ALT response to the SRA consultation 'Training for Tomorrow: Assessing Competence'

http://www.sra.org.uk/sra/consultations/t4t-assessing-competence.page

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The Association of Law Teachers is a learned society comprising several hundred legal academics with a particular interest in the legal education process. The majority are based in UK universities and other providers of higher education, but the membership also includes those involved in pre-degree law teaching and a significant number of international members.

Q1 **Do you agree that the introduction of the SQE, a common professional assessment for all intending solicitors, best meets the objectives set out in paragraph 10?**

We emphatically do not agree that the proposed SQE best meets the defined objectives, or indeed, in its current form, is capable of meeting them at all. We consider that it is premature to consider this form of assessment, or indeed any prescribed form, before a decision has been taken on the methods by which individuals will be able to qualify. There are a number of approaches to instructional design, but all agree that assessment must be aligned to the educational process which it is assessing.

Furthermore, the SRA consultation proceeds on an essentially false premise, which is that there are fundamental deficiencies in the present system of education, training and assessment which could be addressed by the SQE as proposed. It selectively cites the LETR and the QAA to support an argument that the current system of legal education and training is unacceptably inconsistent. In fact the overall conclusion of the LETR as expressed in the executive summary is broadly positive:

> The report recognises that the current LSET system provides, for the most part, a good standard of education and training enabling the development of the core knowledge and skills needed for practice across the range of regulated professions.

The LETR does indeed make certain recommendations which are summarised in the executive summary including that it would be desirable to "enhance consistency of education and training through a more robust system of learning outcomes and standards, and increased standardisation of assessment." This is fleshed out in paragraph 4.108:

> Drawing on effective practice, standards … should address a range of areas or domains relevant to enhancing the consistency and quality of the learning experience and its outcomes: curriculum design and delivery; assessment strategy and processes; the management of teaching, learning and assessment; and the definition of each competence area and its learning outcomes. In addition to specifying broad criteria for each domain, it may be useful to highlight to providers the kind of evidence expected to demonstrate, or be indicative of, delivering the standard.

Standardisation of assessment is then discussed. However, the detailed consideration of this focuses on increasing the consistency of the vocational and practical stages of legal education and training, and not the academic stage. It is dealt with in the remaining parts of Chapter 4 and in Chapter 5 of LETR.

We entirely agree that separate consideration needs to be given to the various discrete phases of education and training.

It is of paramount importance that the title of solicitor is recognised, nationally and, perhaps more importantly, internationally, as a full professional qualification. The international expectation is that such qualifications will be at least at first degree level, i.e. in the UK at FHEQ Level 6, and they are normally at a higher level such as Masters degree or professional doctorate. The obvious means of demonstrating that the qualification is at this level is for it to consist of or incorporate a formal qualification at that level. It is of course entirely possible to devise a programme of education and training and associated assessments that demonstrate this by other means. It is however questionable what the utility of this is, since it is reinventing the wheel, multiplying choice, with the potential for confusion, and there is no clear indication how it might address potentially valuable objectives such as diversity.

We find it incomprehensible that the SRA can contemplate a process of qualification as a solicitor which is not explicitly linked to these levels. We have grave concerns that the qualification would become devalued, and might not even be recognised internationally as a full legal professional qualification if the essential assessment mechanism is reduced to something resembling the SQE in its presently proposed form.

We do acknowledge, as does the LETR, that there is a clear distinction to be drawn between what is at present referred to as the academic stage of legal education, which involves the acquisition of knowledge of the various branches of law, the context in which law exists, and academic skills of research, writing, legal argument, analysis and synthesis and the subsequent stages of specifically vocational study. The academic stage may, but typically in current conditions does not, lead onto vocational study with a view to qualification. It is in general highly valued as an academic underpinning to a variety of career options where familiarity with law, regulation and legal transactions are required.

