSB to give effect to regulation 1.1(a) and therefore to implement the SRA's new admission requirements. The precise timetable for such an application from the SRA is not yet known, although the SRA anticipates that it will be made in 2019.
16. Under Schedule 4 paragraph 25(1) to the Act the LSB can consider information supplied by the applicant and any other information it considers relevant to the application. The LSB assessed the information contained in the application, the consultation history and considered representations made subsequent to the submission of the application.
17. While there is no formal public consultation requirement in the LSB's assessment of applications in the initial decision period, the LSB has considered the issues raised in the correspondence that it received after the application was made, to the extent they were relevant to the decision. In particular, the correspondence was reviewed to establish whether issues had been raised that had not previously been raised through the public consultation process, or which were not addressed in the SRA's application.
18. For the purposes of transparency, the representations were published alongside the application on the LSB's website. The correspondence was also sent by the LSB to the SRA.
19. The LSB considered whether there were sufficient grounds for it to consider refusing the application and therefore whether to issue a warning notice under Schedule 4, paragraph 21(1)(b) to the Act. The LSB determined that there were not sufficient grounds on which to consider refusal. Additionally the LSB did not consider, particularly in the context of the three public consultations undertaken by the SRA, that seeking further advice through the warning notice procedure would have provided evidence that would have added any further value to the LSB's overall assessment.

SRA consultations and issues raised

20. The SRA has encountered significant opposition to its proposals to reform the admission requirements to become a solicitor, since it began consulting on them in 2014. The application that it submitted to the LSB details the consultation and engagement that it has undertaken. It identifies the main criticisms of its approach and explains its response to these, including identifying instances where it has made changes to address the feedback it has received. For example, following consultation feedback the SRA agreed to retain the requirement to hold a degree or equivalent and strengthened its requirements around sign off of QWE.
21. The approach taken by the SRA in its application, of identifying and responding to the main concerns that it has received, meant that in some instances, the LSB did not require further information from the SRA to support its assessment. In other areas, the LSB did raise issues with the SRA. The most significant issues that the LSB considered, on which additional information or assurance was required, are highlighted in this decision notice.

22. The most prevalent concerns raised by stakeholders, which the SRA highlighted in its application, were:

- The cost of the SQE and the potential for the changes to lead to an increase in the cost of qualification
- The potential for the reforms to create a two-tier profession with traditional routes favoured by employers and these routes being less accessible to certain groups
- Concerns about the possibility of negative impacts on the diversity of the profession.

23. These themes are also echoed and expanded upon in the correspondence that the LSB received during its consideration of the application. From this correspondence, four further repeated themes were identified:

- Quality concerns about the proposed SQE assessment design and approach
- Concerns about whether SQE assessments will be offered in Welsh
- The consequences of moving away from a requirement for academic study of law
- The view that the case for change has not been sufficiently made by the SRA.

24. The LSB's assessment of the application has given consideration to the above themes, to the extent that they are relevant to the scope of the application. In addition, the LSB considered the risks of approving the application in the absence of detail from the SRA about how the proposed new arrangements will operate and the risks associated with the SRA's decision to appoint a single assessment provider.

25. The quality concerns about the proposed SQE assessment were assessed as primarily out of scope of the current application. As clarified in this notice, the Authorisation of Individual Regulations (1.1 to 4.1) and SRA Handbook Glossary 2012 (Amendment) Rules do not reference the SQE. Further regulatory arrangements will need to be approved by the LSB to give effect to regulation 1.1(a) and therefore to implement the SRA's new admission requirements. These issues will therefore be considered and addressed in due course.

26. Similarly, in relation to Welsh language versions of future SQE assessments, this issue was not assessed to be within scope of the current application. It is likely to be relevant to the LSB's consideration of the further regulations that will need to be approved to give effect to regulation 1.1(a). The SRA informed the LSB that it has been in contact with the Welsh Language Commissioner on this issue since the LSB received a representation from her. We encourage the SRA to continue to involve the Welsh Language Commissioner's office as it develops its SQE approach and arrangements.

Risk of approval without implementation detail

27. A number of responses to the SRA's consultations noted the risks associated with approving regulatory arrangements in the absence of detail about how the proposed new approach will operate.

