

Decision to proceed with final SQE design

8 June 2020

This information was published, as part of the SQE development process. This remains on our site for information purposes. Visit the main SQE page for the latest information [<https://sqa.sra.org.uk/registering-and-booking>] .

Background

In 2017, our Board agreed to change the way solicitors qualify by introducing a new centralised assessment - the Solicitors Qualifying Examination (SQE).

Following a two-year period of piloting, engagement and development, our Board has approved the final design of the SQE. It has also decided that the SQE will be implemented from 1 September 2021.

Here we summarise our key decisions on the final SQE design, including our approach to assessing skills, taking the SQE in Welsh, and whether candidates will have options for their SQE2 tests. We also set out the next steps, including the need for Legal Services Board (LSB) approval, ahead of our planned introduction of the SQE in 2021.

Executive summary

The importance of high qualification standards

High standards in the solicitors' profession are essential for consumer protection and confidence. Our role is to make sure that both the public and employers can trust that anyone entering the solicitors' profession is competent and fit to practise.

The current system of qualification, with multiple courses and examinations, means it is difficult to have full confidence that qualifying solicitors are all meeting the same standard. Almost four out of five members of the public said they would have more confidence in solicitors if they passed the same final examination.

The purpose of the SQE

The two objectives we set out for the SQE are:

1. greater assurance of consistent, high standards at the point of admission



2. the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.

A nine-year process of development and consultation

We began the process of looking at how solicitors train nine years ago:

- In 2011, we commissioned the Legal and Education and Training Review, with the results reported in 2013.
- In 2015, following a consultation involving 2,000 people, we introduced a new Statement of Solicitor Competence
[<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>] .
- Between 2015 and 2017, we consulted three times on a new national qualification for admission as a solicitor - the SQE. Feedback led to changes to our initial proposals, including making a degree or equivalent and a two-year period of work experience necessary for qualification. We also bolstered assurances around approval of qualifying work experience.
- In 2017, we decided in principle to introduce the SQE - a rigorous, consistent assessment of competence for intending solicitors.
- In 2018, the LSB approved regulations which allow us to require intending solicitors to take a centralised assessment. They will still need to approve the final rules once the assessment design has been finalised.
- In 2018, after a competitive process, we appointed international assessment experts Kaplan as the SQE assessment provider.
- Between 2018 and 2020, we have been developing the detail of the SQE, testing, piloting and engaging to refine the assessment. This has involved extensive engagement with stakeholders, involving more than 13,000 interactions with interested parties, around 150 meetings and events, and more than 800 survey responses.

Examples of work we have done in the last two years to test and refine our approach include:

- Running pilot exercises - involving more than 480 candidates - for SQE1 [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sra-response-sqe1-pilot/>] and SQE2 [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sqe-pilots/sqe2-pilot/>] and independently evaluated. The pilots have resulted in recommendations that will help improve the SQE, while



confirming that we are on course for the SQE to be a fair, reliable, and valid assessment.

- Working closely with our SQE Reference Group, including academics, training providers, firms and representative groups, including the Lawyers with Disabilities Division, Junior Lawyers Division and legal sector equality groups.
- Working closely with subject specialists, including those from law firms, universities and training providers, to refine the assessment specification.
- Running workshops across England and Wales, as well as webinars and surveys, on key issues including whether we include skills assessments in SQE1, optionality in SQE2, and the support materials required around qualifying work experience.
- Meetings with representatives from diversity and special interest groups, the key professional bodies and round table meetings with solicitors and law firms.

The evidence we have gathered through piloting, engagement and expert input has resulted in improvements to our original proposals. For instance, we have moved to a uniform assessment for SQE2 to make sure that it provides proper consumer protection, recognising that solicitors need to be competent to practise in all the areas where they acquired practice rights on admission, and to make sure the assessment is as fair and consistent as possible. We are also making provision for candidates to take the SQE in the Welsh language.