LETR acknowledges that, while most of the evidence they gathered suggested broad satisfaction with the academic stage of legal education, there were some concerns expressed over consistency of coverage of the “core” legal subjects as between institutions, and comparability of qualifications. It is difficult to judge from the report exactly how robust these criticisms are, and it is entirely possible that they are purely anecdotal and subjective. In any event there is an existing mechanism for specifying core content in the shape of the Joint Statement. It may be appropriate to revisit this, in the light of the work that has been done by the SRA and the BSB to define the day one outcomes and competencies for solicitors and barristers respectively, the recent reissue of the QAA Law Benchmark, and other developments in the law and legal environment since the Statement was last revised.

We acknowledge that greater concern was expressed over the fitness for purpose of the vocational and practical stages of legal education and training. If a period of work-based learning is to be retained as an integral part of the qualification process, which seems to be desired by all relevant stakeholders, it must be recognised that the diversity of providers, who are not primarily training organisations, and some of whom will lack the expertise and other resources to enable them to assess work-based learning rigorously, may mean that some form of centralised assessment along the lines of the proposed second stage of the SQE is appropriate. This would mirror current practice in the medical profession where exercises involving standardised patients are used to assess practical competence in the final assessments before registration.

As we have already remarked, it is a logical imperative to define the routes to qualification before seeking to specify the assessment of them. Essentially there are three distinct possible routes. The first is a linear route, equivalent to the current QLD followed by LPC followed by training contract. The second is a simultaneous route, represented by the emerging apprenticeship model where education to degree level by part-time study is blended with training based employment. It also encompasses

the CILEx route, where an initial qualification covering a more restricted range of legal areas can be supplemented to achieve the necessary outcomes for a solicitor. The third is the transfer route whereby qualified lawyers from other jurisdictions demonstrate their aptitude for practice in the context of the English and Welsh solicitors' profession. Provision also has to be made for those who do not fall neatly into these categories, for example those with an existing professional qualification covering some legal areas, and those with international qualifications falling short of legal qualification, but which address some of the required outcomes.

The first two methods, in which the process of qualification as a solicitor must cover all the required elements are inevitably what might be described as a four dimensional process where the potential solicitor undergoes an educational process during the course of which s/he acquires a body of knowledge, a set of intellectual skills, and awareness of ethical issues in the legal professional context, and understanding of the processes and activities associated with their professional practice and the business and personal objectives of their clients. The SQE in its proposed form, particularly the first part, would seem to impose an arbitrary three-dimensional assessment regime seeking to capture knowledge at a given point in time, and largely divorced from its context. We are aware that similar mechanisms are used in the QLTS, but would point out that those undergoing this qualification process are, by definition, already qualified as lawyers in another jurisdiction and have therefore already undergone the four dimensional educational process described above, albeit in a somewhat different context. It cannot be assumed that a procedure designed to ascertain that the would-be solicitor has sufficient familiarity with the basic concept of English law can be readily adapted to a fundamentally different purpose.

While we accept that it is possible to devise objective testing systems, such as multiple choice questions, which do not simply test a superficial knowledge and recall, and can test certain higher intellectual skills of analysis, such a test cannot address all the required outcomes. It is, for example ill adapted to assess research skills, written and oral communication skills and the more complex skills associated with analysis of a factual situation so as to identify and utilise relevant legal rules. It is therefore highly unlikely that those seeking to provide a broad-based, intellectually challenging legal education at first degree level will voluntarily incorporate substantial elements of the SQE, as currently conceived, in the assessment arrangements for their programmes.

