

Actions to be taken to address differential outcomes in legal professional assessments

A. SRA to facilitate collaborative working, sharing of good practice, dissemination of research and ‘keeping the conversation going’

The researchers suggested the SRA should consider continuing and expanding activity in:

- Playing a leading role as a change agent in progressing diversity across the profession, eg showcasing good practice and convening stakeholders
- Monitoring diversity data and initiatives across the profession and education
- Sharing relevant diversity research with stakeholders to support evidence-based practice

The researchers more generally highlighted the value of talking about – not hiding from – the phenomenon of differential outcomes and its causes.

The SRA will convene a virtual forum - to meet in alternate months - to facilitate the sharing of good practice and research and to ‘keep the conversation going’. We will welcome participation from firms, law schools, SQE providers and specialist organisations. We will invite contributions/speakers from within and outside of the profession to meetings (the researchers flagged opportunities for us to learn from other sectors). We will seek direct input from aspiring solicitors. We will use the forum to invite participants to alert us to new research and initiatives.

B. Undertake a Thematic Review of how a sample of firms recruit and track and address differential retention

The researchers highlighted the lack of diversity at senior levels in law firms as a potential cause of differential outcomes. The research found that only a small number of firms focused on collecting and responding to diversity data within their firm.

The researchers suggested that firms should consider what, or what more, they can do to measure recruitment and retention performance against appropriate diversity targets at all levels to ensure greater diversity in senior leadership.

The SRA will undertake a Thematic Review to understand:

- what firms currently do (or do not do) to track retention and address any concerns their tracking reveals
- current recruitment practices, including with regard to the use of contextualised recruitment.

The focus will be on larger firms. Input will be sought from minority ethnic solicitors who remain in, or have left, private practice.

C. Explore the feasibility of a scheme to help smaller firms undertake contextualised recruitment

The researchers highlighted the value of contextualised recruitment to widen the talent pool from which firms recruit. The researchers suggested that firms should consider what, or what more, they can do to use contextual recruitment, especially for roles involving funded preparatory courses for legal professional assessments.

Contextual recruitment takes an applicant's learning context into account when assessing their prior levels of achievement. Contextual recruitment has been widely used in higher education for some years. It has more recently been adopted by some law firms.

D. Further analysis on candidate performance by candidate characteristics/background

The researchers refer in the report to the difficulties they found with outcomes data because it grouped together candidates from different ethnicities, 'sometimes arbitrarily', obscuring differences for certain minority ethnic groups and preventing the identification of important factors specific to them.

The SRA will work with Kaplan to undertake further analyses of the data on candidate performance to understand more about the influence of candidates' characteristics and experience on their SQE performance.

E. Support for candidates preparing to take the SQE

The researchers suggest that those responsible for the provision of legal education should 'provide more resource required to help increase academic skills, such as assessment preparation'.

The researchers highlight several reasons why, generally, ethnic minority candidates might perform less well in professional legal assessments than white candidates, linked to their lack of familiarity with the assessment requirements and their exposure to the same types/volumes of exam preparation.

The researchers' recommendation is not limited to preparation for the SQE and, of course, the research was not focused on the SQE. There is a strong correlation between SQE performance and prior academic attainment, and additional support for candidates during their academic studies might be expected to wash through to the SQE. Actions taken earlier in the qualification journey could have a positive impact on SQE candidates' performance. However, universities are already required by their regulator, the OfS, to develop, publish and fulfil Access and Participation Plans that, among other requirements, must include actions to address differential outcomes.

The immediate actions we are proposing in response to this recommendation are, therefore, SQE-specific.

The SQE uses assessment formats that are likely to be novel for many candidates. It is possible that the impact of this novelty is greater for candidates who are already at a disadvantage in preparing for the assessments for a wide range of reasons, such as working while studying or not having support with their assessment preparation. Such candidates might have less time and less support to familiarise themselves with the assessment methodology while they are also learning about law and legal practice.

Kaplan has already taken steps to help candidates better understand what to expect from the assessments, including what to expect when they arrive at the assessment centre. Kaplan has also published more material on the standard of performance required to pass, including videos of 'mock' oral assessments.

The SRA and Kaplan will continue to promote the availability of the information and explore what further, potentially targeted information could be provided. Kaplan will provide further information on how single best answer MCQs of the type used in SQE1 are constructed.

F. Law school/firm collaboration

The researchers encouraged those providing legal education to learn from their own and others' actions to 'enable greater collaboration with law firms for paid work experience opportunities, practical help with lawyer skills, including soft skills, networking and cultural capital'. The benefit of such support was highlighted across all stakeholders who engaged with the research, alongside the particular challenges for some ethnic minority students of accessing it.

There are several schemes which facilitate work experience in law firms and support the development of soft skills.

The SRA will map the extent and impact of existing schemes and explore the potential additional benefits of further partnerships between law firms and undergraduate law schools.