28. The SRA's application explained its reasons for seeking approval, at this stage, for the overall framework to implement its proposed reforms. It also noted that regulation 1.1(a) as drafted would not have effect without further regulatory arrangements being approved by the LSB.
29. The LSB sought further clarification from the SRA on what additional regulatory arrangements it anticipates will be required to give effect to regulation 1.1(a). The SRA clarified that it expects to develop Awarding Rules that would cover:
- Rules on re-sits
 - Rules about the time taken to pass the SQE
 - Rules about the timing of taking assessments. For example, to specify that SQE1 must be taken and passed before SQE2 can be attempted
 - Rules about making a complaint or appealing the outcome of an assessment.
30. The SRA anticipates that it would apply for LSB approval of these rules in 2019, once the SQE assessment has been finalised.
31. The SRA confirmed that these rules will likely sit within a wider Assessment Specification, which will contain the detail on how SQE assessments will operate. The SRA's current opinion is that that the wider Assessment Specification would not constitute a regulatory arrangement that would require LSB approval. The LSB will consider and reach a conclusion on whether the proposed Assessment Specification falls within section 21 of the Act as a regulatory arrangement, once it has seen the draft.
32. In assessing the current application, the LSB concluded that the lack of detail about the SQE does not in itself constitute a ground for refusal. However, for the avoidance of doubt, approval of the regulations that are the subject of this application, is not sufficient on its own for the SQE to come into force. Before regulation 1.1(a) in particular can have effect, the LSB will need to approve a further application. At that stage, the SRA will have the opportunity to present the detail that is missing from this application on how the SQE will operate.

The case for change

33. A theme amongst some of the submissions received from stakeholders was that the SRA has not proven the case for the changes it is proposing. The LSB is required under the Act to assess applications that it receives only against the refusal criteria in paragraph 25(3) of Schedule 4 to the Act. As set out in this notice, the LSB did not find grounds to refuse this application due to insufficient evidence.

Cost and accessibility of assessments

34. The application outlines why the SRA believes that the new regulations should provide an affordable and accessible means for students to become authorised as solicitors. However, the application does not include any projected costs for the SQE assessments or any meaningful analysis of the cost impact of the new approach. In the absence of cost projections, a number of stakeholders have suggested that the costs of the SQE assessments might contribute to increases in the overall cost of qualification.

35. The application notes some safeguards on cost. For example, it emphasises that the regulations will only be brought into force once the SRA's Board is satisfied that SQE assessments represent value for money. In addition, the application records that one of the desired outcomes of the SRA's changes is to "remove artificial and unjustifiable barriers" to qualification. It is difficult to see how this outcome would be achieved if the changes resulted in increased costs of qualification.
36. For the purposes of assessing the current application, the LSB concluded that the lack of information on the cost of the SQE assessments does not constitute a ground for refusal of the application. As the LSB has already clarified in this notice, approval of the regulations is not sufficient on its own to allow the SQE to come into force. Before regulation 1.1(a) can have effect, the LSB will need to approve a further application prescribing the SRA's awarding rules for the SQE. The LSB envisages that the SRA will be able to present detailed costs information when it applies for approval of these further rules.

Equality and diversity implications and creation of a two tier profession

37. The LSB has noted the SRA's intent for the changes to its admission requirements to contribute positively to equality and diversity by making the route to authorisation more accessible. The LSB took into account concerns expressed by a number of stakeholders about potential negative equality and diversity impacts, such as the creation of a two-tier profession. It has also noted concerns expressed about the difficulty of assessing the likely equality and diversity impact given the lack of detail in the application about how the SQE will operate.
38. The SRA has produced an Equality Diversity and Inclusion ("EDI") impact assessment which notes the potential benefits and risks associated with its proposals - including those related to creation of a two-tier profession - and the mitigating actions that it will take in relation to the risks that are identified. The LSB's assessment included a review of the document. The LSB is satisfied that the approach to identifying and mitigating risks to equality and diversity is proportionate to the scope of the current application. Consequently the LSB does not consider there are grounds to refuse the application on this aspect. Nonetheless, it will be important that the EDI is updated as the SQE is developed and that the proposed mitigating actions are followed through. The LSB will want to review an up to date version of the EDI when the SRA applies for approval of the additional regulatory arrangements that are required to give effect to regulation 1.1(a).