This in turn creates further issues in relation to the impact of the SQE on diversity. In the first instance, if degrees do not incorporate the SQE, potential solicitors will need to prepare for and take the SQE as a separate stage in the qualification process. This will inevitably entail additional cost and serve as a deterrent to potential entrants from non-traditional backgrounds who lack the appropriate resources. Such entrants will also be at a disadvantage when considering what educational and training programme to follow in order to achieve their ambition of becoming solicitors. There will no doubt be organisations which will offer a course specifically designed to prepare candidates for the SQE, whether as a supplement to a degree or as a substitute for it. It is unclear to what extent solicitors' firms and other legal services providers will recognise the substitute courses in particular as having equivalent status to qualification by a law degree or recognised apprenticeship route. Potential entrants coming from social backgrounds where there is familiarity with the legal profession will be more able to evaluate the utility of particular routes to qualification than those from non-traditional backgrounds who lack personal, family or other social connections.

The only merit we can see in the proposed SQE is that, as with any centralised assessment, it does promise consistency. However consistency is a relatively minor concern, as evidenced by a careful reading of LETR, and the SRA has produced no additional evidence to suggest that inconsistency has resulted in any measurable disadvantage to consumers of legal services or any assessable risk of this occurring. For the reasons we have indicated it is unlikely to be an effective measure of many of the aspects of a solicitor's competence, and may very well impact adversely on diversity. The only respect in which any convincing case has been made for a centralised assessment is as the capstone at the point of entry, following completion of a period of work-based learning.

Q2 **Do you agree that the proposed model assessment for the SQE described in paragraphs 38 to 45 and in Annex 5 will provide an effective test of the competences needed to be a solicitor?**

Here we would draw a sharp distinction between Part 1 and Part 2.

In relation to Part 1 we reiterate that this proposed method of assessment is fundamentally unfit for purpose. As we have indicated, we accept that computer-based objective testing can have a place in the overall assessment of degree level knowledge skills and competences. We do not consider that it can do so exclusively. It cannot assess the ability to research, and it does not assess communication skills. It is much better at assessing recall of knowledge, albeit to a high level of detail, than at assessing the ability to deploy knowledge contextually. It is essentially the equivalent of assessing a golfer on his ability to play a particular golf course with only one club in his golf bag.

The problem is compounded by the fact that the SRA did not accept any of the criticisms of the original specification of the Statement of Underpinning Legal Knowledge (SULK). As currently presented this is an incoherent and sprawling mass of legal topics, some of which can properly be regarded as foundational aspects of the study of law for any higher educational purpose, some of which relate to particular areas of practice and procedure undertaken by only a minority of solicitors, while others cover areas of substantive law which will be of relevance only to a minority of solicitors. If the SRA proposal means what it appears to mean, intending solicitors will have to demonstrate their competence in all 13 areas of the SULK even though they have no intention of practising in areas to which many of them are relevant. This does not seem either necessary or proportionate. It is frankly incomprehensible why criminal litigation is included as a compulsory area when neither employment nor family law is included. This aspect of the proposals appears to be based on the belief of the SRA that individual solicitors, as opposed to the entities in which they practice, are still generalists. This is not the case. The SQE Part 1 is far less capable of assessing knowledge and the application of knowledge in relation to the academic underpinnings of law than is a law degree or GDL. The SRA should recognise that from the moment when an intending solicitor is taken on either as an apprentice or as a graduate trainee he or she is being trained within the training organisation for a specific professional role in a particular practice area. This will inform the scope and nature of the training provided building on the ‘academic’ foundation.

The only rational and logical approach to the acquisition of the initial basic foundational knowledge of law in its various contexts and the ability to research and apply it is for the SRA to recognise a formal academic qualification at degree level, whether in the form of a law degree, a GDL, or the equivalent of a law degree comprised within an apprenticeship programme. We would however strongly advise that apprenticeship should incorporate a part-time or distance learning law degree as such, as this avoids the need to specify the alternative, and the risk that it will be seen as ‘less eligible’.

Tying this stage of the qualification process explicitly to an academic level, while allowing considerable flexibility in the form of apprenticeship and graduate entry routes will ensure that the qualification retains its international recognition as a full legal professional qualification. We cannot see that the SQE Part 1 is likely to be regarded as, by itself, a suitable assurance that the individual is capable of functioning at the required level of a graduate professional in other major international jurisdictions. It may also not satisfy the requirement for professional recognition within the EU system.

