

Guidance

Guidance

Solicitors and Compliance Officers for Legal Practice (COLPs) confirming qualifying work experience

Solicitors and Compliance Officers for Legal Practice (COLPs) confirming qualifying work experience

Updated 29 September 2021 (Date first published: 10 December 2020)

Status

This guidance will help you understand your obligations around confirming qualifying work experience (QWE) and how to comply with them. We will have regard to it when exercising our regulatory functions.

Who is this guidance for?

This guidance is for solicitors and Compliance Officers for Legal Practice (COLPs) who we regulate, confirming QWE. It may also be useful for individuals completing or preparing to complete QWE.

What is the purpose of the guidance?

It explains how a solicitor or COLP (who we regulate) can meet our requirements when confirming QWE.

What is qualifying work experience?

Individuals wishing to be admitted as a solicitor, either through the SQE route [<https://www.sra.org.uk/become-solicitor/sqe/>] or as part of an equivalence to a period of recognised training [<https://www.sra.org.uk/become-solicitor/legal-practice-course-route/substitute-qwe-sqe2-equivalent-training/>], need to complete qualifying work experience (QWE).

- It involves experience of providing legal services [<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-employers/>] which enables an individual to develop some or all of the competences outlined in the Statement of Solicitor Competence [<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>], including professionalism and ethics.



- It may be obtained in England or Wales or overseas.
- In total it must be at least two years working full time or the equivalent on a part time basis.
- It can be obtained in up to four separate organisations providing legal services. There is no minimum or maximum prescribed length for each individual placement.
- It is confirmed by a solicitor or COLP (who we regulate).
- It can be obtained in an organisation we do regulate or in an organisation we do not regulate.
- It can be obtained in a current [<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/using-experience-from-your-current-job-or-role-as-qualifying-work-experience/>] or a previous [<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/using-past-jobs-or-roles-as-qualifying-work-experience/>] role.

Who can confirm QWE?

QWE can be confirmed by:

- A solicitor of England or Wales or COLP (who we regulate) within the organisation where the placement took place. The solicitor or COLP does not need to hold a practising certificate.
- A solicitor [<https://www.sra.org.uk/solicitors/standards-regulations/glossary/#solicitor>] of England or Wales, who does not need to hold a practising certificate, working outside the organisation where the placement took place who has direct experience of the work of the individual completing QWE and who has:
 - Reviewed their work during the relevant period of work experience.
 - Received feedback from the person or persons supervising their work.

What needs to be confirmed?

Any experience that meets these conditions counts as QWE and should be confirmed. You will need to confirm:

- The length of work experience carried out.
- That the placement provided the opportunity for the individual to develop some or all of the competences outlined [<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>] in the Statement of Solicitor Competence.
- That no issues arose during the work experience that raise questions over the individual's character and suitability to be admitted as a solicitor or if such confirmation cannot be given, then details of any such issues.

You will need to confirm these details to us when the individual is applying for admission. The form is now available for a candidate to report their QWE [<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/registering-qualifying-work-experience/>] .

You will be asked by the individual completing this form for your details and SRA number.

Please remember that you are not confirming whether a candidate is competent to practise. The SQE assessments will assess this.

You are not making a judgement on an individual's suitability to be a solicitor. Instead, if any issues came up during the placement you are confirming, please give us the details and we will consider them under our character and suitability requirements [<https://www.sra.org.uk/solicitors/standards-regulations/assessment-character-suitability-rules/>] .

You will also be asked by the individual completing QWE for your SRA number when they ask you to confirm it. Please provide this. This information will help us to contact you to so you can confirm the individual's QWE.

How to meet our obligations when confirming QWE

Confirming QWE is an important statement to us. You should consider the following when doing so:

- If you or your organisation has provided an opportunity for an individual to complete their QWE, you have a responsibility to confirm it if it has been properly completed and meets our criteria. If there was a good reason (for example because you are related to the individual or have a possible conflict of interest), you or your organisation should nominate another individual who meets our requirements to confirm where possible.
- Take steps to satisfy yourself that the QWE claimed:
 - Has been completed and is accurate.
 - Provided the opportunity to develop some or all of the competences in the Statement of Solicitor Competence.
 - That no issues arose during the work experience that raise questions over the individual's character and suitability.
- You can obtain these assurances by:
 - Directly supervising the individual's work (although this is not a requirement of confirming QWE).
 - Reviewing the individual's QWE training template [<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qwe-training-template/>] , training diary,



learning and development record or work portfolio to make sure they had the opportunity to develop some or all of the competences. You may want to check that the experience claimed has been appropriately evidenced. For example, does the experience described or provided relate to the competence.

- Confirming with your organisation's HR team that the placement details are accurate and whether any character and suitability issues arose.
- Speaking to the person or persons directly supervising the individual's work.
- If you are a solicitor [<https://www.sra.org.uk/solicitors/standards-regulations/glossary/#solicitor>] working outside of the organisation where the placement took place you must have direct experience of the candidate's work and, before confirming QWE, have:
 - Reviewed the individual's work during the relevant period of work experience. You can do this by reviewing the trainees training diary or portfolio.
 - Received feedback from the person or persons supervising their work.

You can do this by using the tips mentioned above. You may need to consider in particular how you can support the individual developing their professionalism by providing an ethical role model for them, exploring with them whether they encountered any ethical issues and how you as a qualified solicitor would have approached them.

- Consider whether you are you complying with our Principles [<https://www.sra.org.uk/solicitors/standards-regulations/principles/>] and Code of Conduct for Solicitors [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>] to act honestly, fairly at all times and not to abuse your position by taking unfair advantage. For example, refusing to confirm QWE that meets our criteria simply in order to retain an employee in a non-qualified position would be a clear breach of our Principles and Code. We may take action against a solicitor or COLP who does not meet their regulatory obligations when confirming QWE that meets our criteria.
- You should take reasonable steps to inform the individual at the earliest opportunity if you are not able to confirm their QWE, for example, you are retiring or coming off the Roll. You or your organisation should nominate another individual to confirm where possible.

Retrospective QWE requests

We expect solicitors and COLPs to take reasonable and appropriate steps to confirm any retrospective requests.

For example, this could involve talking to the HR department to confirm details of the experience or to obtain a job description for the role being

claimed as QWE. It could also involve speaking to the person who supervised the individual to get more information on what their experience included.

However, we also recognise that in some cases it may be legitimate for a solicitor or COLP not to confirm QWE. For example:

- if records have not been kept
- the retrospective claim goes beyond the organisation's data retention period
- there are no individuals from that time still employed who can verify the experience.

Further help

You can read more about QWE [<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-employers/>] or email us [<https://www.sra.org.uk/contactus/>].