



CLLS TRAINING COMMITTEE

SQE TOOLKIT

October 2018

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INTRODUCTION

Discussions about legal education and training have been taking place since 2011 when work started on the Legal Education and Training Review (LETR). A formal report was delivered in June 2013 and in the same month the Solicitors Regulation Authority (SRA) published its response to the report.

Since then the SRA has published proposals, undertaken various consultation exercises and engaged with stakeholders, providers and others.

In April 2017, the SRA Board took the decision to introduce the Solicitors Qualifying Examination (SQE), a centralised assessment. SQE stage 1 (SQE1) will test legal knowledge and SQE stage 2 (SQE2) will test professional skills.

In March 2018, the Legal Services Board (LSB) approved the SRA's application for amendments to its regulatory arrangements for authorisation of individuals, paving the way for the SRA to put in place the SQE regime. Further rule changes will be required and the SRA expects to apply to the LSB for approval for these in 2019.

In the meantime, the SRA is working on the basis that the SQE may be introduced as early as September 2020. The CLLS Training Committee has prepared this paper to provide CLLS members with:

1. Information about the SQE;
2. Questions for law firms to navigate the SQE;
3. Possible timelines for qualification; and
4. Information from training providers about the approach they plan to take in relation to the SQE.

INFORMATION ABOUT THE SQE

Overview

The SQE regime will replace the current standard route to qualification. The current standard route comprises: (i) a qualifying law degree or graduate diploma in law (GDL); (ii) the Legal Practice Course (LPC); (iii) a two year period of recognised training; and (iv) the Professional Skills Course (which trainees undertake during the training contract).

In summary, the SQE regime will require the following to qualify as a solicitor:

- a **degree** (law or other) or “**equivalent** qualification”;
- passing **SQE**;
- completing **two years of qualifying work experience**; and
- meet (at the point of qualification) the **character and suitability requirements**.

Apart from the character and suitability requirements, the SRA does not prescribe the order in which the elements are completed. This means that the SQE exams can be taken at any time, before, during or after the qualifying work experience (but candidates will need to pass SQE1 before taking SQE2).

It is also currently possible and will continue to be possible to qualify through a five or six year solicitor apprenticeship, which involves passing both stages of the SQE.

The key changes from the current standard route to qualification are as follows:

- There is no requirement for a law degree, GDL or LPC and the SRA will not regulate the SQE preparation courses, other than publishing a comparison of the results achieved by students using the different providers;
- The syllabus for the SQE focuses on the reserved activities and is much narrower than the current law degree/GDL and LPC syllabus. In particular, it does not include the LPC elective topics and there is less of a focus on some key areas (e.g. contract law and tort);
- There is much more flexibility in relation to work experience, which can be done at any point before or after the SQE and there is no need to cover three areas of law or have contentious and non-contentious experience; and
- There is no requirement to do the Professional Skills Course, which is designed to develop trainees’ skills in a number of areas (e.g. legal research, finance and business skills, advocacy, etc.).

There is no certain date for the implementation of the SQE but the SRA has said it will not be before September 2020. The SRA hopes to confirm the date by the end of 2018. There will be transitional provisions for individuals who have already embarked upon the current standard route.

The SRA announced on 1 August that Kaplan has been appointed as the assessment organisation to develop and run the SQE. The SRA and Kaplan will undertake a programme of developing and testing the SQE exams, and will involve stakeholders from across the legal and education sectors.

Reference materials

The SRA's application to the LSB for authorisation of changes to its regulatory arrangements in respect of the authorisation of individuals and the LBS's decision notice granting the application contain outlines of the SRA's proposed new SQE regime. See: [Application](#) and http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/2018/FINAL_decision_notice.pdf

The starting point for developing, testing and piloting the SQE will be the 'Draft Assessment Specification', which the SRA published in June 2017: www.sra.org.uk/sra/policy/sqe/research-reports.page

Key aspects for member firms

The aspects of the new regime the Committee believes are of particular interest to member firms are as follows. There is still some uncertainty in relation to parts of the SRA's proposals and there may be further changes to what is described below.

SQE exams

SQE1

SQE1 will cover legal knowledge and application mainly through multiple choice questions. There will be six assessments, covering some of the current law degree and GDL content and Stage 1 of the LPC. There will also be some very basic skills assessments on legal research and writing. SQE1 will be around 17 hours of assessment.