Oversight of education and training providers

39. As part of its reforms of its admission requirements, the SRA will no longer provide any quality assurance or oversight of education and training providers. Instead, the SRA will aim to use market information and open data to create competitive pressure to encourage high quality training. This will include publishing data about training providers' performance and potentially operating a licensing system for providers who wish to use the SQE trademark.

40. In the application, the SRA also notes the action that it would take if it became aware of concerns, such as providers publishing misleading information about pass rates. In these circumstances, the SRA would rely upon making referrals to other relevant agencies.
41. The LSB asked the SRA for further detail on whether there would be any implications for a provider's ability to use the SQE trademark if another agency had found substantiated concerns about a provider's conduct. The SRA has not finalised the terms of its licence, but confirmed that the licence is likely to include examples of acceptable and unacceptable use of the logo, which could include issues such as misrepresenting pass marks.
42. The LSB is concerned about the potential consequences for students if the SRA were to take no action to revoke a licence in circumstances where another regulator had found substantiated concerns about a training provider's conduct. The assurance provided by the SRA in this regard was not sufficient to fully mitigate the LSB's concern. While the LSB's assessment is that this does not constitute grounds for refusal, it is an aspect of the arrangements that the LSB would expect the SRA to monitor. If significant issues emerge with training providers, the LSB may seek assurance through its oversight functions that the SRA is acting appropriately and proportionately to promote the regulatory objectives.

Risk management related to use of a single assessment provider

43. The LSB understands the desired outcomes that the SRA is seeking through its education and training reforms. These are set out in paragraph 155 of its application. The proposed changes are significant, and this brings with it associated risks that the desired outcomes will not be achieved, or that other unintended consequences could emerge.
44. The LSB sought assurance from the SRA that it is effectively managing risk through the development and implementation of these reforms. In particular, the LSB sought assurance that the SRA had considered the risks associated with appointing a single assessment provider. The SRA's response explained the benefits and risks of the different approaches to appointing assessment providers and its approach to mitigating the risks associated with opting for a single provider. This included explaining provisions that it will include in its contract to protect against the risk of financial instability of the provider, to assure standards and to remedy breaches in the delivery of services.
45. Risk management will continue to be important as the SRA develops the additional regulatory arrangements that are required to give effect to regulation 1.1(a).

Removing the requirement for the academic study of law

46. The LSB took into account concerns expressed by stakeholders about removing the requirements for academic study of law, which are currently provided for by the requirement to complete a qualifying law degree or a recognised conversion course qualification. These points were made directly to the SRA through the consultation

responses it received, as well as in a number of submissions to the LSB during its assessment.

47. The Authorisation of Individuals Regulations require that to be eligible for admission, an individual will be required to hold a degree or qualifications or experience which the SRA is satisfied are equivalent to a degree. The application explains the reason for this requirement at paragraphs 59 and 60. In addition, legal skills and knowledge will be tested through the centralised exam provided for by regulation 1.1(a). In light of this, the LSB considered there to be three main aspects to these concerns:

- (i) Concern that under the new approach, students who have not completed a law degree could pass the centralised assessment without the depth of knowledge that a qualifying law degree or recognised conversion course provided
- (ii) Concern that if universities seek to amend the syllabus of their law degrees to reflect the content of centralised assessment, they may need to reduce the depth of knowledge and analytical skills that are currently taught
- (iii) Concern that removing the requirement for academic study of law would impact on the reputation and international competitiveness of the England and Wales legal profession.

48. These issues were referred to in the SRA's application. For example, paragraphs 42 to 49 summarised why the SRA has ruled out retaining a requirement to complete prescribed pathways as a condition of admission. The issues were also addressed in more detail through the SRA's consultations. Nonetheless, to further inform its assessment of the likely impact on the regulatory objectives, the LSB invited the SRA to provide additional detail and assurance to address the specific issues identified above.