The final design of the SQE

The SRA Board has now decided that it will proceed to implement the SQE, on the basis of a final design, which is valid, reliable, manageable and cost effective, in which:

- SQE1 functioning legal knowledge assessments will consist of two 180 question examinations
- SQE1 will not include a skills assessment. Instead we will assess legal skills through SQE2
- SQE2 will consist of a single, uniform assessment for all candidates. The assessment will have 15 – 18 exercises which sample across the skills and practice areas. Candidates will not be able to choose the practice area for their skills assessment
- the SQE will be available in the medium of both Welsh and English. There will be a phased introduction of the SQE in Welsh, leading to full parity after four years.

Next steps towards 2021 implementation

We will continue to work with stakeholders to get input on our approach and final design. Specifically:

- we are currently getting feedback on our updated draft equality, diversity and inclusion (EDI) risk assessment
[<https://www.sra.org.uk/globalassets/documents/sra/equality-diversity/sqe-edi-risk-assessment-may-2020.pdf?version=49f457>] . We will publish a final version of this alongside an updated independent analysis from the Bridge Group¹ [n1] on the potential impacts on the SQE on diversity in the profession
- we will be seeking views on the final draft SQE2 Assessment Specification which we will publish in June
- we will publish sample questions and answers later this year
- we will publish the final costs of taking the SQE1 and 2 assessment, which will be within our original envelope of between £3,000 and £4,500.

We will also continue to produce resources to help with the implementation of SQE, such as materials to provide guidance around qualifying work experience. We will also establish a community of interest with SQE training providers as a forum for discussion of the detail of the SQE assessment.

In 2018 the LSB approved the framework for the SQE. We will be applying to the LSB this summer for approval of the SQE Assessment Regulations (which set out matters such as the numbers of permitted re-sits and the period of validity of the SQE) and for minor changes to the Principles for Qualified Lawyers [<https://www.sra.org.uk/become-solicitor/qualified-lawyers/principle-admission/>] , which the LSB approved in 2018.

Subject to the outcome of our application to the LSB, we will bring the provisions of the SRA Authorisation of Individuals Regulations which introduce the SQE (“the SQE Regulations”) into force on 1 September 2021. The first SQE1 assessment will run later that autumn and the first SQE2 assessment will run in spring 2022.

Supporting information

Alongside this summary of our decision on the SQE final design, we have published materials to help people understand our approach. This includes:

- our Board papers [<https://www.sra.org.uk/sra/how-we-work/our-board/public-meetings/archive/>] on the final SQE design, and on the SQE Regulations, including the SQE assessment regulations
- Kaplan's report on the results of the SQE2 pilot
[<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sqe-pilots/sqe2-pilot/sra-response-sqe2-pilot/>]



- our response to the SQE2 pilot results [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sqe-pilots/sqe2-pilot/sra-response-sqe2-pilot/>]
- a report from the SQE Independent Reviewer on the SQE2 pilot [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sqe-pilots/sqe2-pilot/sra-response-sqe2-pilot/>]
- information on the timing of assessments sittings [https://sqe.sra.org.uk/registering-and-booking#heading_01fd]
- our response to the findings of our consultation [<https://www.sra.org.uk/sra/consultations/consultation-listing/consultation-principles-qualified-lawyers/#downloads>] to make minor changes to our principles for qualified lawyers.

The SQE: a rigorous, consistent assessment of high professional standards

In April 2017, following 18 months of extensive consultation, our Board agreed to change the way solicitors qualify by introducing a common assessment - the SQE.

The SQE will:

- be taken by anyone wishing to qualify as a solicitor
- be delivered by an independent assessment organisation - Kaplan
- assess application of candidates' functioning legal knowledge (SQE1) and legal skills (SQE2)
- make sure that those who pass it have met the consistent, high standards we expect from a solicitor.

We agreed to work with experts and key stakeholders to develop the SQE assessments in an open and transparent way, ahead of its introduction in autumn 2021.

Further information on our decisions

SQE assessment design

The SRA Board has agreed to proceed with the implementation of the SQE based on a final assessment design developed following a two-year period of rigorous testing, piloting, expert input and engagement with a wide and diverse range of stakeholders.

It has taken this decision on the basis that the final design:

- meets our criteria of being valid, reliable, manageable and cost effective and



- supports our two SQE objectives of:
 - i. delivering greater assurance of consistent, high standards at the point of admission
 - ii. encouraging the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.