The SRA is planning (with Kaplan) to test on the basis that SQE1 will be a single assessment, rather than modular. However, this will be reviewed during testing. Even if SQE1 is a single assessment, candidates who fail part of the exam, will be able to "bank" the parts they pass, and need re-take only the parts failed. A candidate may have three attempts over a six year period.

There will be a minimum of two sittings a year; the written tests will be available internationally but the oral skills tests will initially be available only in England and Wales. The SRA has not said when they expect the two sittings to be, or how long each window is. We believe that this is an issue on which they will consult firms.

There will be no exemptions from SQE1 for law graduates. Our understanding is that few universities plan to incorporate SQE1 into their law degrees but some are exploring the possibility of offering "top-up" courses for SQE1.

The SQE assessment will not be benchmarked to the higher education academic levels.

SQE2

SQE2 will involve passing 20 hours of practical assessments in five key skills areas: client interviewing; advocacy/persuasive oral communication; case and matter analysis; legal research and written advice; and drafting. Each skill will be assessed twice within two legal contexts chosen from a list of five: (i) dispute resolution; (ii) property; (iii) business practice; (iv) criminal practice and (v) wills and the administration of estates and trusts.

The SRA's current thinking is that it will not stipulate when SQE2 is taken (although it cannot be taken until SQE1 has been passed). This means that it will be possible for both SQE1 and SQE2 to be taken before any relevant work experience. However, the SRA intends that SQE2 will test competency at newly qualified level, not trainee level, and expects students "to do better" if they have completed some work experience before taking SQE2.

The SRA has said that there is unlikely to be any change in the skills to be tested or any broadening of the legal contexts in which the skills will be assessed.

Many CLLS firms will not be able to offer training in practice areas which correspond to the legal contexts in which SQE2 will be assessed. The SRA's approach has been that SQE2 will assess transferable skills and, therefore, that this should not be a concern.

The SRA does not believe that a training course will be required in order for trainees to pass SQE2 if it is taken during the two year period of qualifying work experience, provided good training and practical experience has been provided.

Qualifying work experience

This will be much less regulated than the current *recognised training period* (or the training contract). The requirement will be work experience which:

- provides experience of delivering legal services that enables the candidate to develop the prescribed competences for solicitors;
- is of a total duration of at least two years' full time or equivalent; and
- is carried out with no more than four separate firms, educational institutions or other organisations.

There is no requirement for the qualifying work experience to take place after SQE1 has been passed, so in theory it could be undertaken without any prior legal knowledge. There is much greater flexibility to count periods of work with different employers.

Candidates will need their work experience in each organisation to be signed off by the organisation's COLP or a solicitor working within the organisation, or (if neither of the above two is applicable) by a solicitor.

The COLP or solicitor will need to confirm:

- the length of the work experience;
- that the experience provided the opportunity for the candidate to develop some or all of the prescribed competences for solicitors; and
- that no issues arose that raise questions about the candidate's character and suitability to be admitted as a solicitor.

There will be no equivalent of the existing requirements for experience in three distinct areas of law and experience of both contentious and non-contentious work.

Degree or equivalent qualification

Because there is no prescribed order in which the elements for qualification must be completed, it should be possible to pass SQE before obtaining a degree or degree equivalent qualification. The new solicitor apprenticeship will be a significant route to qualification, with the completion of the apprenticeship meeting the requirement for degree equivalence.

QUESTIONS FOR LAW FIRMS TO NAVIGATE THE SQE

Phase A: Recruitment of typical undergraduate trainees – ensuring foundation legal knowledge

Questions:

1. Do you want three cohorts of future joiners (Spring 2022, Autumn 2022 & Spring 2023) to be split between SQE-taking students (non-law students) and old route-taking students (law students)?
2. If no, do you want to NOT recruit non-law students for these first three cohorts?
3. If no to both the above, do you want to require that law students in those three cohorts do the SQE like the non-law students (to ensure consistency)?

Phase B: Gaining SQE 1 qualification – ensuring regulatory compliance

Questions:

4. Do you want to make an SQE1 prep course compulsory for future joiners (NOTE – this will link-in with the answers for Phase E and the LPC Equivalents)
5. Will you require future joiners who already have an SQE qualification to take your firm’s course?
6. If yes to the above, do you want a tailored SQE1 prep course for your firm – in your own cohort?
7. Do you want students to fund SQE1 fees and prep?
8. Do you want to fund the fees of a single re-take of the SQE1 for your future joiners?
9. Do you want to increase the amount of maintenance grant – for social mobility reasons AND to attract those students away from SQE-only competitor firms?