It is highly unlikely that degree providers will incorporate major elements of the SQE Part 1 in the assessment regime of their degree programmes. There are significant practical issues. How would the outcome of an SQE module be incorporated into the overall module result if it is not the sole assessment? Would the timing of SQE and degree assessment regimes be compatible? In the USA the standard legal education is a J.D. program, and this is then followed by a bar examination which typically takes the form of a computer-based assessment. This is however additional to the educational program, and insofar as preparation courses are needed for it, they represent an

additional expense, and therefore a potential deterrent to able candidates of limited means. We do however accept that entry on to the SQE Part 2 or any preparation for it should not take place before the degree, or equivalent, has been obtained, and that this should be effectively policed.

Entirely different considerations apply to Part 2 of the SQE. We note that at this stage the SRA only intends to require candidates to cover three out of five contexts, although they still require both contentious and non-contentious contexts to be covered. Since a candidate does not have to offer criminal litigation at this stage, there is no conceivable justification for making it compulsory at the earlier stage. This is simply the most obvious example of the mismatch between the coverage of Part 1 and Part 2. The LETR deliberately declined to give detailed consideration to activity-based authorisation. This is explained in the executive summary

> The report does not recommend a move at this stage to greater activity-based authorisation, for reasons of potential cost and complexity, particularly within the present system of multiple regulators.

We understand the reasons for this reticence, but it is unfortunately ill-advised. The position has already been reached when the solicitors' profession has become a bundle of overlapping professional specialisms. Entities may practise in a broader or narrower range of these specialisms, but individuals will practise in a narrow area, and since these areas are not rigorously defined, there is some latitude for movement by way of professional development. However, if a solicitor practising in the field of, say, commercial property were to decide to transfer to trademark law, he or she would in effect have to undergo a requalification process.

The current proposals for the SQE Part 2 fall significantly short of activity-based accreditation. They could however with advantage be further developed in that direction.

We envisage that employers of apprentices and graduate trainees will take progressively greater ownership of the courses and mechanisms by which the more practice related aspects of knowledge and skills are acquired. This will lead to training providers increasingly offering bespoke articulations of their courses. One key concern is the extent to which it is in the public interest (and the interest of the individuals concerned) to allow students to take courses preparatory to the SQE Part 2 otherwise than in the context of an existing 'training' contract (i.e. an apprenticeship or graduate traineeship). Successful completion of this stand alone course is unlikely to lead to placement with the larger law firms, but may lead to other opportunities. The crucial difficulty is that, if the SQE Part 2 is intended as a capstone, it will be testing what has been learned in the work based phase of training, which a course cannot replicate. This does of course have significant EDI implications.

We believe that there is scope for educational providers and training entities to develop a range of specific 'vocational' qualifications, which may well be more modular to allow delivery during the period of work-based learning, and also more tailored to different modes of practice

We believe that there is a very strong consensus that qualification as a solicitor requires a period of work-based learning. The reality here is that the entity offering the work-based learning, assuming that it is looking to train those who will become its future fee earners, will have a clear understanding of which areas of legal practice it wishes them to train, qualify and practise in. This will apply equally to those selected for apprenticeship schemes and for graduate training following the completion of a law degree/GDL. By accepting the position, the trainee is in effect agreeing to become a particular kind of solicitor. The SQE Part 2 could, and should, reflect this. This is simply a recognition that the solicitors' profession has become diverse, in the same way as the medical profession has become diverse. The current proposals go some way towards this, but do not appear to be specifically oriented towards recognition that a solicitor is qualified in a defined practice area.

