ALT response to the SRA consultation 'A new route to qualification: the Solicitors Qualifying Examination'

https://www.sra.org.uk/sra/consultations/solicitors-qualifying-examination.page

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The Association of Law Teachers (ALT) is a learned society comprising several hundred legal academics with a particular interest in the legal education process. The ALT has an international membership, but for present purposes represents several hundred legal academics in England and Wales working primarily in universities, and involved with the teaching of law at degree, GDL and professional level.

Q1 To what extent do you agree or disagree that the proposed SQE is a robust and effective measure of competence?

We STRONGLY DISAGREE (5).

Our concerns are not with the principle of a centralised assessment. We understand and accept that the SRA as regulator is responsible for ensuring, so far as possible, that those who enter a regulated profession have the necessary competences and attributes to function effectively in the public interest. Indeed, historically, centralised assessment at the vocational stage has been the norm, and decentralisation has only existed for just over 20 years following the introduction of the LPC. We are not convinced that there is any substantial evidence that decentralisation has led to a dilution of standards, but clearly centralised assessment is more reliable. We also accept, although we do not lay claim to any great expertise in relation to this stage of the qualification process, that assessment of the training contract is currently limited, decentralised into the hands of the training providers, who are not necessarily experts in assessment, and in the case of smaller training providers may lack the necessary resources to carry out effective scrutiny.

We are not convinced by the argument that the multiplicity of provision at the academic stage leads to unacceptable levels of variation. We note that the conclusions of the Legal Education and Training Review (LETR) were that the quality and standards of legal education, in particular at the academic stage, were satisfactory, and we have not seen any evidence which challenges that conclusion. We note that in the consultation document the SRA refers to the level of complaints against solicitors, and also insurance claims. The first point to note is that the figures given are for complaints and claims made, not for those found on investigation to be substantiated. Furthermore, all the indicators are that many of these complaints relate to dishonesty, delay and poor

communication, and not to errors of law. In many cases the fee earner concerned will not be a solicitor, and there is very little evidence of any systematic deficit in basic legal knowledge. The only example of a specific knowledge deficit cited in the consultation paper relates to immigration. This is a highly specialised area, and we note that it is not part of the SQE syllabus, and so the proposed SQE would not in any event address that particular deficit. We therefore consider that there is no case whatsoever for the SRA to seek to assess basic legal knowledge as such. We entirely accept that such knowledge has to be present in order for assessment of applied knowledge in a transactional or dispute resolution context to be effectively undertaken.

In this respect, we consider that the majority of the specifications for the SQE 1 appropriately emphasise transactional and procedural issues. The one exception is in relation to the Principles of Professional Conduct, Public and Administrative Law, and the Legal Systems of England and Wales, with particular reference to assessment objectives C, D and F, and the associated legal knowledge. These read far too much like a standard public law/legal system and method academic syllabus. We note that in many cases candidates are being asked to "demonstrate an understanding" of various aspects, rather than applying knowledge in a practical situation such as indicating how a particular statutory document might be interpreted, or whether judicial review or some other administrative law procedure might be available. The other heads of SQE 1 are, in broad terms, much more clearly focused on transactional, procedural and conduct related issues with the underpinning knowledge much more clearly contextualised and integrated into an assessment of the ability to deploy knowledge in a practical situation for practical purposes.

We also acknowledge that developments in assessment practice have resulted in the development of sophisticated assessment tools using multiple choice and similar questions which lend themselves to automated assessment and rigorous statistical analysis. However, we have grave reservations as to whether such methods are suitable as the almost exclusive mechanism for assessing ability to advise and undertake legal transactions or dispute resolution procedures. In the great majority of cases, solicitors will not be advising "against the clock", nor will they be doing so by breaking down transactions into tiny elements and providing a specific answer in respect of each. We consider that a problem-based learning and assessment approach is inherently preferable. In the absence of any sight of samples of the proposed assessment materials, it is impossible to be confident that they will be robust enough to assess the relevant attributes, skills and competences. A three-hour computer-based examination requiring candidates to answer a large number of questions will place a high premium on surface learning for instant recall. This does not replicate practice in any meaningful sense. It also has important equality implications since there is strong evidence that certain personality types perform much better under time constrained conditions, and that this has little to do with their ability to do their job under normal conditions. There is a grave danger that an assessment heavily reliant on this type of assessment tool will

exclude many perfectly competent individuals who are simply not good at the very artificial task of answering multiple choice questions against the clock. An effective assessment regime would include a range of assessments, which might include for certain purposes an element of multiple-choice or similar computer-based assessment, but should also include problem-based exercises, a range of research and drafting exercises and possibly other elements. We appreciate that some of these cannot be as easily administered and verified, and may well cause further increases in the cost of the assessment, but a greater degree of variation is essential if the assessment is to be not only reliable but also valid.