Phase C: Gaining SQE2 qualification – ensuring regulatory compliance

Questions:

10. Do you want to make compulsory an SQE2 prep course for future joiners?
11. Do you want students to pay for their SQE2 fees and prep?
12. Do you want to fund the fees of a single re-take of the SQE2 for your future joiners?
13. Do you want your trainees to do their SQE2 exam before their QWE or during their QWE? (NOTE: Consideration of this answer linked to Phase G: Apprentices table because if trainees do SQE2 exam before their QWE, cannot take advantage of apprenticeship levy)
14. If during the QWE, do you want your trainees to have more than 1 month of study leave for SQE2 during their QWE?

Phase D: GDL equivalent

Questions:

15. Do you want non-law students to be required to take a GDL/equivalent?
16. If yes to the above, do you want to get a consortium of City firms together (within anti-competition rules) to procure jointly this GDL equivalent programme?
17. Do you want students to pay for their GDL fees and prep?
18. Do you want to fund the fees of a single re-take of the GDL for your future joiners?

Phase D: LPC replacement (in particular LPC Electives and any MBA-type additional course) – providing a City-relevant legal education

Questions:

19. Do you want to provide your trainees with an LPC Electives-equivalent?
20. Do you want to provide your trainees with an MBA element or LLM-equivalent?
21. Will it be more attractive to your trainees if you provide an MBA element or LLM as opposed to a non-degree awarding course?
22. Will it be more attractive to your trainees if the MBA element or LLM is from a particular academic institution?
23. Do you want to make courses on this "Equivalents" programme assessable or examinable?
24. Do you want to get a consortium of City firms together (within anti-competition rules) to provide this "Equivalents" programme?
25. Do you want to provide this training within the QWE?
26. Do you want to teach this yourselves?
27. If yes, how will you become equipped to teach this yourselves?
28. Will it be more attractive to your trainees if you skipped all the prep courses, have them start earning at the firm as soon as possible, and rely on them to self-study to pass the SQE exams?
29. If the answer to Q28 is "yes", how should that be balanced against the risks for the business if new joiners start work less well prepared than they are under the present system?

Phase E: Qualifying Work Experience

Questions:

- 30. Do you want to keep the rotation in the QWE (as there is no regulatory requirement to move seats)?
- 31. Do you want to recognise QWE done at other firms and organisations?
- 32. If QWE at other organisations is recognised, should this be (i) on a wholly discretionary case-by-case basis; or (ii) blanket approval granted for certain types of QWE (e.g. paralegalling for a minimum period of time)?

Phase F: Use of the apprenticeship levy and trainees as legal apprentices

Questions:

- 33. Do you want to use the apprenticeship levy to pay for the fees and prep fees of SQE1 and SQE2 (and possibly even the prep fees for the "Equivalents" programme and the top-up for non-law students)?

Phase G: Lateral hires - Atypical qualification routes – paralegals

Questions:

- 34. What would your approach be to signing off QWE gained at the firm by paralegals who are not seen as your 'trainees'?
- 35. Should you treat your own paralegals who qualify after passing the SQE1, 2 & QWE requirements any differently from the way you treat a lateral hire?
- 36. How would you assess them? Would you assess them differently to lateral associate hires?