Q3 **Do you agree that all intending solicitors, including solicitor apprentices and lawyers qualified in another jurisdiction, should be required to pass the SQE to qualify and that there should be no exemptions beyond those required by EU legislation, or as part of transitional arrangements?**

No, for the reasons already stated we do not consider that the SQE Part 1 is remotely fit for purpose. We do accept that solicitor apprentices, and solicitors qualifying by the graduate entry route should be subjected to assessment at the same level, and with a coherent and consistent body of content, agreed by all stakeholders. We consider that the apprenticeship model ought normally to incorporate a part-time or distance learning degree. Those who are seeking to become professional lawyers by becoming solicitors ought to be subject to an entirely different procedure to those who are seeking to transfer from another legal profession. The situations are not in any material respect the same and cannot be dealt with by the same assessment regime. This is a blatant category error.

Q4 **With which of the stated options do you agree and why:**

- ○ **a) offering a choice of 5 assessment contexts in Part 2, those aligned to the reserved activities, with the addition of the law of organisations?**
- ◉ **b) offering a broader number of contexts for the Part 2 assessment for candidates to choose from?**
- ○ **c) focusing the Part 2 assessment on the reserved activities but recognising the different legal areas in which these apply?**

Why...

As we have already indicated, we consider that the SQE Part 2 could be developed so as to allow for candidates to satisfy its requirements in relation to a much larger range of practice areas. Since very large numbers of solicitors do not practise in reserved areas, we do not see why the qualification process should be linked to this.

Q5 **Do you agree that the standard for qualification as a solicitor, which will be assessed through the SQE, should be set at least at graduate level or equivalent?**

We agree that the qualification as solicitor should be at least at graduate level. In principle, given the nature of the qualification, and the international expectations in respect of a fully qualified lawyer, the SQE Part 2 standard should be FHEQ Level 7. Most LPC programs are currently set at that level, certainly so far as the elective elements are concerned, and a number explicitly incorporate an LLM qualification at Level 7.

Q6 **Do you agree that we should continue to require some form of pre-qualification workplace experience?**

We have been impressed by the arguments presented by the profession in this respect. We consider that qualification as a lawyer is an essentially four dimensional process and an essential ingredient in this is exposure to actual practice in the form of work-based learning. We accept that this can take a variety of forms, but we are very firmly of the view that some work-based learning, or something very closely analogous, is essential. We are also of the view that this should be substantial, although it is the quality rather than the quantity of the experience which is important.

Q7 **Do you consider it necessary for the SRA to specify a minimum time period of pre-qualification workplace experience for candidates?**

We have indicated in our previous answer that we consider that the quality rather than the quantity of the experience is most significant. Nevertheless, there does need to be some specification. We would not envisage that a total period of less than 18 months could provide a sufficient range and quality of work-based experience. We would however defer to the opinion of those who have been actively engaged in the provision of work-based learning, since our expertise is not in this particular aspect.

Q8 **Should the SRA specify the competences to be met during pre-qualification workplace experience instead of specifying a minimum time period?**

The SRA is already specifying the competences. We consider it would not be appropriate to allow this to override the requirement for a period of experience.

Q9 **Do you agree that we should recognise a wider range of pre-qualification workplace experience, including experience obtained during a degree programme, or with a range of employers?**

We consider that is the quality rather than the quantity of such experience which is relevant. Since such experience is currently recognised, we see no reason to change this. One area in which some law schools have already undertaken significant innovation is in relation to pro bono activity. Indeed some law schools have already been authorised as legal services providers. Clearly experience obtained in this context is relevant and should be recognised. Other experience, if it is relevant, should also be recognised. It is the responsibility of the SRA to establish parameters and procedures in this respect.

Q10 **Do you consider that including an element of workplace assessment will enhance the quality of the qualification process and that this justifies the additional cost and regulatory burden?**

This is a complicated question, and one where the expertise of the ALT can assist to a limited extent only. The diversity of work-based learning providers is such that only a proportion are likely to have the expertise and resources to carry out workplace assessment to a sufficiently rigorous standard. This may lead to problems in terms of equality of outcome. In the circumstances, it may be preferable to use the SQE Part 2 as the mechanism for assessing the effectiveness of the work-based learning element of training.