We appreciate that computer-based assessment is used in other jurisdictions, but we are unaware of one where it is the sole means of assessment. In the United States for example, the vast majority of those who attempt the multistate and other bar exams have completed a J.D. program which includes not only the generally accepted foundations of legal knowledge, but also substantial tuition and assessment in such skills as legal writing, research, et cetera. The MCQ element of the QLTS, which we understand the SRA has used as a form of model, is administered to those who by definition have completed a process of legal qualification in some other jurisdiction. They will therefore have undergone a much more traditional legal education, and the role of the QLTS is merely to ensure that they have developed a sufficiently detailed knowledge and understanding of the specific content of English and Welsh law.

We are therefore far from convinced that the proposed SQE 1 is actually fit for purpose. At all events, there is a very high degree of risk associated with its introduction without adequate piloting and exposure to the critical eye of the profession and educators of the specific question styles, approaches and coverage.

At this point it is appropriate to make an observation about the methodology being adopted by the SRA in this review. It appears that the SRA intends to take a firm decision on the introduction of SQE 1 and 2 before producing sample assessments or piloting them to assess their effectiveness, validity or reliability. This is irrational. Those responding to this consultation paper are unable to provide a properly-informed response and the SRA itself cannot have the level of confidence necessary to implement such a significant change unless a proper pilot precedes the decision. Please see our response to Q. 6.

We believe that there is a greater general consensus that the SQE 2 is in principle capable of being an effective capstone assessment. It is rational for this assessment to be taken out of the hands of the training providers. As we have already indicated, many of these lack the expertise and resources to carry out any meaningful assessment of the effectiveness of the training contract or other work-based learning, and in any event for them to undertake the assessment would be marking their own homework. Since the essential concern of the SRA must be that only those who have the appropriate skills,

attributes and competences should enter the regulated profession, we consider there is a strong case for the SRA confining itself to this capstone assessment. If this is undertaken on a centralised and consistent basis it should go far to eliminate any concerns that solicitors are inadequately educated.

There is currently something of a mismatch between regulation of individuals and regulation of entities. It is the entity, whether a traditional law firm or an ABS, which is entitled to carry out reserved activities. Very many solicitors do not in practice undertake reserved activities at all, and very few undertake more than a restricted range of them. It is therefore somewhat unrealistic for the regulator to require that they have knowledge and expertise in more than a suitable range. The SQE 2 recognises this and is therefore much more fit for purpose. By contrast, the SQE 1 as currently proposed is very broad ranging and could be said to impose an unnecessary regulatory burden.

Employers inevitably take on trainees who they consider will be apt to develop the necessary skills and competences to participate effectively in the practice of the employer. This will apply whether the employer is taking on an apprentice or a graduate trainee. In some cases employers will wish to observe the new recruit for an extended period before deciding whether they are suitable for the employer to wish to invest the necessary time and resources in facilitating their qualification. This process is inherently one which is better undertaken by the employer, where appropriate in conjunction with training providers, and does not really need to be the concern of the regulator.

There is a further significant potential danger with the current proposed model of the SQE. We welcome the acknowledgement by the SRA that it is in practice appropriate to indicate the likely range of viable educational and training routes for intending solicitors, and that in most cases this will involve a law degree, or a non-law degree followed by a Graduate Diploma, or alternatively an apprenticeship, which is likely to incorporate within it a law degree qualification. However, there is a danger that unregulated training providers will see a market opportunity to offer truncated programmes promising to prepare candidates for the SQE 1 more quickly and cheaply than a law degree or graduate conversion course, but in reality simply providing cramming without a proper educational journey. In addition, the same providers are likely to see a market in additional courses for graduates who wish to maximise their chances of success in the SQE 1, particularly if they have attended universities which have continued to offer a degree programme which is primarily a liberal academic qualification rather than a vocationally oriented one. The danger of the former type of course is that it will appeal particularly to students from non-traditional backgrounds who have less access to advice and information concerning appropriate educational and training pathways, but who will find that the programmes do not in fact place them in a position where they are regarded as employable in comparison to law graduates or those who have been preselected by the employer on integrated apprenticeship programmes. The danger of the latter is that they clearly represent an additional cost, over and above the legitimate cost of

preparation for those elements of the SQE 1 which one would not expect to see covered in the typical degree programme.

