

# *SQE: Implications of the SRA's Proposed Transitional Arrangements*

*Prepared by the Education and Training  
Committee of the City of London Law  
Society*

*November 2017*

# Introduction

- The proposed transitional arrangements for the SQE differentiate between law students and non-law students
  - Any non-law student who began their degree in 2017 (and who graduates in 2020) will only be able to qualify under the new system
  - Any non-law student who graduates in 2019 and who does not immediately enrol on a GDL will also only be able to qualify under the new system
  - However, both law students who begin their law degrees in 2018 or 2019, as well as non-law students who graduate in 2019 and immediately enrol on a GDL, will be able to qualify under either the existing system or the new system
- Our member firms currently recruit prospective trainees approximately 2-3 years before the start of their training, and engage with prospective trainees earlier than that as part of the recruitment process
- **The combination of the differential treatment of law students and non-law students, and the long lead time for trainee recruitment, has a significant practical impact on our member firms, in particular in relation to trainee intakes for 2022 and 2023**
  - Trainee intakes in those years will include both those who can only qualify under the new system (ie those with non-law degrees who graduated in 2020 or later), as well as those who can qualify under either the existing system or the new system (ie those with law degrees, as well as those with non-law degrees who graduated in 2019 or earlier and enrolled on a GDL before 2020)

# Introduction

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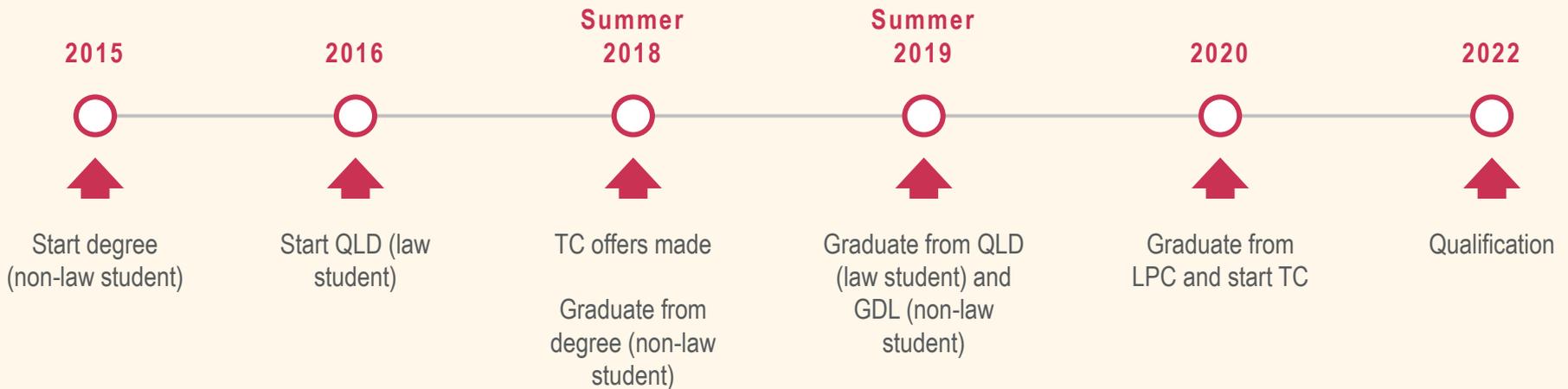
- **We do not believe it will be feasible or practical for our member firms to follow both the existing regime and the SQE in parallel for trainees joining in the same intake**
- Fundamentally, we believe that our member firms are unlikely to wish to be in the position of having to treat differently two groups of trainees who were starting with that firm at the same time
  - As an example, the need for a trainee qualifying under the new system to spend time out of the office undertaking SQE 2 and related prep courses could deprive that trainee of professional opportunities (eg spending time in particular seats, or undertaking overseas secondments) as compared with his or her contemporaries at that firm who were qualifying under the existing system
  - For our member firms, running two systems in parallel for trainees in the same intake would also impose a significant additional burden, for example:
    - The management time and cost required to run two systems at once for the same intake (eg trainees in an intake qualifying under the existing system would be required to have experience in 3 distinct areas of English law, together with contentious experience, whereas those qualifying under the new system would not)
    - The additional training time and cost required because trainees starting in the same intake would not all have undertaken the same courses prior to joining the firm (whereas, under the current system, all of a firm's trainees have taken the same LPC)
  - All of this is in addition to the many other burdens already arising from the implementation of the SQE