The overall design reflects what we proposed in our 2016 consultation

[<https://www.sra.org.uk/sra/consultations/consultation-listing/solicitors-qualifying-examination/?s=c#download>] :

- SQE1 is an assessment of candidates' functioning legal knowledge, through single best answer, multiple-choice questions
- SQE2 is an assessment of candidates' legal skills through written and oral simulations of the tasks a newly qualified solicitor might undertake in practice, across the five contexts of criminal litigation, dispute resolution, property practice, wills and intestacy, probate administration and practice, and business organisations, rules and procedures.
- We have made three core changes [#design] to what we originally proposed, reflecting evidence from the SQE1 and 2 pilots, expert advice and stakeholder input:
 1. SQE1 functioning legal knowledge assessments will consist of two 180 question examinations, not six separate assessments as we originally proposed. This design means we can have greater confidence in the accuracy and reliability of pass/fail decisions. This decision was taken in July 2019 [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sra-response-sqe1-pilot/>] , following the SQE1 pilot. In addition, the Functioning Legal Knowledge to be assessed has been amended following suggestions from stakeholders and Kaplan's solicitor subject matter experts. Read Kaplan's report [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sqe-pilots/sqe2-pilot/sra-response-sqe2-pilot/>] on the SQE1 pilot findings. Also available is Kaplan's psychometric and statistical analysis [<https://kaplan.co.uk/about/solicitors-qualifying-examination>] of the Functioning Legal Knowledge element of the SQE 1 pilot.
 2. SQE1 will not include a skills assessment. Instead we will assess legal skills through SQE2. We explain more about this decision below.
 3. SQE2 will consist of a single, uniform assessment for all candidates of at least 15 tasks (known as "stations"). These stations will sample across the skills and practice contexts. Candidates will not be able to choose the practice area for their skills assessment. This decision means we can be confident that the SQE is providing proper consumer protection and that all candidates will be fairly assessed against the same, consistent standard. Find out more information about the SQE2 pilot findings [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/pilot/sqe-pilots/sqe2->

pilot/sra-response-sqe2-pilot/] , including why we have decided to proceed on the basis of a uniform exam rather than an optional model.

SQE1 skills

The original proposed SQE1 assessment design included an assessment of candidates' legal research and writing skills. We tested a possible model for the skills assessment in the SQE1 pilot. But the SQE1 pilot found that it was not sufficiently accurate or reliable.

Since then we have explored alternative options with stakeholders, Kaplan and our expert advisers.

In particular, we looked at:

- a. assessing skills purely through SQE2, or
- b. adding a legal research and writing assessment to each of the two functioning legal knowledge assessments within SQE1. The skills element would count for a maximum of 10% of the available marks. But a single assessment must have a single standard and so the skills assessment would be set at day-one qualified solicitor standard consistent with the rest of SQE1.

Throughout the autumn and winter 2019-20, we held a series of focus groups and other meetings with the profession, including large, medium and small firms, training providers, legal sector equality and diversity groups. We also ran an online survey to seek views.

Stakeholder views were split, with no clear consensus emerging for either model. Some stakeholders wanted SQE1 to include legal skills so that they could be sure their trainees could work effectively in the office. Others thought it more logical and simpler to test skills through SQE2.

We have decided we should assess legal skills through SQE2, and that we should not include a skills assessment in SQE1.

Our reasons are as follows:

- The purpose of the SQE is to ensure that those we admit demonstrate the high standards required for practice as a solicitor. It is not part of the purpose of SQE to assess skills required for individuals practising in a non-qualified capacity. Those skills will inevitably vary from role to role, and firm to firm.
- Should businesses have skills requirements for non-qualified staff, the proper place to assess their requirements is through their own recruitment and selection processes.



- SQE1 skills would have to be set at day one solicitor level. If SQE1 skills were to be set at admission standard, that would duplicate SQE2 skills and would therefore be unnecessary.
- An SQE1 skills assessment set at day-one solicitor standard could create a barrier for which we have no regulatory justification, which may disproportionately disadvantage candidates who need access to work experience to develop professional communication skills.
- The SQE1 skills assessment would increase the cost and burden of the SQE without a clear regulatory justification.
- Overall, assessing functioning legal knowledge in SQE1 and legal skills in SQE2 provides a model which best meets our criteria of an assessment which is valid, reliable, manageable and cost-effective.