49. The SRA's response set out the justification for its approach, identifying how the concerns raised by stakeholders had been considered and addressed through its public consultations. Its explanation included the following points:

- It did not receive compelling evidence, through its consultations, that regulating educational processes would be as effective as setting an end point assessment to check that those who are admitted as solicitors are competent.
- The requirements for qualification under the SQE will be based on candidates demonstrating the core competences required for safe practise as a solicitor.
- The SRA's obligation to ensure that regulation is proportionate and targeted means that it cannot justify requiring candidates to take a course of study that would teach them more, or require them to study for longer than is necessary to gain the core competences needed to practise as a solicitor. This could result in unnecessary cost for candidates and act as a barrier to qualification.
- Its approach is intended to promote competition and will allow the labour market to innovate. This could result in lower costs in the training sector and promote international competitiveness by making the English and Welsh market a more attractive one in which to qualify.

- Development of an assessment framework which is valid, consistent, reliable, fair, feasible and encourages innovation and flexibility in legal education and training will provide a high level of protection for consumers of legal services and a high degree of confidence in the profession both in this country and internationally.
- Introducing the requirement for a centralised assessment will bring England and Wales in line with other jurisdictions, many of which already have some form of centralised assessment. This should enhance the standing of the profession internationally.

50. In relation to the concern about individuals being able to qualify with less depth of knowledge, the LSB was satisfied with the justification provided by the SRA, as noted in the first three bullet points of paragraph 49 above. Further, the LSB did not consider that there was sufficient evidence of any likely detriment to the regulatory objectives resulting from removing the requirement to complete academic study of law. Therefore, this was not considered to be a ground for refusing the application.

51. Regarding the potential impact on the international competitiveness of the England and Wales legal profession, the LSB assessed the arguments put forward for and against the changes having a negative impact. The LSB considered that arrangements for education and training are only one (albeit important) factor contributing to the international standing of the legal profession in England and Wales. The wider legal and regulatory framework within which the England and Wales solicitor profession operates is also of major significance in terms of international reputation and competitiveness.

52. The LSB concluded that there is no evidence to suggest that a negative impact on the international competitiveness of the England and Wales legal profession is likely to result from the removal of the requirement for prescribed academic study of law. Whilst it could not be ruled out, the residual risk was not considered sufficient for this to be a ground for refusing the application, especially when balanced against the wider positive impacts on the regulatory objectives that the SRA is seeking to achieve through the changes.

Clarification on drafting and commencement arrangements

53. The LSB also clarified some drafting points with the SRA, particularly concerning commencement of the regulations. The LSB was satisfied with the responses it received from the SRA with regards to the drafting points and no amendments to the regulations were required.

54. In relation to commencement, the regulations provide the SRA Board with the power to commence the Authorisation of Individuals Regulations. The application states that it will not do so before September 2020. Prior to these regulations being commenced, the SRA intends to apply to the LSB for approval of the remainder of its new Authorisation of Individual Regulations, which it consulted upon as part of its Handbook review in September 2017. The remainder of the regulations include:

- Arrangements to end the existing qualification system

- Transitional arrangements for anyone who has started the current qualification system when the SQE is introduced, including qualified lawyers.

55. If approved, the remainder of the Authorisation of Individuals Regulations will come into force before the regulations that are the subject of the current application. The LSB has considered this commencement arrangement and is content to approve the current application separate from the remainder of the regulations.

Decision

56. The LSB has considered the SRA application against the criteria in paragraph 25(3) of Schedule 4 to the Act. It considers that there is no reason to refuse this application; accordingly, the application is granted.

57. Annexes A and B to this decision notice contain the amendments to the regulatory arrangements approved by the LSB.

Chronology

- The LSB confirmed receipt of an application from the SRA on 12 January 2018.
- The 28 day initial decision period for considering the application ended on 9 February 2018.
- On 7 February 2018 the LSB issued an extension notice, which extended the initial decision period to 9 March 2018.
- On 8 March 2018 the LSB issued a second extension notice, which extended the decision period to 12 April 2018.
- This decision notice is effective from 26 March 2018.
- The decision notice will be published on the LSB's website by 27 March 2018.