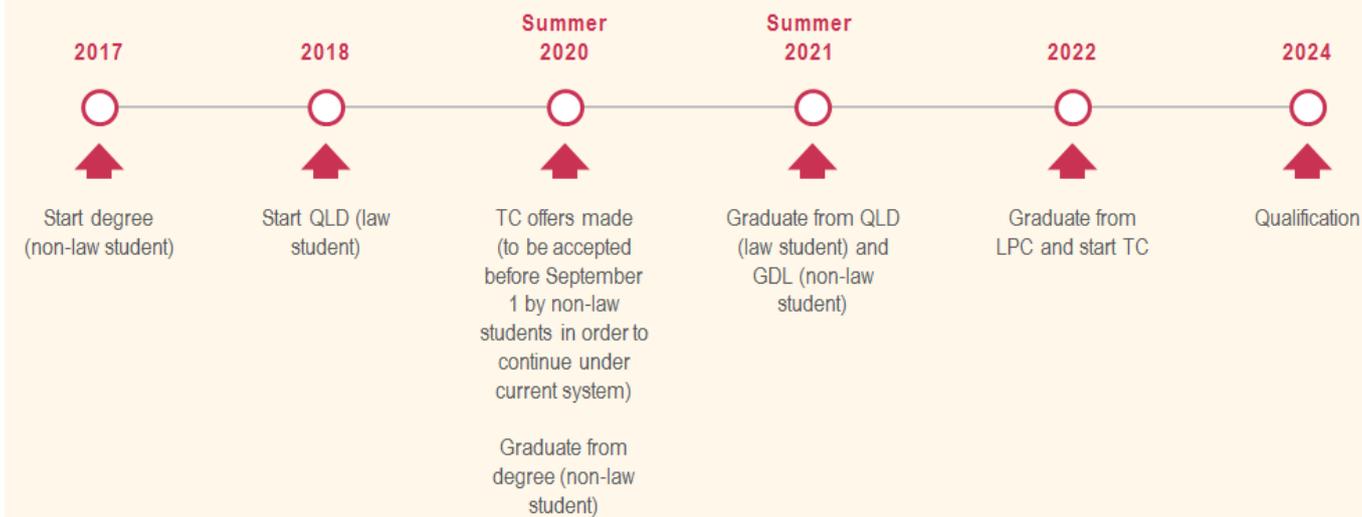
Phase H: International trainees, qualified non-E&W lawyers, junior E&W lateral hires, senior E&W lateral hires

Questions:

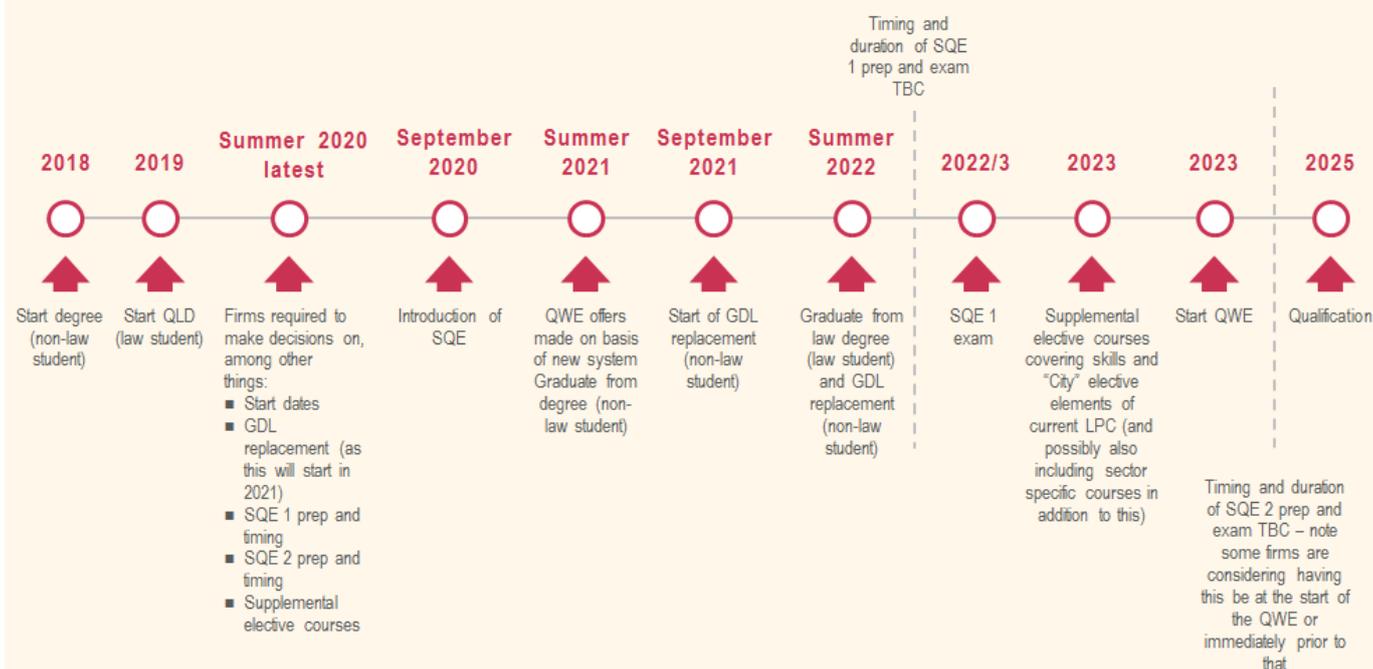
- 37. Do you want to fund and require international trainees to do the SQE exams?
- 38. Do you want to fund and require all qualified non-E&W lawyers to requalify as E&W via the SQE exams?
- 39. Do you want to require that junior lateral hires undertake the firm's "Equivalents" programme?

