

DRAFT - The Solicitors Qualifying Examination (SQE): approach to qualified lawyers seeking admission as a solicitor of England and Wales

Annex 2: The principles

May 2017

Contents

DRAFT - The Solicitors Qualifying Examination (SQE): approach to qualified lawyers seeking admission as a solicitor of England and Wales	3
The principles.....	3
Overarching requirements	3
Recognition of professional qualifications	3
Recognition of professional experience	4
English language	5
Notes on the principles.....	5
Regulatory/professional bodies.....	5
Individuals	5

DRAFT - The Solicitors Qualifying Examination (SQE): approach to qualified lawyers seeking admission as a solicitor of England and Wales

The principles

Overarching requirements

1. Qualified lawyers who wish to be admitted as a solicitor of England and Wales must:
 - a) Hold a legal professional qualification which confers rights to practise in England and Wales or in an overseas jurisdiction we recognise.
 - b) Demonstrate that they have the competences set out in the Statement of Solicitor Competence (SoSC), and the knowledge of English and Welsh law set out in the Statement of Legal Knowledge either on the basis of the principles set out below and/or through successful completion of the SQE.
 - c) Have a degree or qualifications or experience which we are satisfied are equivalent to a degree.
 - d) Satisfy our character and suitability requirements.
2. We will recognise the knowledge, skills and competences that qualified lawyers have gained through professional qualifications and professional experience.¹ This recognition may relate to SQE stage 1 and/or SQE stage 2 in totality, or individual components which make up SQE stage 1 and/or 2. We will only recognise professional legal qualifications or professional experience as equivalent to an individual component of the SQE where the knowledge, skills and competences for which a qualified lawyer seeks recognition correspond to the whole of an individual component. There will be no recognition available for only part of an individual component as it is not possible to assess all candidates on a reliable and accurate basis where some candidates are answering only some questions of an examination.

Recognition of professional qualifications

3. For us to recognise a qualified lawyer's professional qualification as equivalent to part or all of the SQE (SQE 1 and/or SQE 2), they must demonstrate that the qualification they hold is equivalent to the whole of the SQE (SQE 1 and/or SQE 2), or individual components of the SQE in the following ways:

¹ Recognition of part or all of the SQE will be granted to candidates who hold a legal professional title we recognise (a professional qualification) in a jurisdiction we recognise. Where recognition is granted, the qualified lawyer will not be required to sit the corresponding components of the SQE assessment(s).

- Content: the professional qualification must cover content which is not substantially different to the areas of English and Welsh law set out in the Statement of Legal Knowledge and the competences set out in the SoSC.
- Standard: the professional qualification must be of an equivalent standard – ie it must assess to a level which is comparable to level three of the SRA threshold standard.²

Recognition of professional experience

4. Where qualified lawyers have acquired professional experience in legal practice³ through practising under their home title and/or in their home jurisdiction, we will consider whether the knowledge, skills and competences developed by this professional experience are equivalent to corresponding parts of SQE 1 and/or SQE 2. For us to recognise a qualified lawyer's knowledge, skills and competences acquired through professional experience, they must demonstrate that the knowledge, skills and competences acquired are equivalent to the whole of the SQE, or individual components of the SQE in the following ways:
 - Content: the knowledge, skills and competences acquired through the professional experience must cover content which is not substantially different to the areas of English and Welsh law set out in the Statement of Legal Knowledge and the competences set out in the SoSC.
 - Standard: the knowledge, skills and competences acquired through the professional experience must be developed to a level which is comparable to level three of the SRA threshold standard.⁴
5. As a starting point, we envisage that qualified lawyers will typically have a minimum of two years' professional experience in order to demonstrate to us that they have satisfactorily developed to an equivalent standard the competences assessed by the part(s) of the SQE for which they are seeking recognition. However, some candidates may be able to demonstrate to our satisfaction that they have developed the respective competences to an equivalent standard within a shorter period of professional experience or through lifelong learning (or through a combination of both).⁵ They can still apply to us for recognition by submitting formal evidence and we will review the evidence to assess whether their knowledge, skills and competences meet our content and standard requirements.

² www.sra.org.uk/threshold.

³ Periods of professional experience in legal practice which are undertaken either pre or post qualification can be taken into consideration.

⁴ www.sra.org.uk/threshold.

⁵ 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics.

English language

6. Where necessary,⁶ there will be an English language test requirement imposed for qualified lawyers whose professional qualification(s) or professional experience we have recognised as equivalent to all of SQE 2. This will take place post-admission, at the point applicants apply for a first practising certificate.

Notes on the principles

Regulatory/professional bodies

7. It is the relevant regulatory/professional body that must make the application to us for recognition of a professional title and/or to become a recognised jurisdiction. However, the jurisdictions and professions which have been awarded 'recognised' status under the previous Qualified Lawyers Transfer Scheme (QLTS), will retain their 'recognised jurisdiction' status under the SQE.
8. A regulatory/professional body of a recognised jurisdiction can apply for recognition for the whole of, or individual components of the SQE for their jurisdiction/profession. In practice, this will require the regulatory/professional body of the recognised jurisdiction to undertake a mapping exercise and submit evidence to us outlining how their members' professional qualification is equivalent to the SQE.
9. We will review the mapping exercise the regulatory/professional body has undertaken and recognise the professional qualifications of a regulatory/professional body as equivalent to the SQE where we assess that the content and standard of the qualification scheme is not substantially different to corresponding areas of the SQE. We will look at the content and standard of the profession's qualification scheme only,⁷ and whether the recognition sought covers the entirety of an individual component and/or the whole of SQE 1 and/or 2.

Individuals

10. Qualified lawyers who are seeking admission will have to contact us and demonstrate how their professional qualification or professional experience is equivalent to the SQE, or part of it, based either on the areas of recognition agreed with us by their regulatory/professional body, and/or their individual circumstances. They will be required to submit formal evidence in support of this, including an explanation of how their professional experience has

⁶ in cases of "serious and concrete doubt" about the applicant's language knowledge in respect of the professional activities which they intend to pursue as per the European Union (Recognition of Professional Qualifications) Regulations 2015.

⁷ ie - we will not look at features such as the assessment methodology or the format of the assessment.

enabled them to develop the competences in relation to which they are seeking recognition.⁸

11. Qualified lawyers of EU Member States other than the UK, have the choice as to whether they seek admission on the basis of Directive 2005/36/EC or Directive 98/5/EC. Candidates seeking establishment on the basis of Directive 98/5/EC would need to effectively and regularly pursue an activity in the law of England and Wales, in England and Wales under their home-country professional title for a period of at least three years.

⁸ In practice this could be achieved either on the basis of confirming to us that they are a member of a profession which has pre-agreed areas of recognition in place (based on the standard qualification route of the profession), or by submitting more detailed evidence in support of 'less typical' periods of professional experience.