Neil Buckley, Chief Executive

**Acting under delegated authority granted by the Board of the Legal Services Board
26 March 2018**

Notes:

1. The LSB is required by Part 3 of Schedule 4 to the Act to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements.
2. Paragraph 25(3) of Schedule 4 to the Act explains that the LSB may refuse an application setting out a proposed change to the regulatory arrangements only if it is satisfied that
 - (a) granting the application would be prejudicial to the regulatory objectives
 - (b) granting the application would be contrary to any provision made by or by virtue of this Act or any other enactment or would result in any of the designation requirements ceasing to be satisfied in relation to the approved regulator
 - (c) granting the application would be contrary to the public interest
 - (d) the alteration would enable the approved regulator to authorise persons to carry on activities which are reserved legal activities in relation to which it is not a relevant approved regulator
 - (e) the alteration would enable the approved regulator to license persons under Part 5 [of the Act] to carry on activities which are reserved legal activities in relation to which it is not a licensing authority, or
 - (f) the alteration has been or is likely to be made otherwise than in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the alteration.
3. The designation requirements referred to in paragraph 2(b) above are set out in paragraph 25(4) of Schedule 4 to the Act and are
 - (a) a requirement that the approved regulator has appropriate internal governance arrangements in place
 - (b) a requirement that the applicant is competent, and has sufficient resources to perform the role of approved regulator in relation to the reserved legal activities in respect of which it is designated, and
 - (c) the requirements set out in paragraphs 13(2)(c) to (e) of Schedule 4, namely that the regulatory arrangements are appropriate, comply with the requirements in respect of resolution of regulatory conflict (imposed by sections 52 and 54 of the Act) and comply with the requirements in relation to the handling of complaints (imposed by sections 112 and 145 of the Act).
4. In accordance with paragraphs 20(1) and 23(3) of Schedule 4 to the Act, the LSB has made rules¹ about the manner and form in which applications to alter regulatory arrangements must be made. Amongst other things, the rules highlight the applicant's obligations under section 28 of the Act to have regard to the Better Regulation Principles. They also require applicants to provide information about each proposed change and details of the consultation undertaken.
5. If the LSB is not satisfied that one or more of the criteria for refusal are met, then it must approve the application in whole, or the parts of it that can be approved.

¹ Rules for Rule Change Applications – Version 2 (November 2010)

SRA Authorisation of Individuals Regulations [20XX]

Part 1 - Admission as a solicitor

Eligibility for admission

- 1.1 You will be eligible for admission as a *solicitor* if the *SRA* is satisfied:
- (a) you have successfully and satisfactorily passed an assessment which is designed to assess your competence against the *prescribed* competences for *solicitors* and is conducted by an assessment organisation appointed by the *SRA* for the purpose;
 - (b) you hold a *degree* or qualifications or experience which the *SRA* is satisfied are equivalent to a *degree*;
 - (c) you have completed qualifying work experience which meets the requirements of regulation 2; and
 - (d) as to your *character and suitability* to be a *solicitor*.

Qualifying work experience

- 2.1 Qualifying work experience must:
- (a) comprise experience of providing legal services which provides you the opportunity to develop the *prescribed* competences for *solicitors*;
 - (b) be of a duration of a total of at least two years' full time or equivalent; and
 - (c) be carried out under an arrangement or employment with no more than four separate firms, educational institutions or other organisations.
- 2.2 In respect of each organisation under regulation 2.1(c) above, you must arrange for confirmation in the *prescribed* form of the matters set out in regulation 2.3 to be given by a person specified in (a) to (c) below who has taken sufficient steps to satisfy themselves as to those matters:
- (a) the organisation's COLP;
 - (b) a solicitor working within the organisation; or
 - (c) if neither (a) or (b) are applicable, a solicitor working outside of the organisation who has direct experience of your work and who has, in order to be so satisfied:
 - (i) undertaken a review of the work you have done during the relevant period of work experience, which may include review of a training diary or portfolio of work; and
 - (ii) received feedback from the person or persons supervising your work.

2.3 The matters in respect of which confirmation by a person specified in regulation 2.2 must be given are:

- (a) details of the period of work experience carried out;
- (b) that it provided you with the opportunity to develop some or all of the **prescribed** competences for **solicitors**; and
- (c) that no issues arose during the period of work experience that raise a question as to your **character and suitability** to be admitted as a **solicitor**, or if such confirmation cannot be given, then details of any such issues.

Eligibility for admission of qualified lawyers and part-qualified lawyers

3.1 You will be eligible for admission as a **solicitor** if the **SRA** is satisfied:

- (a) you hold a legal professional qualification that is recognised by the **SRA**, which confers rights to practise in England and Wales or in an **overseas** jurisdiction; and
- (b) subject to regulation 3.2, you meet the criteria in regulation 1.1(a), (b) and (d).

