

City of London Law Society – Training Committee

MINUTES of a meeting of the CLLS Training Committee with the SRA at 10.00 am on Monday, 29 October 2018 at BCLP, Adelaide House, London Bridge, EC4R 9HA

CLLS TRAINING COMMITTEE

Hannah Kozlova Lindsay, Bryan Cave Leighton Paisner (Chair)
Caroline Janes, Herbert Smith Freehills
Patrick McCann, Linklaters
Frances Moore, Slaughter and May
Greg Lascelles, Covington & Burling
Peter Carrick, Clifford Chance
Edward Brown, Hogan Lovells
Caroline Pearce
Jay Lutwyche, Shakespeare Martineau (for Catherine Moss)
Robert Knight, MacFarlanes (for Stephanie Tidball)

APOLOGIES:

Lindsay Gerrand, DLA Piper
Ben Perry, Sullivan & Cromwell
David Hobart, CLLS

SRA

Julie Brannan, Director of Education and Training
Nick Eastwell, Chief Adviser, City Law Firms

1. Update on Timing for the Launch of the SQE

Julie advised that an announcement will be made in November with further information on the implementation date, the indicative fee range for the SQE and the model for the piloting and testing of SQE1. It is hoped that this announcement can be made before the CLLS Symposium on 13 November.

2. Update on the SQE Pilot

Julie also said that it is now intended that candidates will be paid and there will be an additional financial incentive for those who do well. The aim is to test 400 candidates. Kaplan (the assessor) would like City students to come forward, hopefully with City firm sponsors. Any encouragement or additional incentive that firms can give students would be welcome. The SRA will issue candidates with a letter of thanks and information about their performance which they can use, if they wish, to assist them in securing placements in the future. Taking the pilot SQE will not give exemptions from taking the SQE in due course. The SQE1 pilot will be in March 2019 and the SQE2 in the second half of 2019. The pilot is intended to resolve issues of reliability and validity. It will also test the performance of the questions. The SRA will ask Kaplan whether student feedback would be helpful.

3. Timing of Assessment Windows

Julie noted that there was no particular update on this, Kaplan are looking for roughly even half year sittings and separate times for SQE1 and SQE2, this would mean SQE1 in June/July (to avoid university exams) and November and SQE2 in September/October and April.

There was much discussion on optimum timings. Patrick stated that the general view seemed to be that firms represented would want trainees to take SQE2 before commencing their QWE and that the gap between SQE1 and SQE2 would ideally be 3/4 months. The June/July and September/October interval could work if students were permitted to apply to sit SQE2 after sitting SQE1 but before they receive their SQE1 results and provided that the SQE1 results are released before the next SQE2 sittings. If not, they would sit SQE2 in the following April which would mean that students would be several months into their QWE which firms will want to avoid. For those taking a law degree the November sitting of SQE1 would be preferable with SQE2 taken in April allowing students to start their QWE in the following Autumn. Nick mentioned that a growing number of universities were intending to incorporate SQE1 into their law degrees, but the SRA cannot name those universities for confidentiality reasons.

4. Timing of SQE2

The timing is as set out in the Regulations which is that there are no prescribed rules except that SQE1 must be passed before SQE 2 can be attempted. Julie thanked the Committee for its letter on the timing of the SQE2. Nick made the point that, not least having seen the QLTS practical tests in action, he believes that SQE 2 candidates will be much better placed to pass the exam having had a period of practical experience and that taking SQE 2 after one year of the training contract, having sat in two context seats, might be optimal.

5. Signing off Work Experience

The rules are that for firms the COLP is responsible for sign-off. The requirement is to confirm that the work is of the type that gives employees the opportunity to cover some or all of the relevant competencies. There is no requirement to make a judgment on the standard of the work. Fran expressed the concern that this might allow a paralegal to present his/her experience as that of a trainee by virtue of the fact that a period of work was signed off as a period of QWE. It was felt that this was an issue of managing expectations and in careful use of job titles. Nick noted that many City firms had asked whether they could insist on their two-year training contract being the relevant two years practical experience, thus discounting any trainee solicitors' previous practical experience for such purposes. From an employment law point of view, the answer is that firms can require 2 years training with them before they employ a trainee as a solicitor. Of course, a candidate could apply to the SRA for admission based on including their experience in another firm. From a regulatory point of view, the SRA would admit the candidate if they had met its requirements. However, the candidate would be unwise to do so as they would have to leave the firm if it would not employ them as a solicitor.

6. Likely Fees for SQE1 and SQE2

See minute 1.

7. Brexit—what the SRA is doing in preparation

Julie mentioned the MoJ Technical Notice published on 12 October 2018. It states that if at the time of leaving the EU there is no deal, then WTO rules will apply which do not allow the UK to impose different rules for EU lawyers and non-EU lawyers. For the transition period RELs will continue to have some rights in relation to reserved activities and then to qualify after 3 years of practice, but the last time that an application can be made to be a REL will be 29 March 2019 (EU exit day) which will allow a lawyer to practise as a REL until the end of the transition period. If by the end of the transition period (31 December 2020) a REL has not accrued 3 years of practice then the REL will not qualify as a solicitor.

The SRA has published a statement on the MoJ Technical Notice and some FAQs which is on its website.

8. Mutual Recognition of Qualifications – SRA approach for EU and elsewhere

Again, WTO rules require the SRA to apply the same rules to EU and non-EU lawyers. All overseas lawyers will be able to apply for exemptions from SQE1 and SQE2. So SQE is WTO compliant

The SRA have been in discussion with the Law Societies NI, Ireland and Scotland, in relation to SQE.

So far as QLTS is concerned, only EU lawyers are entitled to apply for exemptions, so QLTS rules are not WTO compliant. The SRA is considering how it might change its regulations to ensure they are WTO compliant. It has been in discussion with the Law Societies of NI, Ireland and Scotland in relation to QLTS, too. Julie noted that it was not the SRA's role to apply for recognition of solicitors overseas.

9. AOB

Julie mentioned an SRA conference with universities due to take place in Coventry on 18 December 2018 and invited representatives of the Committee to attend. Hannah requested 5 places.

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Chair