

Sent by email only to consultation@sra.org.uk

10 January 2017



Dear Sir/Madam

A new route to qualification: The Solicitors Qualifying Examination (SQE)

The Legal Services Consumer Panel welcomes the opportunity to respond to the SRA's consultation on the Solicitors Qualifying Examination (SQE).

In March 2016, the Consumer Panel responded to the SRA's initial consultation on the same subject. In that response, we were critical of the appropriateness of publishing a consultation document with little supportive evidence or analysis. The Panel recognises the extensive stakeholder engagement that has occurred, and the SRA has gone some way to ease our concerns in this second consultation. It has referenced more evidence and undertaken better analysis. These improvements mean that the Panel can agree in principle to a centralized qualifying examination. However, concerns remain around flexibility and diversity, funding and timings for implementation.

Diversity and Flexibility

In March 2016 we highlighted that the Legal Education and Training Review (LETR) report¹ found that there is a need for flexibility in routes to qualifying. These proposals do not address those concerns. Indeed aside from the introduction of the SQE nothing has changed with regards to the routes to qualification, we consider this to be a missed opportunity.

We note and welcome the SRA's proposal to recognise solicitors' apprenticeship. However, one criticism of the current system is the lack of clarity and transparency around how those without a degree can apply for exemptions. We are disappointed that this consultation has not seized the opportunity to clarify this issue, by offering examples that go beyond the traditional Legal Executive route (or Level 6/7 professional qualification). The range of what would be acceptable prior-attainment equivalent to the degree / apprentice route is important not just for clarity, but for flexibility. We would therefore recommend that the SRA develops this area further by establishing and publishing the process for assessment.

Funding

A key argument for the introduction of the SQE is the high cost of the current Legal Practice Course (LPC), as well as the lack of standardisation or benchmarking amongst providers. The Panel accepts these arguments, but notes that the SRA has not outlined or estimated how much the SQE is likely to cost at stages 1 and 2. We are concerned that the cost of the SQE may be prohibitive for some students', just as much as the LPC is. We say this as there is no explanation as to why the SRA does not expect that the

¹ The Future of Legal Services Education and Training Regulation in England and Wales, June 2013

cost of the SQE and preparatory training would be greater or even equivalent to this sum.

We know that graduate loans exist to support or cover the costs of the LPC, but the SRA is silent on the sources of funding which might be available to potential candidates, especially those from low income families. We are also worried that the funding situation may be exacerbated if the LPC continues to exist with exclusive funding routes. Although the SRA states that the LPC will no longer be a regulatory requirement, it is not certain that employers will not continue to require it as a prerequisite for obtaining a training contract, especially if they opt to pay for it, thus potentially setting up a two tier layer of opportunity.

Transitional arrangements

The Panel is worried that the timescales for implementation is overly ambitious. The SRA proposes to start the SQE assessment in September 2019. This leaves little time for testing, evaluating and refining the assessments and setting up equivalent funding opportunities. We would urge the SRA to reconsider this timescale.

Standardisation across the profession

We are aware that the Bar Standards Board is also carrying out consultation on education and training. It will continue to be important for the Approved Regulators to work together on the detail of the proposals, as well as its communication. Regulatory changes to training and education might impact students choices very early on in their academic career, particularly if decisions made could limit their ability to move within the profession. Close and Joint working between the SRA and the BSB and indeed with any other legal regulator embarking on similar considerations would be important for overall standards across the professions.

Qualifying work experience

It is right not to underestimate the experience required of a newly qualified solicitor to understand and provide the required service to consumers. We have seen no arguments, evidence or commentary to suggest that 18 months' experience will produce the competencies required and recommend continuing with 24 months with flexibility as to where this can be gained.