As a regulator, the SRA clearly has responsibilities in terms of equality of access to the profession, and these are key reasons why the currently proposed SQE 1, in particular, may actually have a negative impact on equality of access to the profession.

As we have tried to make clear, we fully accept that the SRA has a responsibility to ensure that those who enter the profession are appropriately educated and trained. We consider that a capstone assessment such as the proposed SQE 2 is appropriate, proportionate, and could be introduced without significant risks in terms of the quality of those admitted to the profession. Since success in the SQE 2 is likely to be linked to the quality of the training offered by the employer under the work-based learning element of the qualification process, there is of course a potential problem in relation to equality and diversity, if candidates from non-standard backgrounds or particular ethnic or other groups are disproportionately working with employers which do not offer the highest standards of training and support.

While it would be entirely feasible to revert to a centralised vocational stage assessment, and for this to be delivered, at least in part, using modern computer-based assessment techniques, we consider that great care is needed in determining exactly how this should be structured, and in particular what areas should be covered. We believe that the current SQE 1 is over specified and will require candidates to have a detailed knowledge of a very large number of topics, many of which they will not utilise in their immediate work as trainee solicitors, and some of which they will never utilise. If, contrary to our opinion and advice, a version of the SQE 1 were to be introduced, we would strongly recommend a much more tightly focused and proportionate version of the SQE 1, with candidates focusing on a narrower range of areas, chosen to reflect the requirements of their actual employment. This could for example require all candidates to attempt Principles of Professional Conduct, Public and Administrative Law, and the Legal Systems of England and Wales, but then offer only a selection of two or three other heads, including those currently proposed, but also major practice areas such as family law, employment law and possibly areas such as intellectual property and immigration. We should stress that in making this suggestion we would expect the compulsory head to be restructured to avoid the current apparent duplication where knowledge as such rather than its application is being assessed, and that a broader and therefore more valid, range of assessment exercises is included. If this approach were adopted, clearly the pass certificate would indicate which areas had been offered, which would enable future employers to have a clearer idea of the areas of competence of the individual concerned. This would not of course prevent any particular individual who wished subsequently to refocus their career from undertaking appropriate study in order to demonstrate competent knowledge and understanding in relation to a new practice area, but would decouple this from the formal qualification process, recognising that most

trainees are in fact operating in a fairly specialised environment. In our view an SQE 1 of this type would be capable of assessing functioning legal knowledge in a relevant and proportionate way.

We believe that one way of minimising the potential for unnecessary financial commitment by candidates would be to restrict access to the SQE 1 assessment process to those who have entered into an approved period of work-based learning. This need not of course be a two-year training contract, as at present required, but will require to be employment with an appropriate employer for a specified minimum period such as six months, to ensure that it is a bona fide training opportunity. We would stress that this would not necessarily be the first period of work-based learning which the candidate is seeking to have counted. For example, earlier periods working in a university law clinic or in paralegal employment could count towards the overall requirement, whenever undertaken. The nature of this specified employment would dictate, at least in part, which heads of the SQE 1 should be passed. This would, as we have suggested, have the advantage of allowing for additional heads, covering areas of practice which are currently omitted, such as family law, employment law and possibly more specialised areas such as intellectual property and immigration. We envisage that employers would identify appropriate education and training opportunities. We are conscious that major employees of trainee solicitors, such as the large international and national law firms, and public sector employers, already invest heavily in the education and training of their trainees. We acknowledge that some smaller providers may struggle to match this commitment, and therefore restricting the extent of the heads to be attempted will also limit the cost of preparation whether it falls on the training provider or on the candidate.

We acknowledge that there is evidence that access to training opportunities has in the past been restricted for candidates from non-traditional and minority ethnic backgrounds, but by reducing the length of the qualifying period of work-based learning it is hoped that additional training opportunities will be identified.

