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## **The Solicitor's Regulation Authority's Application for Approval of the Solicitors Qualifying Examination**

Over the years, various reviews into legal education and training have highlighted a need for changes to be made to the way in which solicitors' education and training is conducted. The Solicitors Regulation Authority (SRA) has responded to this challenge with the Solicitors Qualification Examination (SQE), which the Legal Services Consumer Panel (Panel) supports in principle. We have, however, raised concerns around the speed of its implementation, the programme's flexibility and sought clarity around the proposed qualifying work experience.

The Panel has been following the development of these policy proposals since inception and we have responded to and engaged with all consultation documents. We have also had extensive discussions with the SRA on these matters, something we welcomed.

Following these constructive discussions, we are now reassured that the proposals are in good shape. We can also confirm that we have no objection in principle, and that most of our substantive concerns have been addressed to the extent that it would be reasonable to do so. We say 'reasonable' as it would be unrealistic to expect a shift in policy of this scale to be perfect from day one and there be absolute certainty in advance of real-world implementation.

What we do expect, however, is that the Legal Services Board (LSB) will prescribe a robust monitoring and evaluation process with clear timelines as well as publication of a full review at a specified milestone. It is our opinion that this level of monitoring and oversight is essential both to ensure the new programme is meeting its stated aims and to ensure that the long-term impact on consumers is a positive one.

Unfortunately, the legal services sector has a poor track record of monitoring and evaluating large, complex changes. On this occasion we believe it would be a dereliction of duty to not have a detailed plan and a level of prescription from the LSB. This requirement must be published alongside any approval, should the LSB elect to approve these plans.

### **Revisiting the rationale for change**

Most stakeholders accept the rationale for change.

As things stand, there are too many authorised professional legal education providers, with little to no assurance of quality. We also know that attainment levels

and pass rates vary significantly across these institutions, something which gives cause for concern.

Furthermore, the current system reinforces inequalities, is costly, and the routes to entry for those from disadvantaged backgrounds are very limited.

It is especially challenging for those who have not been educated at an elite university, those who opt to study on a part-time basis, and those who are not in a position to take financial risks. Unfortunately, this means that many talented would-be solicitors have not made it into the profession. This is a problem both for the profession itself as well as the consumers it serves.

For the reasons highlighted above, and others highlighted in published reports, we support the regulator's desire for change and the proposal to establish central assessment such as the proposed SQE.

### **Issues that need monitoring**

As noted above, the Panel has raised a number of concerns that (as a minimum) require close monitoring and, if possible, mitigation.

One key concern is the issue of financial assistance (or lack thereof) for those who may not be able to afford the fees associated with the SQE. Failing to provide financial support for those who need it could well lead to the profession alienating huge swathes of talented would-be solicitors. Providing such pathways is key to developing a more diverse legal workforce, something that will strengthen its proposition to consumers. The impact of this must be both understood and carefully monitored by the LSB.

Previously we have raised concerns about regional advice deserts relating to a number of legal specialisms including housing, immigration, and social welfare. It is imperative that the LSB assesses whether these proposals have the potential to create new or unintended barriers of entry into these areas of law.

On this note, the Panel recently committed to a project on advice deserts with a particular focus on the low availability of housing advisors in England, including litigation funding for the most vulnerable. Thus far we have learnt that the market is contracting and the number of available legal advisers falling.

Given this, we think it would be prudent for the LSB to consider whether these proposals risk further negative impact in these areas and exacerbating these issues.

We understand that the Stage 2 assessment will not include areas that are currently underserved (social welfare law, for example). The impact of this must be taken into account and consideration given to introducing new specialist training pathways (and incentives) to increase the supply of solicitors in these underserved areas.

We would be happy to discuss this response in further detail. Please contact Lola Bello for further queries at [lola.bello@legalservicesconsumerpanel.org.uk](mailto:lola.bello@legalservicesconsumerpanel.org.uk).

Yours sincerely,



Sarah Chambers

Chair, Legal Services Consumer Panel