POSSIBLE TIMELINES FOR QUALIFICATION

2022 Intake Under Current System



2023 Intake Under New System



INFORMATION FROM TRAINING PROVIDERS

We have included information from three potential providers about their planned approach to SQE preparation. For the avoidance of doubt, the information included below is for reference purposes only and does not represent an endorsement of any provider(s) by the CLLS. In addition to the providers listed below, there are likely to be other providers offering SQE preparation programmes, including some universities offering SQE compliant degrees.

BABRI

Qualifying as a City solicitor 2020

We are delighted to support aspiring City solicitors and their (future) employers through the challenges of the new Solicitor Qualification Examination (SQE).

The SRA states that the new exam "is all about setting and assuring high, consistent, professional standards" So, what does this mean for your future lawyers? It means that they must sit a series of national examinations, set centrally by Kaplan under the auspices of the SRA. Kaplan will not be providing training to prepare students and trainees for the exams. Universities, law schools and commercial providers are expected to fill this gap.

The SQE will comprise a series of exams that may be taken concurrently with a degree (law or otherwise) and/or whilst gaining work experience. The SQE is unlike anything seen before in UK legal qualification (other than the QLTS which, interestingly, is also administered by Kaplan). The existing UK universities and law schools do not deploy such exam techniques on the scale and complexity incorporated into the SQE.

Unlike the existing GDL/LPC exams, legal topics and skills will be examined in mixed subject questions (e.g. contract with civil litigation) and so more closely aligned to "real-life" legal problems. This means that a classic undergraduate law degree will be insufficient alone to prepare for the SQE exam. In addition, the exam format requires specific exam technique requiring multiple opportunities to practise SQE questions and complete mock exams.

Remember, there will be a separate examination fee payable to Kaplan to complete the SQE. The current QLTS exam fee is over £4,000 and it seems unlikely that the SQE fees will be significantly lower. At that price, it will be important to future lawyers and their sponsoring employers that we achieve early success in the SQE.

BARBRI – who we are and what we do.

Innovative testing and learning technologies combined with years of experience training aspiring lawyers make BARBRI the best partner for your future City solicitors in preparing to sit the SQE.

BARBRI has maintained that trust for 50 years helping over 1.3 million people become lawyers and attorneys. BARBRI has developed unique expertise and learning technology to provide your future City Solicitors with the knowledge, skills and exam techniques to pass the SQE.

The first stage exams (SQE1) will include 6 half-day "short-form" and multiple-choice question tests on legal knowledge and procedure. The second stage exams (SQE2) will be a series of legal skills and practice assessments which will include some "live" skills performances in advocacy and client interviewing.

SQE 1 PREP by BARBRI

SQE Prep by BARBRI employs an integrated "Active Adaptive Legal Learning" system to expedite the learning process, increase retention and heighten comprehension.

Flexibility: We will offer flexible, comprehensive courses for SQE1 spanning 3, 6 or 12 months, online or in classroom designed to accommodate all candidates and their learning needs. Some law graduates will accelerate their SQE 1 preparation and take a fast-track course and commence working at the earliest opportunity. Many non-law graduates, paralegals or solicitor apprentices will want a longer course to accommodate their other professional or personal commitments.

SQE Personal Study Plan (PSP): The PSP will deliver the right combination of substance and skills on a flexible schedule. Video lectures, outlines, practice questions build over time to create a highly effective SQE Prep experience.

The Top Law Tutors and Lectures: BARBRI SQE Prep has the best faculty in exam preparation, consisting of English solicitors and university faculty who will teach substantive law for each subject. The teaching materials and workshops are comprehensive review of the legal topic whilst being delivered in a way that is wholly examination-driven.

Professional, hard-copy resource books: Each candidate will be supplied with a full set of printed materials for their studies. The bespoke SQE work books are written exclusively by our expert tutors to mirror the SQE syllabus.

