

SOLICITORS REGULATION AUTHORITY
Minutes of the SRA Board meeting
**held on 27 February 2023 at 15.30 at the Hilton London Tower Bridge, 5 More
London Place, Tooley Street, London, SE1 2BY**

Subject to final approval by the SRA Board at its meeting on 14 March 2023

Present: Anna Bradley (Chair)
Claire Bassett
Ann Harrison
Paul Loft
Lisa Mayhew
Vikas Shah
Liz Smart (from item 4)
Nicola Williams

In attendance: Paul Philip, Robert Loughlin, Juliet Oliver, Liz Rosser, Ben Fisher,
Chris Handford, Jennifer Ackers, David Adams, Julie Swan, Laurie
Whitby-Smith, Dominic Tambling

1 WELCOME AND APOLOGIES

1.1 The Chair welcomed Board members to the meeting. Apologies had been received from Selina Ullah.

2 MINUTES OF THE PREVIOUS MEETING ON 31 JANUARY 2023

2.1 The minutes of the meeting held on 31 January 2023 were approved as a true and accurate record.

3 MATTERS ARISING AND DECLARATIONS OF INTEREST

3.1 There were no matters arising that would not be covered elsewhere on the agenda. All actions due had been completed or were in hand.

3.2 Interests were as previously declared and available to view on the SRA website. Members would declare any additional particular interest in an individual item if necessary.

4 CHAIR'S UPDATE

4.1 The Chair updated the Board on the implementation of the Board Effectiveness review report which had been considered in December 2022. The Working Group had met for the first time earlier in the month and had divided the suggestions from the review into those that were straightforward to implement, and would be presented to the Board in the form of amendments to the Governance Handbook, and those that would require more detailed consideration. The Board would receive regular updates and the intention was to present recommendations for decision in June 2023.

- 4.2 The Chair reminded the Board that following the addition of Claire Bassett to the Board on 1 January 2023, Rob McWilliam would become a Board member on 1 March 2023. They would both be joining Paul Loft (Chair) and Vikas Shah on the Audit And Risk Committee. Selina Ullah had recently taken on a substantial new role elsewhere and would step down from the chairmanship of Remuneration Committee but would remain a member. Ann Harrison would now chair that committee and Nicola Williams and Liz Smart would remain as members.
- 4.3 The Chair updated Board members on her recent meetings including a number relating to item 5 on the agenda on the future regulation of CILEX members.
- 4.4 The Chair had also hosted an event to formally mark the opening of our new Cardiff office which had been attended by Mick Antoniw MS the Counsel General for Wales, and guests from the legal sector and elsewhere. A reception would be held for Welsh MPs and Peers on 23 May 2023 at the House of Commons which Board were invited to attend. A list of other opportunities for Board members to engage with stakeholders away from Board meetings had recently been circulated.
- 4.5 Finally, the Chair set out the programme for the rest of this two day meeting, including dinner with representatives for the Legal Services Consumer Panel that evening and discussions on work to reduce the age profile of our Investigation and Enforcement cases and the next stage in the development of our new Corporate Strategy for 2023 to 2026.

5 CHARTERED INSTITUTE OF LEGAL EXECUTIVES (CILEX) PROPOSAL TO EXPLORE SRA REGULATION OF CILEX MEMBERS – UPDATE AND NEXT STEPS

[Redacted text block]

[Redacted text block]

[Redacted text block]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.8 Noting that the Legal Services Board (LSB) had announced an investigation into 'the ongoing disputes, disagreements and associated issues between CILEX and CILEX Regulation Limited' the Board agreed that details of Board discussions on CILEX and the papers relating to this item would not be published as they related to emerging strategy or policy. It would consider publication of this material after a decision had been taken by the LSB.

6 **PROGRESS REPORT ON THE SOLICITORS QUALIFYING EXAMINATION (SQE)**

6.1 The Board was asked to consider an update on the first year of the delivery of the Solicitors Qualifying Examination including a set of reports which would be published later in the month: Kaplan's (the assessment provider) annual report, the annual report of the Independent Reviewer; our quality assurance report; and the responses to a first perceptions survey.