It is for the above reasons that we disagree that the proposed SQE is robust and effective. As currently proposed the SQE 1 may be robust, in the sense that it provides for consistency, but we have grave doubts as to whether it is effective, appropriate and proportionate. It still seems to be intended in part to “second-guess” the outcomes of academic study, rather than focusing on the vocational stage of applied transactional and procedural understanding. It largely adopts a “one club” policy rather than providing for a suitable variety of assessment methods to assess the various items of knowledge skill and competence. We acknowledge that there is a research and writing assessment, but this is relatively modest in scope, and effectively dwarfed by the six MCQ based heads of SQE 1. It is unclear to what extent The SQE 1 as a whole is based on a genuine assessment of the problem solving abilities of the candidates, rather than rote learned superficial knowledge. It is unrealistically broad, given that an individual is likely to be working in a relatively tightly defined practice area and therefore does not need to

have an in-depth knowledge of the broader range required by the SQE 1. It seems to proceed on the assumption that each solicitor must be able to deal with all regulated/reserved activities, rather than addressing the reality which is that it is entities which are regulated and responsible for ensuring that they employ and deploy relevantly qualified individuals in relation to the regulated/reserved activities which they undertake. It has the potential of introducing uncertainty as to what is an appropriate educational and training path towards qualification, will encourage the development of unregulated crammer courses and unnecessary supplementary courses, and seems likely to have a deleterious effect on equality and diversity, rather than a positive one. We have suggested above ways in which a more modestly scoped alternative to the SQE 1 which clearly focuses on the assessment of practical legal knowledge and skills in a practical context could be developed to avoid many of these issues, and we regard the SQE 2 as a sound basis for the development of a capstone assessment at the conclusion of the education and training process.

Q2A To what extent do you agree or disagree with our proposals for qualifying legal work experience?

We AGREE (2) with the proposals. We consider that it is not appropriate for the training provider itself to assess the quality of the training. As we have already indicated, many training providers lack the competence to do this, and they are in any event marking their own homework. We agree that work experience should normally be in a regulated entity. We consider that a portfolio of experience should be acceptable, and we note that activities such as engaging in a student law clinic or a sandwich placement will continue to be eligible to be counted. We agree, on balance, although there is some difference of opinion within the Association, that periods of employment as a paralegal or in equivalent circumstances should also be allowed to count, although we consider that there should at some point (which need not represent the first period of work-based learning to be counted) be employment for a period of six months or more which is explicitly linked to qualification as a solicitor. As we indicated above we consider that this may be the trigger point for accessing the first stage of the SQE, and in any event such a period would be necessary to enable the candidate to focus on acquiring the skills, attributes and competences necessary to pass the SQE 2.

We consider that there should be some specification of what is expected of such a period of employment and that the provider should both certify that the employment complies, and that the candidate has been given the opportunity of acquiring the relevant skills and attributes. There will also need to be some form of dispute resolution mechanism if students believe that they have not been provided with appropriate opportunities by their employer. Compliance with these obligations should be a formal professional obligation of a training provider so that, in appropriately grave cases, action could be taken for breach of professional obligations before the SDT.

We also agree that there should be considerably more flexibility as to what is required to be covered since legal employment is becoming ever more specialised, such that many training providers will have difficulty in offering a broad range of experience, and we agree that the requirement that SQE 2 requires knowledge to be deployed in at least two practice contexts is a sufficient assurance that students are developing an appropriate level of transferable skills.

Q2B What length of time do you think would be the most appropriate minimum requirement for workplace experience?

We are NEUTRAL (3) on this issue. We express our views on this point with some diffidence, since the majority of members of the Association do not have extensive experience of this aspect of the qualification process. Internationally, a period of somewhat less than two years seems to be acceptable, although there is a danger in simply taking the time period without considering the specific context in which the training is required, and also the nature of employment in each case. We would suggest that either there is a requirement for the equivalent of 18 months full-time work-based learning, on the understanding that a candidate can attempt the SQE 2 once they can demonstrate 12 months such work-based learning, thus allowing for a further attempt if necessary within the basic training period, or a requirement for 24 months full-time work-based learning with the candidate being allowed to attempt the SQE 2 after 18 months. However, we would consider that the views of the profession, in particular those parts of it which are current training providers, should carry considerable weight in this area.

Q3 To what extent do you agree or disagree with our proposals for the regulation of preparatory training for the SQE?

