

## **SRA Meeting with the CLLS Training Committee on Wednesday 22 June 2016 at Herbert Smith Freehills**

### **Attendees:**

Caroline Pearce	Cleary Gottlieb Steen & Hamilton (Chair)
Catherine Moss	Winckworth Sherwood
Rita Dev	Allen & Overy
Lindsay Gerrand	DLA Piper
Ruth Grant	Hogan Lovells
Ben Perry	Sullivan and Cromwell
Hannah Kozolova Lindsay	BLP
Stephanie Tidball	Macfarlanes
Patrick McCann	Herbert Smith Freehills
Julie Brannan	SRA
Nick Eastwell	SRA

### **Apologies:**

Frances Moore	Slaughter and May
David Hobart	CLLS

Julie Brannan and Nick Eastwell outlined to the Committee the SRA's revised proposals in relation to the paths to qualification for solicitors, following the recent consultation on the Solicitors Qualifying Examination (the 'SQE'). The proposals were outlined on the basis that they are still work in progress and represent only the current thinking of the policy team at the SRA, they do not represent SRA policy at this stage. The SQE model discussed is likely to change even ahead of formal consultation as a result of discussion with experts and interested parties.

The following points were discussed:

### **Timing**

- The SRA is working towards a second consultation (the '**Consultation**') in either September or November 2016.
- A decision on how to proceed with the SQE will be made in April 2017.
- The new approach will be implemented not before September 2019.

### **Approach to the Consultation**

- The Consultation will cover (i) the detail around the SQE framework; and (ii) the broader context in relation to the routes to qualification.
- Alongside this, the SRA will publish an assessment specification, which will set out in detail the depth and breadth of the SQE.
- The SRA is expecting the Consultation to take three months.

## **SQE Framework**

- The SRA's approach is based on Miller's Pyramid of Assessment of professional competence. The model focusses on measuring four aspects of competence: Knows, Knows How, Shows How, Does.

### **Stage 1 of the SQE**

- The current model consists of 6 Functioning Legal Knowledge Assessments in the following areas: Principles of Professional Conduct and English and Welsh Law; Dispute Resolution in the context of Contract and Tort; Property and Real Estate; Commercial and Corporate Practice; Wills and the Administration of Estates and Trusts; and Criminal Law and Practice.
- Stage 1 will integrate and assess knowledge of substantive law and procedure, e.g. it will look at land law, conveyancing and commercial real estate.
- The wills section will be slightly shorter than others.
- Tax will run through a number of the areas and ethics and professional conduct will also be integrated in all areas.
- The module on the Principles of Professional Conduct will include law of precedent, EU law, Constitutional Law, etc. The SRA is considering whether this should be an earlier threshold test.
- Stage 1 will be assessed through objective computer based assessment (i.e. multiple choice). Julie invited the committee to look at her blog about the use of this type of testing in other contexts/jurisdictions.
- Stage 1 will also include a Practice Legal Skills Assessment in Legal Research and Writing Skills. The aim of this would be to assess whether the candidate has the basic legal skills to add value in the workplace. This will be assessed in a secure test centre with access to online databases and will consist of: (i) a simple research task; (ii) a legal writing exercise in the form of a memorandum; (iii) a simple letter to a client; and (iv) a letter to a third party.
- There was a discussion about whether universities are likely to include Stage 1 as part of their finals and the conclusion was that some may do so.
- The intention is that Stage 1 will be taken at the end/after the degree rather than staged throughout the university course.
- The current LPC electives are not covered by the SQE and employers will need to make separate arrangement in relation to teaching these (whether as part of the preparation for Stage 1 or otherwise).

## **Stage 2 of the SQE**

- The current model is that stage 2 will consist of 5 Practical Legal Skills Assessments in the following areas: Client Interviewing; Advocacy/Persuasive Oral Communication; Case and Matter Analysis – including Negotiation; Legal Research and Written Advice; and Drafting.
- There will be 20 hours of exams.
- Each skill must be assessed twice in the same two contexts chosen from the following: Criminal Practice; Dispute Resolution; Property and Real Estate; Wills and the Administration of Estates and Trusts; and Commercial and Corporate Practice.
- The aim is not to assess the contexts but for the contexts to provide a platform to assess the skills. If the assessment requires knowledge of the law beyond that covered by Stage 1 then this will be given to candidates.
- There is no requirement that there needs to be a contentious or non-contentious element to the contexts.
- The skills will be tested in an exam environment and the intention is that the assessments will be sophisticated, e.g. candidates will need to exercise judgement as to whether all the information they have been given is correct; the problem in the legal research module will not be clearly defined; and the drafting assessment will be both freehand and from precedent, etc.
- There were also some more detailed explanations about how specific assessments would run, e.g. the Advocacy assessment can be taken in the context of civil or criminal litigation and will allow 60 minutes of preparation time for a 10 minute presentation.
- The SRA expect candidates to be able to pass Stage 2 without extensive additional training (perhaps a weekend course).

## **Work experience**

- To pass Stage 2 candidates will need to have done a substantial period of work experience.
- The SRA recognises that there is strong support for specifying the length of the work experience. The range is likely to be between 18-24 months.
- The work experience will need to happen either in a regulated entity or under the supervision of an authorised solicitor.
- There was a discussion as to whether experience at Legal Advice Centres at universities should count for these purposes. The Committee's view was that although such experience was valuable, it was likely to be at a less advanced level than the experience gained after completing Stage 1 and, therefore, should not count.

- Given the approach taken in Stage 2 there will be no requirement to rotate trainees through three different areas of law or to ensure that they have both contentious and non-contentious experience.

### **Pathways to qualification**

- The SRA is still minded not to specify pathways to qualification and would regulate providers by publishing performance data (e.g. the SRA would publish pass rates by institution). This will allow candidates to see which providers have better standards, creating a high degree of transparency. The SRA would not close poor institutions and would rely on market forces to do so. Historically the SRA has never closed a training provider as this is hard to do.

### **SQE Provider**

- There would be just one provider of the SQE.

### **Transitional arrangements**

- The SRA is currently looking at transitional arrangements. The new approach will be implemented from September 2019. The SRA has published transitional principles on its website: <http://www.sra.org.uk/sra/policy/training-for-tomorrow/Resources/transitional-arrangements-statement.page> They state that those who have at that point started an LPC or Training Contract (and those who have a contractual commitment to a Training Contract) will be able to choose either to remain on their current route to qualification or move to the new approach.