



The Law Society

THE SRA'S SQE REGULATIONS

Dear Sir/Madam

We are writing to you with regard to the regulations which would introduce the Solicitors' Qualifying Exam (SQE).

The SRA notified the Law Society on 12 January 2017 that they have written to the LSB under Schedule 4 of the Legal Services Act for a change to the SRA's regulatory arrangements in order to implement the SQE.

The Law Society remains supportive of the SQE in principle, provided certain success criteria are met, for example the maintenance of high standards and having a positive impact on the future diversity of the profession.

We would like to note our appreciation of the fact that the SRA has taken on board a number of our recommendations, for example on the importance of a degree-level qualification. Additionally, in the most recent consultation, the SRA amended its draft regulations to recognise our concerns. The regulations now provide that where a solicitor outside the organisation in which someone is employed is allowed to sign off that qualifying work experience, the solicitor should make the decision based on a thorough review to ensure that the candidate has had the opportunity to develop the relevant competencies.

However, there is one major issue we feel compelled to bring to the LSB's attention, namely that there remains considerable uncertainty around the equality and diversity issues raised by the requirement for candidates to take the SQE. The SRA commissioned the independent Bridge Group at King's College to report on this issue. Their paper noted that "it is important to keep in mind that diversity implications cannot be precisely predicted given the complexity and multiplicity of variables".¹

¹ "Monitoring and Maximising Diversity"
<https://www.sra.org.uk/sra/policy/sqe/research-reports.page>

This echoes our view that more information is necessary to properly evaluate and monitor potential impacts.

Our concerns are centred on the lack of detail in respect of the proposed assessment and its administration. We believe that the equality and diversity effects of the SQE cannot be predicted until there is more certainty over the cost, content, format of the exams, the administrative arrangements for them (including adjustments to be made for candidates with disabilities), and clarity over whether candidates from disadvantaged backgrounds will be able to access funding for courses to prepare for these exams. We are not clear whether the opportunity to sit the SQE will be provided in Wales, which will be an equality and diversity concern. Until the answers to these questions become clearer, there is a significant risk that the regulations as submitted could have a negative impact on equality and diversity.

We therefore believe that there is not enough information available at this stage for the LSB to approve these regulations. The impacts of the revised regulations on regulatory objective 'A' (protecting and promoting the public interest) and 'F' (ensuring an independent, strong, diverse and effective profession) are unclear.

However, we do understand that the SRA needs sufficient confidence in order to proceed with the appointment of a SQE assessment provider in Spring 2018. We do not wish to delay this.

As a potential compromise, we suggest that the LSB considers granting a conditional or indicative approval at this stage. The conditions could include requiring the SRA to provide more detailed evidence to stakeholders, and allowing stakeholders to comment, prior to the regulations receiving their final approval, including stronger data on the potential diversity impacts. We believe such an approach would give the SRA the certainty to proceed with appointment of an assessment provider, while also ensuring that the LSB can reassure itself that the regulatory objectives will be enhanced and give stakeholders more confidence in the proposed new exams.

Thank you for the consideration of these points. The Society would be happy to provide more information, as required.

Kind regards,

Allan Murray-Jones, Chair of the Law Society's Education and Training Committee