6.2 The Board noted that the SQE had been available since November 2021. The SQE was delivered in two parts and SQE1 had been delivered on three occasions and SQE2 on two. A total of 3,628 results had been issued to 3,290 candidates with further results being issued the following day (for SQE2) and 14 March 2023 (for SQE1).

6.3 The pass rates for both SQE1 sittings for which results had been released were 53%. The pass rate for the one SQE2 sitting for which results had been released was 77%. We believed that the candidate cohorts who had taken the SQE so far were atypical. Future cohorts would be different in terms of the balance of candidates. There had for instance so far been a higher proportion of candidates

who had previously qualified as a lawyer in another jurisdiction than there will likely be in the future. The nature and extent of work experience that candidates had undertaken would also change and they might also have a wider choice of courses to help them prepare for the SQE.

- 6.4 In terms of delivery, SQE1 had been taken in 59 countries in January 2023 which was a significant achievement. Delivery of the assessments has mostly gone to plan with the one major exception being the failure of one test centre, in Hammersmith, for the July 2022 SQE1 sitting. The centre was no longer being used for the SQE.
- 6.5 Board members asked about the lack of a spell check facility being provided by candidates on the Pearson Vue test platform which Kaplan used for SQE assessments. It was confirmed that Kaplan was putting pressure on Pearson Vue to address this issue (which was common to other professional exams delivered at Person Vue centres).
- 6.6 The Board discussed the findings of the first perceptions survey which had invited candidates, firms, training providers and other interested parties to share their perceptions of both the SQE and Qualifying Work Experience (QWE) after the first year of implementation. Board members noted that in responding on whether the assessment was 'fair' a number of candidates had suggested that training was necessary to improve their chances of success, making the assessment unfair. The Board noted that while one of the aims for the SQE was to remove unnecessary barriers to qualification, it was unlikely that candidates would be able to pass the SQE without some preparatory study. Board members therefore suggested that we should dig a little deeper into the concept of fairness before finalising questions on fairness in future such surveys.
- 6.7 Looking ahead, the expectation was that the number of candidates would increase significantly in the current year from the previous year and Kaplan was working to accommodate this. Plans were on track for the delivery of the full SQE in Welsh. Kaplan had put in place contingency plans for remote proctoring of the assessment in the unlikely, though possible, event that assessment centres could not be used for some reason in the future. The cost of doing so would be very significant. Board members noted the potential for malpractice involving the use of Chat GPT and similar systems if remote proctoring was necessary. Work on mitigating that risk was under way both internally and in the education world more generally. This issue would need to be considered before a decision to invoke remote proctoring was taken.
- 6.8 Board members also noted that the contract with Kaplan provided for an annual increase in the fees for the SQE to reflect inflation and that the figure to be used was that for October 2022, published in November 2022, which was 11.1%. The fees for 2023/2024 would therefore be: £1,798 for SQE1 and £2,766 for SQE2.
- 6.9 The Board was joined by Kaplan's UK and Ireland Chair, Peter Houillon, and its Director of Qualifications, Zoe Robinson for a discussion on its work in delivering the assessment in 2021/22. Topics covered included progress on the availability of the SQE in Welsh, meeting the rapidly increasing demand for the SQE, the fee increase in the coming year and the steps that Kaplan is taking to make sure the

candidate experience is as consistent and of the best quality as possible. As part of this the Board and Kaplan also discussed what lessons has been learned in the past year, including from the Hammersmith centre problems and what improvements had been made as a result.

- 6.10 In conclusion the Board agreed that all of the evidence and analysis considered demonstrated that the SQE was a robust, fair, valid assessment and that it was very pleased with progress so far, though further data was needed before we could really assess how successful the SQE had been. The Board congratulated and thanked all of those who had been involved in the delivery of the SQE in the previous year.

NB: the session with Kaplan representatives took place on 28 February 2023 the day after the main part of the meeting and Vikas Shah gave apologies for that session.

7 REVIEW OF MEETING AND ANY OTHER BUSINESS

- 7.1 The Chair thanked the Board and Executive for their contributions. The next meeting would be held on 14 March 2023.