

Meeting of the CLLS Training Committee on Thursday, 20 October 2016 at Slaughter and May, 1 Bunhill Row, London EC1Y 8YY

Attendees:

Caroline Pearce	Cleary Gottlieb Steen & Hamilton (Chair)
Rita Dev	Allen & Overy
Stephanie Tidball	Macfarlanes
Frances Moore	Slaughter and May
Ruth Grant	Hogan Lovells
Catherine Moss	Winckworth Sherwood
Patrick McCann	Linklaters
Lindsay Gerrand	DLA Piper (by phone)
Ben Perry	Sullivan and Cromwell (by phone)

Also present:

Jenny Crewe (in part)	The Law Society
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Apologies:

Hannah Kozlova Lindsay	Berwin Leighton Paisner
Greg Lascalles	Covington & Burling
Caroline Janes	Herbert Smith Freehills
David Hobart	CLLS

1. Presentation by Jenny Crewe on the QLTS assessment

Jenny Crewe described how the MCT and the OSCE parts of the QLTS are assessed. The key aspects are reliability and validity. Reliability is a statistical measure which is designed to show that the candidates have met the required standard and is directly related to the number of times a topic is tested. It is necessary to repeat testing on a topic to ensure that candidates actually know it and that therefore the results are reliable. Reliability is based on the Cronbach's alpha, with a perfect coefficient of 1 and a random coefficient of 0. The SRA will set an accepted standard error of measurement. Validity is a qualitative judgment to ensure that the right things are being tested. These are two standards of validity, the Angoff and the Borderline group regression methods. They use a standards setting group consisting of standard examiners and newly qualified solicitors. They establish the characteristics of a borderline competent newly qualified solicitor and establish how many out of 10 borderline candidates should pass, the borderline group method uses two ways of marking: a checklist marking system and borderline pass. The OSCE uses the Borderline group regression test.

These methods of testing are widely recognised and accepted. In the medical profession they are used extensively but the testing is more sophisticated, with more testing and more repeats.

Jenny made a number of observations about the SQE in addition to the assessment methodologies and the following were discussed:

- It is important that the SRA sets a sufficiently demanding set of measures for the assessor organisation to use for the assessments. These need to be published. There should be an external assessor to verify the results and

potentially the Law Society should be allowed to evaluate the data in order to verify the results on behalf of the profession.

- There could be an issue on the reliability of the SQE2 results as the skills are only tested twice and that is unlikely to be sufficient to assure a high enough level of reliability. More scenarios and more testing might be required.
- The QLTS has an English language requirement, not proposed for the SQE2, but those with poor command of English might be disadvantaged in the assessments.
- The SRA will need a sizeable budget for the development of questions, has the it understood this?
- If there is no mandatory contentious element in the SQE2 it is conceivable, that at some stage in the future, the MoJ may be minded to remove solicitors rights of audience at the qualification stage.
- There is danger that if the SQE2 can be taken early and candidates begin to pass it early, then this might begin to undermine work based experience and potentially lead to it being reduced or even abolished.
- The pilot phase for the SQE is critical to testing the validity and reliability of the tests. Arguably, 120 questions in 180 minutes is arbitrary at this stage.
- Timing of the assessments was discussed. How will firms deal with the anticipated very high failure rate anticipated for SQE1? Will SQE2 have to be brought forward by several months in order to have the results by the end of the work based experience and qualification?

1. Consultation - next steps

Looking ahead, we agreed to contact universities and other law schools for reaction to the Consultation and find out how they are approaching the SQE1, whether they intend to incorporate it into law degrees or to offer courses subsequently. Ben mentioned that Manchester Law School was planning to incorporate the SQE1 into their law degree. Rita has met BPP and Stephanie offered to arrange a meeting BPP to discuss.

Caroline proposed that we arrange a member firms meeting in November at which we would discuss the ramifications for City firms of the revised proposals and seek views on what changes are still required, this was as agreed.

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Chair