We DISAGREE (4) on this issue. This is not because of fundamental objection, but because there is currently insufficient evidence to evaluate this proposal fully. We can envisage outcomes that would clearly have adverse consequences for diversity, but are not persuaded that these are inevitable; we are in effect reserving judgment until there is adequate evidence to reach a conclusion. We accept that there is a reasonable case that market forces will operate so as to identify those forms of preparation and training which are effective. We would certainly accept that training providers such as the large national and international law firms are well able to identify what is appropriate for their needs, and will ensure that their trainees receive appropriate and effective training. However, we consider that this is not necessarily the case when dealing with smaller training providers, and in particular when dealing with students who are in the process of seeking to qualify and who come from non-traditional backgrounds, in particular from minority ethnic groups and social groups who are underrepresented and who will not have the same level of knowledge or access to effective advice and guidance. Such individuals are particularly likely to be attracted by non-traditional providers offering a shorter, cheaper route, and may not appreciate how far this is likely to be attractive to

potential employers. There is a limit to what can be done in terms of advice and information, since it cannot be assumed that this will necessarily reach its intended targets.

It is almost certainly unnecessary to regulate providers who are already regulated by other means. Institutions with degree awarding powers are already subject to regulation, in particular by the QAA, and have to demonstrate that they have suitably rigorous quality assurance processes and that programmes are appropriately designed and effectively delivered. The danger comes with other providers. Even if accurate data can be obtained as to where students have undertaken preparation courses so that the comparative success rates of providers can be published, there will inevitably be a considerable time lag before underperforming providers can be identified, and a longer time lag before the implications of this are understood by candidates.

We consider that the "exemplar pathways" will need to be considerably more tightly defined. In particular, a non-law graduate will need to understand that they do not just need to be able to pass the SQE 1, but also need to place their knowledge of the law in context in order to understand the economic, social, jurisprudential, and other implications, quite apart from the transactional and procedural aspects which the SQE 1 rightly focuses on. A lot will depend on the nature and extent of the guidance which is proposed to be given in conjunction with these exemplars. If it is detailed and robust it may go a long way to discouraging candidates from selecting inappropriate means. However, without sight of the guidance, it is impossible to express a view on whether it is fit for purpose. It is essentially for this reason that we are unable to express a concluded view on this aspect, since we do not see any insuperable difficulties with the proposed approach, although we do see issues and challenges, particularly around equality and diversity, and remain to be convinced that the mechanisms proposed are indeed sufficiently robust as to be fit for purpose.

Q4 To what extent do you agree or disagree that our proposed model is a suitable test of the requirements needed to become a solicitor?

We are NEUTRAL (3) on this issue. Our reservations centre on the first requirement. We continue to be firmly of the view that the legal profession is essentially one functioning at a graduate level. The obvious way of demonstrating the capacity to function at this level is possession of a degree. We do however entirely accept that there are alternative means whereby this level of knowledge, understanding and intellectual functioning can be demonstrated. We believe that there should be considerably more detail and prescription in respect of what is required under this heading. We believe that it should be specified that the degree should be a law degree, or a non-law degree supported by a Graduate or Postgraduate Diploma specified in a way that is broadly equivalent to that of the current CPE. We also consider that the acceptable equivalents should be more fully defined. We envisage that these would include a recognised apprenticeship, completion

of the full diet of CILEx Level 6 subjects, including the whole range of legal foundations, the Qualified Lawyers transfer route, and possibly ad hoc approval of individual exceptional circumstances. While we understand that the SRA is unwilling to remain involved in the detailed specification of law degree programmes, we do not see why it cannot specify that the law degree, CPE equivalent, the study element of the apprenticeship and the CILEx equivalent must include substantial study of the law of England and Wales in those areas, knowledge of which is required to be applied in the context of the SQE 1 (in the sense of a more focused set of assessments concentrating on the application of knowledge and procedural and dispute resolution context, not the extremely broad syllabus envisaged by the Statement of Underpinning Legal Knowledge and the SQE 1 as currently proposed).

We have of course indicated that we consider that the SQE 1 should be significantly different to that which is proposed. Our agreement with the general proposition that candidates for admission should have passed both elements of the SQE is strictly on this understanding.

Q5 To what extent do you agree or disagree that we should offer any exemptions from the SQE stage 1 or 2?