Q11 **If you are an employer, do you feel you would have the expertise to enable you to assess trainee solicitors' competences, not capable of assessment in Part 1 and Part 2, to a specified performance standard?**

Not Applicable

Q12 **If we were to introduce workplace assessment, would a toolkit of guidance and resources be sufficient to support you to assess to the required standard? What other support might be required?**

Not Applicable

Q13 **Do you consider that the prescription or regulation of training pathways, or the specification of entry requirements for the SQE, are needed in order to:**

- **support the credibility of the assessment?**
- **and/or protect consumers of legal services and students at least for a transitional period?**

We would go considerably further than this. We consider that the prescription and regulation of pathways is of fundamental importance. As we have indicated, and leaving aside lawyers transferring in, who raise fundamentally different issues, there are essentially two ways of qualifying, which can be summarised as the apprenticeship and the graduate trainee route. Each should be specified, and in relation to the fundamental legal knowledge this should be specified as a law degree, a GDL or some close equivalent specified in relation to the apprenticeship route.

We are not convinced that this is necessary in order to protect consumers of legal services, since we are not convinced there is any evidence that the existing routes to qualification produce practitioners who are incompetent to advise consumers of legal services. We are however convinced that is necessary to protect students, and in particular to ensure that entrants from whatever background are not deterred or deflected. There is a major danger that, if the SQE Part 1 is implemented, there will be a major issue arising from the offering of courses which will prepare for the SQE tests, but not provide a legal education. Naive students may be attracted to such courses without appreciating that they do not have any credibility with employers. This is capable of constituting a significant disadvantage.

Q14 **Do you agree that not all solicitors should be required to hold a degree?**

We consider that all solicitors should be able to demonstrate that they are educated to at least degree level. This does not necessarily require that they hold a university degree as such. We agree that there may be routes to qualification which demonstrate the equivalence of a degree without a degree as such. One example of this is the CILEx route, which requires the student to pass a number of modules at degree level, including all the current foundation modules. A CILEx entrant does not have a degree, but is educated to degree level, and has extensive work-based experience.

While we consider it desirable that the academic content of an apprenticeship should be delivered by means of a part-time or distance learning degree, we accept that this need not be mandatory,

although the academic content of the apprenticeship should at least be equivalent to a degree, or, possibly, the CILEx requirements.

We consider that there should be an up-to-date version of the Joint Statement, with greater emphasis on transferable intellectual skills, in particular transferable legal intellectual skills such as statutory interpretation, and the use of precedent. This would underpin degrees, the GDL and the 'non-degree' apprenticeship.

Q15 **Do you agree that we should provide candidates with information about their individual and comparative performance on the SQE?**

Insofar as this relates to the SQE Part 1, we do not wish to comment, since we do not consider that this should be proceeded with. The nature of the SQE Part 2 is such that we would consider it inappropriate for feedback to be given. This would, inevitably, compromise the utility of the various exercises. They will clearly need to be refreshed on a regular basis, but if feedback is given, this compromises the integrity of the testing material on future occasions.

Q16 **What information do you think it would it be helpful for us to publish about:**

- **overall candidate performance on the SQE?**
- **training provider performance?**

This will depend on the nature of the providers and the provision. It is only if like is being compared with like that the data will be comparable, and therefore useful. Given the diversity of the profession, it is likely that providers of programmes specifically for intending solicitors will, as now, tailor their offering to particular areas, whether individual large firms, or 'high street' or 'commercial'. The student intake will vary considerably, as will the content of the programme. As a result, comparative data is unlikely to be helpful. The data might be valuable if there were a single programme with defined content and methodology, but we think it highly unlikely that this will be the case, as it will not meet the needs of the market.