SQE in the medium of Welsh

Over the course of the autumn and winter 2019-20, we carried out wide-ranging engagement with Welsh government bodies and Welsh language agencies, Welsh universities and solicitors practising in Wales. Kaplan also did a feasibility study looking at offering the SQE in Welsh.

The Welsh stakeholders we spoke to were all clear that they would wish to see full parity of approach between English and Welsh on the SQE. And Kaplan told us that a Welsh-language SQE was feasible.

We will therefore make provision for candidates to take SQE in Welsh, through an incremental approach leading to full parity between English and Welsh, over a four-year period, as follows:

- Phase 1: 2021 (from start of SQE). Candidates can provide their responses to SQE2 written skills assessments in Welsh.
- Phase 2: 2022/3 (in second year of SQE). Candidates can provide their responses to SQE2 oral and written skills assessments in Welsh.
- Phase 3: 2023/4 (third year of SQE). Questions for oral and written skills assessments will be translated into Welsh, and candidates can respond in Welsh. This means complete parity for SQE2.
- Phase 4: 2024/5 (fourth year of SQE). Introduce translation of the SQE functional legal knowledge (FLK) questions. Full parity achieved for both SQE1 and SQE2.

Changes to the Principles for Qualified Lawyers

Between March and May 2020, we consulted on proposals to make minor changes to the Principles for Qualified Lawyers which were originally approved by the LSB as part of our first stage SQE application. These

principles set out the basis on which we will admit qualified lawyers as solicitors of England and Wales.

We proposed making four changes to the Principles for Qualified Lawyers, as follows:

- a. Removing the requirement (over and above holding qualifications/experience we have assessed as equivalent) for qualified lawyers seeking an exemption from the SQE to be from a jurisdiction we recognise.
- b. Making clear that qualified lawyers can demonstrate the language requirement in either English or Welsh in line with our Authorisation of Individuals Regulations.
- c. Extending the language requirement to qualified lawyers who are exempt from parts of SQE2 (as well as the whole of it, as originally drafted) where we have serious and concrete doubts about their language knowledge.
- d. Removing the word “test” from the language requirement section of the principles, so as to be clear that competence can be demonstrated in a number of ways, not just through a formal test.

These proposed changes are designed to make sure that:

- our exemption requirements for qualified lawyers are properly focused on the equivalence of their qualifications and experience. Recognising particular jurisdictions is not relevant to this purpose
- a solicitor practising in England and Wales must be competent in the English or Welsh languages but may be competent in either
- we can impose a language requirement (which can be demonstrated in a number of ways) on candidates who have not wholly demonstrated their competence in the English or Welsh languages through the SQE itself, because they are exempt from either all or part of the SQE.

We received 16 responses to the consultation. The majority of respondents supported our proposals. They suggested that the changes were in the interests of consumers and overall public trust in the profession. Some respondents highlighted possible operational impacts which might arise from our proposals.

Having carefully considered each response, we will make the proposed changes. Our response [<https://www.sra.org.uk/sra/consultations/consultation-listing/consultation-principles-qualified-lawyers/#downloads>] sets out the detail of stakeholders’ views on the individual questions and our next steps.

SQE to be introduced in 2021

Subject to final approval of the SQE by the LSB, the SQE Regulations will come into force on 1 September 2021. The first SQE1 assessment will run later in autumn 2021 and the first SQE2 assessment will run in spring 2022.

We have carefully considered whether there is any case for a delay to 2022, particularly in view of the current Covid-19 outbreak. There is a clear public interest in terms of assurance of competence and public protection for the SQE to be introduced as soon as possible and we see no reason to delay the introduction of the SQE.

We know that some universities and training providers have suggested that the Covid-19 outbreak is affecting their SQE preparations. However, the training market has already started to adapt to support the SQE and others are keen to proceed.

We are confident that training will be available to support the first cohorts of SQE candidates. This does not require all training providers to be ready from 2021: individual organisations can introduce new SQE programmes when it best suits their particular circumstances. We expect the training market to continue to develop after the introduction of the SQE.