We DISAGREE (4) with exemptions. It is necessary to explain that this is on the understanding that the SQE 1 is clearly structured so that it builds on, rather than duplicates, assessment for degree, et cetera, purposes. We believe that the suggestion that there should be exemptions is based on the relationship between the law degree and the old solicitors Part 1 examination. This required study of the then recognised foundation subjects in a way that was directly parallel to university study. Indeed, many articled clerks attended university lectures as preparation for the Part 1 examination. If the SQE 1 is genuinely focusing on the application of knowledge in a transactional and procedural context it would not be appropriate to grant exemptions based on academic study. There is perhaps a stronger case for exemptions in relation to qualified lawyers transferring in to the English and Welsh profession, and also CILEx candidates who will have taken at least one practice paper which is designed to assess their functional knowledge in a transactional and procedural context, albeit through case studies rather than the type of computer-based assessment proposed for the SQE 1. A case can of course be made for requiring qualified transferees to demonstrate that they have functional knowledge in the relevant context. The only exception would be in those cases where there is a very close correlation between the requirements of the other jurisdiction and those of the SQE. In relation to the CILEx qualification, the candidate will normally have undertaken one practice paper, and there is a case for allowing an exemption on a like-for-like basis. However, no such exemptions are allowed in relation to the LPC, and it may therefore be preferable to maintain a no exemptions policy, recognising that such candidates will at least benefit in that they will require less further study in order to prepare them for the SQE 1 in this area.

Q6 To what extent do you agree or disagree with our proposed transitional arrangements?

We AGREE (2) with the principle. We think that commencement in 2019 is extremely optimistic. We very much doubt whether SQE 1 at all events can be ready by 2019, otherwise than on a purely pilot basis. We understand that there are commitments in relation to candidates who have already commenced apprenticeships. It may be that the SQE 1 should be piloted with this group, for whom there is no alternative. This will enable the claims made in respect of the reliability and robustness of the SQE 1 to be assessed in a relatively low stakes environment. There is clearly a major risk to the reputation of the profession and the SRA if the SQE 1 is introduced without appropriate testing and evaluation and proves unfit for purpose. We consider that development of the SQE 2 is likely to be less controversial since it is based on existing models which are relatively tried and tested. We certainly agree that there needs to be a relatively intensive evaluation of both SQEs in operation, in order to ensure that there are no unintended consequences.

Q7 Do you foresee any positive or negative EDI impacts arising from our proposals?

It is difficult to be certain. We find it surprising that no proper Equality Impact Assessment has yet been done. We have indicated a number of points above where issues could well arise. The most important appears to us to be the potential for an SQE 1 which focuses on one very specific type of assessment to operate differentially and thus have an adverse impact on certain groups, some of which may be covered by protected characteristics.

In addition, we are not at all persuaded that the introduction of the SQE will reduce overall costs. There are of course models where this will occur. If universities develop degree programmes which incorporate preparation for the SQE 1 within a three-year programme, this will indeed eliminate a significant cost. It is however unlikely that major training providers will regard such a programme as appropriate for their requirements, and while they will be likely to continue to provide substantial funding for their selected trainees, if a “full” law degree followed by a “full” SQE 1 preparation course is seen as the gold standard, others are likely to follow that route at their own cost in the hope of making themselves attractive to potential employers. It would certainly be possible to incorporate preparation for SQE 1 into a four-year degree programme which would attract funding and be costed accordingly. Any market which develops for additional SQE 1 preparation will of course represent an additional cost. Any savings from the reduction in the length or complexity of the SQE 1 preparation processes, as compared with the current LPC, will be offset by the cost of the SQE 1 itself. We assume that the SRA will administer this on a cost neutral basis, but in the absence of any indication of what the total cost is likely to be, the likely examination fees cannot be estimated. The cost of

providing examination venues with dedicated computers for up to 15,000 candidates a year will in itself be very substantial, and the costs of developing the SQE 1 and 2 assessment banks and the standardisation and moderation processes will also be substantial, although we acknowledge that there are economies of scale arising over time from the use of computer-based assessment. Nevertheless, it seems optimistic at least to suggest that there will be substantial financial savings.

A further concern is that there is already a considerable information gradient between students from traditional backgrounds with good social networks and attending universities with strong traditional links to the profession and other non-traditional would-be entrants. Any lack of transparency in the arrangements for the SQE is likely to increase this gradient by creating additional areas where traditional entrants are advantaged in terms of knowledge and assessment of appropriate strategies.

Overall we consider that there are high risks of unintended adverse impacts on equality and diversity, and relatively little evidence of any positive impact, unless the best case scenario in terms of reduction in the cost of qualification comes to pass, which we consider unlikely.

As this is a submission on behalf of an organisation, it is not appropriate to complete the equality and diversity information requested.