Q17 **Do you foresee any additional EDI impacts, whether positive or negative, from our proposal to introduce the SQE?**

We have already identified numerous substantial and critical impacts. We consider that those impacts are sufficient to undermine the arguments in favour, at least, of the SQE Part 1. We have indicated that we consider that the SQE Part 2 is at least potentially valuable, but that it requires significant further examination from the perspective of activity regulation. This may in turn produce further EDI impacts.

In particular, Annex 2 fails to recognise the extent to which these are costly assessments to administer and deliver. How would the cost be met? It is likely that the cost would ultimately fall on the individual student, thus contributing further to the damage this will do to diversity. Where individual prospective employers are willing to support students to whom they have offered training or employment the cost will ultimately fall on the consumer of legal services. Annex 2 relies on the reduction of cost implicit in ceasing to require an LPC. However, effective training in the interpersonal skills to be assessed by SQE2 is inherently expensive, requiring as it does reiterations of small-group work. Whilst there may be savings from the lack of prescription if there were no LPC these are unlikely to be as high as appears to be anticipated, since students or their employers will have to fund training in these areas.

What is more, whether or not overall savings are achieved, we would point out that it is a retrograde step to shift cost from a learning process which is recognised to be valuable to an assessment process, the value of which in preparing competent solicitors is as yet unproven.

Q18 **Do you have any comments on these transitional arrangements?**

We consider that the timetable is challenging. Students are currently making career choices at any age from 13 onwards. Students then choose which subjects to study at GCSE, and then which subjects to study at A Level. They are being advised as to potential careers throughout this period. Their careers advisers are not necessarily entirely up-to-date. Students are already proceeding towards university entrance in 2016 and 2017 (and conceivably 2018 and 2019) on the assumption that a QLD is the primary entry point to the legal profession, and that a non-law degree followed by a GDL is a legitimate alternative. Universities have produced prospectuses for entry in years up to 2016 on the basis that a QLD is a crucial qualification for a solicitor. There is nothing to suggest at the moment to careers advisers in schools, sixth form and FE colleges that the fundamental basis of qualification as a solicitor is about to be changed. We consider that at least three years' notice needs to be given, and prominently promulgated, if a QLD is no longer to be the primary route into the solicitors' profession. The consultation paper does not really address the issue of expectations among students prior to enrolment on the LLB, and this is a significant omission. If new arrangements are introduced precipitately, there will be significant complaint on the part of those who have been planning their future on the basis of the existing arrangements. In particular the timescales are such that those starting their post school education in 2016 and 2017 should be able to do so on the basis of the existing rules, or the replacement rules, whichever are more advantageous to them. This should allow for completion of qualification under the existing regulations by 2025/6. It is however not entirely clear from the documentation exactly when the SRA envisages the new rules will apply.

Q19 **What challenges do you foresee in having a cut-off date of 2025/26?**

There will inevitably be candidates who are trailing. This is likely to be because of health and/or disability reasons, and such candidates may require reasonable adjustments to be made on the basis of their protected characteristic. The date specified is not an unreasonable one, but there will still need to be provision for exceptional circumstances.

Q20 **Do you consider that this development timetable is feasible?**

Many aspects of it are extremely challenging. If the SRA assume that HEIs will incorporate SQE Part 1 into their degree assessment programmes, they will need to produce specimen examples for evaluation. Typically, the process for accommodating amendments to academic programmes requires at least a full academic year. If the amendments required constitute a fundamental restructuring of the degree course in question, a longer period is likely to be required. Since no specimens or examples have yet been made available, it is inconceivable that adjustments can be made for academic year 2016/2017. Adjustments could in principle be made for academic year 2017/2018, provided that the materials were available by the summer of 2016. This does however assume that these materials are in principle acceptable as a component of academic assessment, and that there are no further discussions, adjustments or amendments to be made. For the reasons we have outlined above, we doubt that many institutions will be anxious to incorporate SQE elements. This may produce further delays and uncertainties.