# Introduction

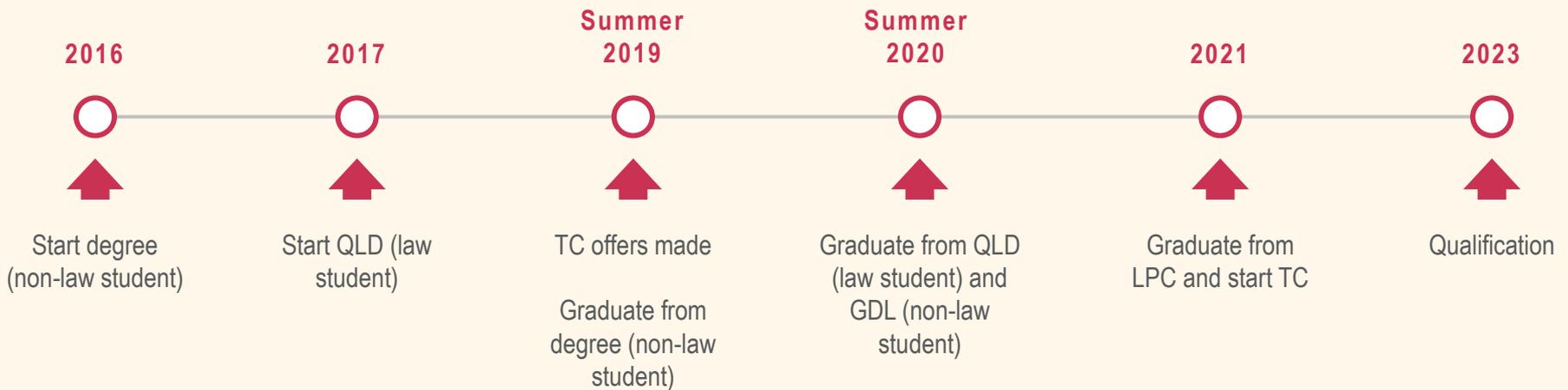
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- We continue to believe (as set out in our responses to prior consultations) that it would be fairer, clearer and more transparent for firms and candidates if the “grandfathering” of the ability to continue to qualify under the existing system could be extended to all candidates who had accepted training contract offers prior to the introduction of the SQE
  - However, the SRA has to date given no indication that it is willing to consider this approach
- Effectively, therefore, the proposed transitional arrangements mean that firms will be required to make a decision, in relation to their 2022 and 2023 trainee intakes, to either:
  - **adopt the SQE for all their trainees in both intakes**
    - we believe this is what the vast majority of firms will decide to do, meaning that they would not offer trainees in those intakes who were eligible to qualify under the existing system the choice of doing so
  - OR**
  - **continue with the existing system for all their trainees in both intakes**
    - these could only be those who are eligible to qualify under the existing system – ie law graduates and non-law graduates who graduated and enrolled on the GDL before 2020
    - we therefore believe that it is unlikely that very many firms would choose this option
- **The following slides show timelines illustrating the impact, for a firm and its trainees, of a decision by that firm to adopt the SQE for all trainees joining from 2022 onwards**