3.2 If you hold a qualification recognised under regulation 3.1(a) and the **SRA** is satisfied that your qualifications or experience demonstrate that you meet some or all of the **prescribed** competences, the **SRA** may decide you are not required to pass the assessment under regulation 1.1(a) or such parts of it as it considers appropriate.

3.3 If you are:

- (a) a national of an EU member state; or
- (b) part-qualified as a legal professional under the rules of an EU Member State other than the UK; and

the **SRA** is satisfied that your qualifications or experience demonstrate that you meet some or all of the **prescribed** competences, the **SRA** may decide you are not required to:

- (i) pass the assessment under regulation 1.1(a) or such parts of it as the **SRA** considers appropriate; or
- (ii) complete all or part of the period of qualified work experience under regulation 1.1(c).

Commencement

4.1 These regulations come into force, and this regulation is revoked, on a date to be determined in an order made by the **SRA** Board.

Supplemental notes

Made by the SRA Board on 10 November 2017

Made under sections 2, 28, 79, and 80 of the Solicitors Act 1974.

Approved by the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007, on [date]

Commencing on the date determined in accordance with regulation 4.1.

SRA Handbook Glossary 2012 (Amendment) Rules [20XX]

Rule 1

In rule 2 of the SRA Handbook Glossary 2012, after the definition of “defence costs” insert the following:

“degree

means a UK degree, awarded at level 6 (or above) of the Framework for Higher Education Qualifications, by a recognised degree awarding body.”

Rule 2

These rules come into force on the date determined by the **SRA** Board in accordance with regulation 4.1 of the SRA Authorisation of Individuals Regulations.

Supplemental notes

Made by the SRA Board on 10 November 2017

Made under sections 2, 28, 79, and 80 of the Solicitors Act 1974.

Approved by the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007, on [date]

Commencing on the date determined in accordance with regulation 4.1 of the SRA Authorisation of Individuals Regulations [20XX].

The Solicitors Qualifying Examination (SQE): approach to qualified lawyers seeking admission as a solicitor of England and Wales

The principles

Overarching requirements

1. Qualified lawyers who wish to be admitted as a solicitor of England and Wales will need to:
 - a. Hold a legal professional qualification which confers rights to practise in England and Wales or in an overseas jurisdiction we recognise.
 - b. Demonstrate that they have the competences set out in the Statement of Solicitor Competence (SoSC), and the knowledge of English and Welsh law set out in the Statement of Legal Knowledge either on the basis of the principles set out below and/or through successful completion of the SQE.
 - c. Have a degree or qualifications or experience which we are satisfied are equivalent to a degree.
 - d. Satisfy our character and suitability requirements.
2. We will recognise the knowledge, skills and competences that qualified lawyers have gained through professional qualifications and professional experience.¹ This recognition may relate to SQE stage 1 and/or SQE stage 2 in totality, or individual components² which make up SQE stage 1 and/or 2. We will only recognise professional legal qualifications or professional experience as equivalent to an individual component of the SQE where the knowledge, skills and competences for which a qualified lawyer seeks recognition correspond to the whole of an individual component. There will be no recognition available for only part of an individual component as it is not possible to assess all candidates on a reliable and accurate basis where some candidates are only being assessed on some aspects of a component.

Recognition of professional qualifications

3. For us to recognise a qualified lawyer's professional qualification as equivalent to part or all of the SQE (SQE 1 and/or SQE 2), they will need to demonstrate that the qualification they hold is equivalent to SQE 1 and/or SQE 2 in its entirety, or individual components of the SQE in the following ways:
 - Content: the professional qualification will need to cover content which is not substantially different to the areas of English and Welsh law set out in the Statement of Legal Knowledge and the competences set out in the SoSC.
 - Standard: the professional qualification will need to be of an equivalent standard – ie it will have to assess to a level which is comparable to level three of the SRA threshold standard.³

¹ Recognition of part or all of the SQE will be granted to candidates who hold a legal professional title we recognise (a professional qualification) in a jurisdiction we recognise. Where recognition is granted, the qualified lawyer will not be required to sit the corresponding components of the SQE assessment(s).

² "Component" of the SQE means an individual assessed element of the SQE for which a separate standard is set and a mark provided.

