

Sent by email only

Paul Philip
Chief Executive
Solicitors Regulation Authority
The Cube
199 Wharfside Street
Birmingham, B1 1RN



**LEGAL SERVICES
BOARD**

The Chief Executive's Office
Legal Services Board
3rd Floor
One Kemble Street
London WC2B 4AN

T 020 7271 0043

www.legalservicesboard.org.uk

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Dear Paul,

Forthcoming application on new admission requirements and SQE

Thank you again for the briefing that you provided to the LSB on your progress with development of new admission requirements, including the proposed Solicitors Qualifying Exam (SQE).

As you know, in March 2018 we approved your first application on this subject, which provided approval for the framework upon which the SRA Board could seek to introduce new requirements for individuals to pass a centralised SQE, through a further application to the LSB. I understand that the SRA expects to submit its second application, which will include the full detail on the new requirements, around July or August 2020. As you know, the LSB's approval of this application will be required in order for the new admission requirements to come into force.

At the briefing event, Board members raised a number of issues that will be relevant to our assessment of your second application. We have since discussed this matter at our October Board meeting. I have attached the paper that we discussed at the meeting, which was published on our website alongside other Board papers, earlier today.

For your reference and in the interests of transparency, I have recorded below a non-exhaustive list of key issues that we will expect to be fully addressed in your next application. This list should be read alongside our March 2018 decision notice¹, where we recorded our expectations in terms of content and substantive issues for assessment for the second application. This current letter is intended to augment, rather than replace, the expectations set out in our March 2018 decision notice.

¹ https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/2018/FINAL_decision_notice.pdf

Quality of assessment

It is important that the SQE provides a fully valid assessment of competence and that quality, and perceptions of quality, are not compromised.

Quality is an issue that our March 2018 decision notice identified as needing to be revisited when the second application is received and this will be a key issue for our consideration.

Qualifying work experience (QWE)

In relation to QWE, since our March 2018 decision in particular, stakeholders have expressed concern about sign off arrangements, the risk of those undertaking it being treated poorly and getting limited utility from their time and the overall lack of any quality assurance of the process by the SRA.

This highlights an issue about the clarity of what is expected from QWE and the case for development of meaningful quality criteria for assessing QWE. This is an area where we will expect the SRA to set out what steps it proposes to take to ensure that QWE in whatever form it takes meets reasonable expectations of quality.

Professionalism and ethics

We would value further explanation of how, under the new framework, the SRA expects that ethical competence and the concept of professionalism will be acquired and assessed through the admission process.

Cost

One of the potential benefits of the SQE is to make admission as a solicitor more accessible, particularly in relation to cost. It will be important to ensure clarity about the extent to which this potential benefit will be delivered across the full range of routes to admission.

On this subject, our March 2018 decision notice emphasised the need for detailed costs information. Information is beginning to emerge on the training offerings being developed for the new framework, which should help to inform the provision of meaningful cost modelling to demonstrate indicative costs for some of the pathways to admission that may emerge.

Equality impact

The SRA's first application included an Equality, Diversity and Inclusion impact assessment. Through our March 2018 decision notice we have made our expectation clear that we will need to see an updated EDI with your next application. This should include the issues, analysis and evidence that are identified and generated through the development of the SQE assessment frameworks.

Provision of assessment in Welsh

During our assessment of the first application, we received representations from a number of sources, including the Welsh Language Commissioner, who expressed concern about whether the SQE would be provided in Welsh.

More recently, we note that the recent report of the Commission on Justice in Wales includes a recommendation on provision of professional examinations in Welsh.

We see that the SRA's ultimate decision on this issue is likely to have an impact on the following regulatory objective:

(f) encouraging an independent, strong, diverse and effective legal profession

We expect the next application to clearly explain the SRA's decision and the potential impact on the above regulatory objective.

We will also require assurance that the SRA's proposal is consistent with legislative requirements.

Evaluation of impact

The SRA's intended approach to evaluating the impact of the proposed changes will be an important consideration in our assessment of the second application.

We will expect to see evaluation built in to the design from the start and clear commitments to monitor, review and respond to emerging evidence. It would be beneficial if this included articulating what the SRA would do if the evidence suggested that the change was not delivering the expected outcomes.

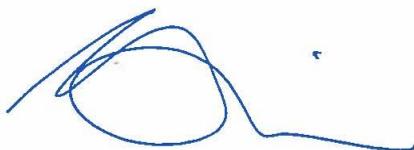
Resolution of stakeholder concerns

While we are clear that it is for the SRA to take steps to identify and resolve stakeholder concerns, we consider it important to hear those concerns at first hand to inform our assessment of the proposals, particularly in relation (although not necessarily limited to) the public interest objective. As discussed at the briefing event, we propose to convene a meeting with the SRA involving relevant stakeholders including the Law Society, Junior Lawyers Division and the Justice Select Committee. We see this as an important opportunity for us to better understand the views of these stakeholders in relation to the proposed framework and to observe how the SRA is seeking to resolve concerns that are being raised. While I recognise the extent of stakeholder engagement that has been undertaken during the development of the proposals, I hope very much that the SRA will see it in similar terms.

Finally, I should take the opportunity to thank you and colleagues once again for giving up their time yesterday to help me understand better the SRA's approach to regulation. I found it immensely valuable and I am very grateful.

I was encouraged by what came across to me as a clear desire on the part of the SRA to find opportunities to work with the LSB on key policy objectives. We had a good discussion on quality indicators, for example, and Juliet and I discussed transparency and quality assurance in relation to investigation and enforcement work, which is of particular interest to us as we develop our approach to oversight of disciplinary processes. And, as you know, we have recently started work on a new policy objective focused on ensuring that regulators have appropriate frameworks for continuing assurance of professional competence throughout the careers of the people that they regulate. As our work on this objective progresses, we will be interested to understand how the SRA sees its new admission framework supporting achievement of this objective.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'M' followed by a horizontal line extending to the right.

Matthew Hill
Chief Executive

E Matthew.Hill@legalservicesboard.org.uk

Enclosure: Paper (19) 46 SQE next steps