Next steps

Continued engagement: we will continue to work with stakeholders as we move towards the introduction of the SQE. We will be seeking stakeholder views on the final draft SQE2 Assessment Specification. We will be establishing a community of interest between Kaplan, as SQE Assessment Provider, and SQE training providers to provide a forum for discussion of the detail of the SQE assessment.

Publication of SQE2 Assessment Specification and sample questions: we will publish a draft SQE2 assessment specification for comment in June, setting out the detailed station design for SQE2 and guidance. The final SQE2 Assessment Specification (taking feedback into account) and a suite of SQE2 sample questions and answers will be published later this year.

Diversity: we will publish a final EDI Impact Assessment, taking into account feedback on the current published draft version and an updated report from the Bridge Group. In light of the findings of the SQE2 assessments, including the performance by candidates from protected groups and from different socioeconomic backgrounds, we will continue to monitor and investigate attainment by candidates once the SQE goes live. We will use a range of statistical and quality assurance methods to ensure that all candidates, including minority groups, are fairly assessed and that the standards of the assessment are maintained. This will include statistical analysis of individual questions to check if they are disadvantaging

protected and disadvantaged groups over and above any general differences in performance. We will commission research into the causes of underperformance with a view to promoting equality of opportunity.

LSB application: in 2018 the LSB approved the framework for the SQE. We will be making our second application to them for final approval of the SQE in summer 2020.

Operational readiness: we will be continuing to work with Kaplan to prepare the operational processes, SQE website, registration and candidate-handling systems needed for the introduction of the SQE.

Timing: we will write to existing training providers with additional guidance on the transitional arrangements for SQE, now we have decided the date for the introduction of the SQE Regulations.

SQE resources: we will continue to develop resources to provide guidance about the SQE, training options and how qualifying work experience works.

Draft 2017 Assessment Specification SQE design

SQE1	SQE2
<p>Functioning Legal Knowledge Assessments</p> <p>Principles of Professional Conduct, Public and Administrative law and the legal systems of England and Wales</p> <p>Dispute Resolution in Contract or Tort</p> <p>Property Law and Practice</p> <p>Business Law and Practice</p> <p>Wills and the Administration of Estates and Trusts</p> <p>Criminal Law and Practice</p> <p>Practical Legal Skills Assessment</p> <p>Legal Research</p>	<p>Practical Legal Skills Assessments</p> <p>Client interviewing</p> <p>Advocacy/Persuasive Oral Communication</p> <p>Cases and Matter Analysis – including Negotiation Planning</p> <p>Legal Research and Written Advice</p> <p>Legal Drafting</p> <p>Assessed in two of the following contexts, at candidates' choice:</p> <p>Criminal practice; Dispute Resolution, Property; Wills and the Administration of Estates and Trusts; Commercial and Corporate Practice.</p>

Writing Skills

*Final SQE assessment design
following piloting, testing and
stakeholder engagement*

SQE1	SQE2
<p>Functioning Legal Knowledge (FLK) Assessments</p> <p>FLK 1: Business Law and Practice, Dispute Resolution, Contract, Tort, Legal System of England and Wales, Constitutional and Administrative Law and EU Law; and Legal Services.</p> <p>FLK 2: Property Practice, Wills and Administration of Estates, Solicitors Accounts, Land Law, Trusts, Criminal Law and Practice.</p> <p>Ethical questions pervade FLK1 and FLK2</p>	<p>Practical Legal Skills Assessments</p> <p>Candidates will be assessed in the following 6 skills:</p> <p>Client interview and attendance note/legal analysis</p> <p>Advocacy</p> <p>Case and matter analysis</p> <p>Legal research</p> <p>Legal writing</p> <p>Legal drafting</p> <p>Sampled across the following 5 practice contexts:</p> <p>Criminal Litigation</p> <p>Dispute Resolution</p> <p>Property Practice</p>

	<p>Wills and Intestacy, Probate Administration and Practice</p> <p>Business organisations rules and procedures.</p> <p>Unflagged points of ethics and professional conduct to pervade.</p>
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Further detail of the SQE2 assessment design will be given in the draft SQE2 Assessment Specification to be published in June.

Note

1. Bridge Group is a charity which uses research to promote social equality. Clients include Sutton Trust, BBC and the Cabinet Office.