³ www.sra.org.uk/threshold.

Recognition of professional experience

4. Where qualified lawyers have acquired professional experience in legal practice⁴ through practising under their home title and/or in their home jurisdiction, we will consider whether the knowledge, skills and competences developed by this professional experience are equivalent to corresponding parts of SQE 1 and/or SQE 2. For us to recognise a qualified lawyer's knowledge, skills and competences acquired through professional experience, they will need to demonstrate that the knowledge, skills and competences acquired are equivalent to the whole of the SQE, or individual components of the SQE in the following ways:
 - Content: the knowledge, skills and competences acquired through the professional experience will need to cover content which is not substantially different to the areas of English and Welsh law set out in the Statement of Legal Knowledge and the competences set out in the SoSC.
 - Standard: the knowledge, skills and competences acquired through the professional experience will need to be developed to a level which is comparable to level three of the SRA threshold standard.⁵
5. As a starting point, we envisage that qualified lawyers will typically have a minimum of two years' professional experience in order to show us that they have satisfactorily developed to an equivalent standard the competences assessed by the part(s) of the SQE for which they are seeking recognition. However, some candidates may be able to demonstrate to our satisfaction that they have developed the respective competences to an equivalent standard within a shorter period of professional experience or through lifelong learning (or through a combination of both).⁶ They can still apply to us for recognition by submitting formal evidence and we will review the evidence to assess whether their knowledge, skills and competences meet our content and standard requirements.

English language

6. Where necessary,⁷ there will be an English language test requirement imposed for qualified lawyers whose professional qualification(s) or professional experience we have recognised as equivalent to all of SQE 2. This will take place post-admission, at the point applicants apply for a first practising certificate.

⁴ Periods of professional experience in legal practice which are undertaken either pre or post qualification can be taken into consideration.

⁵ www.sra.org.uk/threshold.

⁶ 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics.

⁷ in cases of "serious and concrete doubt" about the applicant's language knowledge in respect of the professional activities which they intend to pursue as per the European Union (Recognition of Professional Qualifications) Regulations 2015.

Notes on the principles

Regulatory/professional bodies

7. It is the relevant regulatory/professional body that will need to make the application to us for recognition of a professional title and/or to become a recognised jurisdiction. However, the jurisdictions and professions which have been awarded 'recognised' status under the previous Qualified Lawyers Transfer Scheme (QLTS), will retain their 'recognised jurisdiction' status under the SQE.
8. A regulatory/professional body of a recognised jurisdiction can apply for recognition for the whole of SQE 1 and/or SQE 2 or individual components of the SQE for their jurisdiction/profession. In practice, this will mean that the regulatory/professional body of the recognised jurisdiction will need to undertake a mapping exercise and submit evidence to us showing how their members' professional qualification is equivalent to the SQE.
9. We will review the mapping exercise the regulatory/professional body has undertaken and recognise the professional qualifications of a regulatory/professional body as equivalent to the SQE where we assess that the content and standard of the qualification scheme is not substantially different to corresponding areas of the SQE. We will look at the content and standard of the profession's qualification scheme only,⁸ and whether the recognition sought covers the entirety of an individual component and/or the whole of SQE 1 and/or 2.

Individuals

10. Qualified lawyers who are seeking admission will have to contact us and demonstrate how their professional qualification or professional experience is equivalent to the SQE, or part of it, based either on the areas of recognition agreed with us by their regulatory/professional body, and/or their individual circumstances. In order to do this, they will be required to submit formal evidence, including an explanation of how their professional experience has enabled them to develop the competences in relation to which they are seeking recognition.⁹
11. Qualified lawyers of EU Member States other than the UK, have the choice as to whether they seek admission on the basis of Directive 2005/36/EC or Directive 98/5/EC. Typically, candidates seeking establishment on the basis of Directive 98/5/EC will need to effectively and regularly pursue an activity in the law of England and Wales, in England and Wales under their home-country professional title for a period of at least three years.

⁸ ie - we will not look at features such as the assessment methodology or the format of the assessment.

⁹ In practice this could be achieved either on the basis of confirming to us that they are a member of a profession which has pre-agreed areas of recognition in place (based on the standard qualification route of the profession), and/or by submitting evidence in support of 'less typical' periods of professional experience.