Multiple-choice exam expertise: BARBRI has over 50 years' experience in training candidates to master multiple choice exam question techniques and skills. During the SQE Prep, each candidate will practise over 1,000 questions to learn the subjects tested on the SQE.

SQE 2 PREP by BARBRI

SQE 2 Prep by BARBRI will employ an integrated "Active Adaptive Legal Learning" system to expedite the learning process, increase confidence and enhance legal skills in preparation for the SQE 2.

BARBRI will invite leading practitioners to provide an insight into their specialist legal practice areas, and how they use their legal skills to maximum effect. The legal practice and skills will be taught online and in a classroom environment in a blended learning format with individual candidate feedback on skills activities provided by expert tutors.

The SQE 2 Prep by BARBRI will deploy a high level of skills practice opportunities, together with masterclasses and demonstrations to candidates via their online Personal Study Plan (PSP).

The PSP takes this guidance, practice, performance and feedback and builds over the 12-week course creating an iterative, highly effective SQE 2 Prep experience to prepare for the two practice areas and six skills examined in the SQE 2 exam.

Online home study masterclasses and demonstrations, together with multiple self-practice and feedback opportunities, provide the right combination of substance and skills on a flexible schedule through the PSP. The course flexibility and the ability to combine this with the traineeship will enable law firms and their trainees to combine preparing for SQE 2 with the work-based experience and/or to fast-track SQE 2 preparation before the candidate joins the City practice.

BPP UNIVERSITY LAW SCHOOL

BPP is designing a range of flexible learning pathways for both law and non-law graduates that will provide cutting edge test preparation for the SQE1 computer-based objective functioning knowledge tests alongside learning and teaching designed to ensure that trainees entering the workplace have not only passed the regulatory test but are also genuinely prepared for 21st century practice.

Drawing on its longstanding expertise in preparing students to pass externally set professional assessments in the accountancy world, BPP is investing in cutting edge educational technology to ensure that its professionally focused law programmes are effective, affordable and accessible with a focus on the specialist legal knowledge, competencies and skills that the profession has identified as important but which have not been addressed by the SQE proposal. All new programmes will be practical, demanding and highly engaging and will develop key capabilities such as creativity, adaptability and resilience alongside the acquisition of new legal knowledge and skills.

BPP will offer routes packaged within a masters award which benefit from postgraduate funding for those who are self-funding, solicitor apprenticeship routes (including graduate entry) for firms that wish to utilize their levy pot, and other flexible options including programmes of study which can dovetail with firm specific requirements. This will include preparation for the intensive SQE 2 skills assessments allowing for a range of timescales to suit each firm's decision on the timing of SQE2 for their own trainees.

UNIVERSITY OF LAW

Overview of the University of Law SQE Preparation Programmes

The University of Law will continue to offer a range of specialist programmes at undergraduate and postgraduate levels which both prepare students for the SQE and for the office. These include programmes for students sponsored by law firms and those who are funding their own legal training.

Looking at those postgraduate programmes most likely to be of interest to students sponsored by law firms, these will include the following:

For Law Graduates

We will deliver a range of modular postgraduate programmes offering preparation for SQE 1 and 2 as well as additional topics not included in the regulatory minimum. These will include technical legal content (currently covered in LPC electives), modules on law and business, technology and commercial acumen and enhanced skills coverage to prepare junior lawyers for practice.

These programmes will be available in a variety of study modes including full-time, part-time and online. Firms will also have the opportunity (should they so wish) to combine these as part of a Masters award prior to students starting in the office.

We will also be offering a fast-track graduate entry solicitor apprenticeship as an alternative for those firms who wish to arrange their training to make use of their apprenticeship levy.

For Non-Law Graduates

We will continue to offer a non-law conversion course covering essential legal foundations, similar to the existing GDL. This will also be available in a variety of study modes and will carry a formal qualification for those that want it.

We will also offer a programme which combines both non-law conversion and preparation for SQE 1, for those students and firms who prefer to study the legal foundations in context.

Apprenticeships

As now, we will continue to offer a six year solicitor apprenticeship programme designed to allow students with A-levels to qualify as a solicitor in approximately six years through a combination of work and study.

As mentioned above, for those that wish it, we will also offer a fast-track graduate entry solicitor apprenticeship.

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