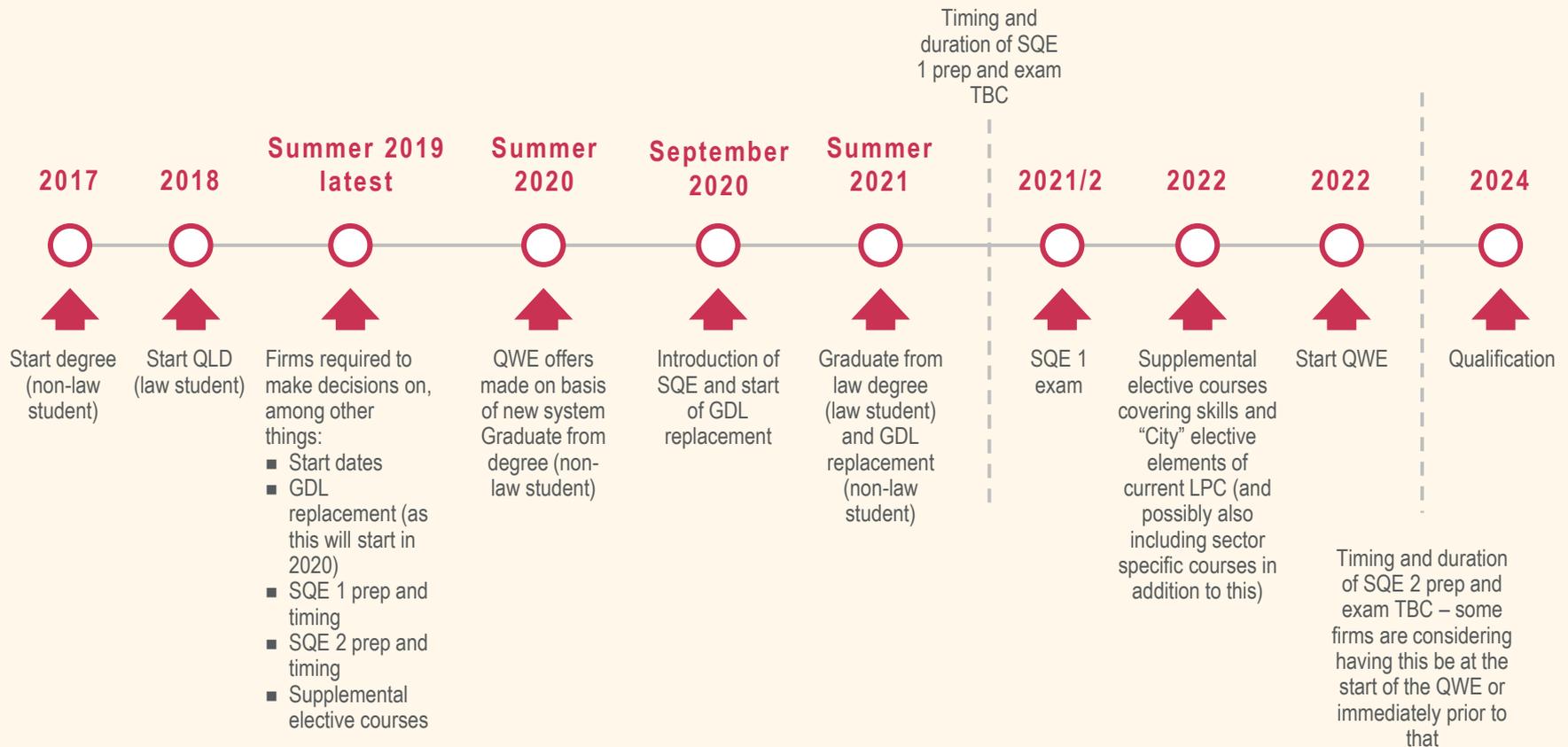
# 1. 2020 Intake Under Current System



## 2. 2021 Intake Under Current System



# 3. 2022 Intake Under New System



# *Impact of timelines*

- On the basis that firms will only take trainees under the new system from 2022 onwards, they will require certainty on all aspects of the SQE and the timing for its introduction in order to:
  - begin engaging with non-law students now, and law students from 2018 onwards, about qualification under the SQE; and
  - take the decisions required for the implementation of the SQE (see timeline 3), which will need to have been taken by the beginning of the 2019-20 academic year at the very latest
- However, the current timetable for implementation of the SQE (under which development and testing continues until shortly before the proposed introduction of the SQE in 2020) does not appear to fully allow for this
- If this clarity will not be available in sufficient time before the introduction of the SQE, then we believe that the reference date for the transitional arrangements should not be the date of the introduction of the SQE, but instead should be extended to another date (eg 12 months after the date of the introduction of the SQE)
- We would also suggest that any rules that are made by the SRA now to implement the transitional arrangements specifically allow for the reference date to be:
  - automatically put back if certain milestones (in particular, the completion of the development and testing phase) have not been achieved by certain dates; and
  - otherwise to be put back at the discretion of the SRA after appropriate consultation