

**Solicitors
Regulation
Authority**

**Regulation and Education
Authorisation and monitoring activity**

September 2014–August 2015

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Introduction and overview of 2014–15

1. We have a statutory responsibility for the education and training of solicitors, as set out in the Solicitors Act 1974 and the Legal Services Act 2007. Education and training requirements are a key regulatory tool to protect consumers of legal services. The purpose of this report is to tell our stakeholders about the outcomes of our quality assurance activity in relation to education and training. Unless otherwise stated, it relates to the period 1 September 2014 to 31 August 2015. This reflects the higher education academic year.
2. On 1 April 2015, we introduced:
 - a new approach to the regulation of the continuing competence of solicitors
 - a Statement of Solicitor Competence, with an accompanying Statement of Knowledge and Threshold Standard.
3. In Autumn 2015, the Department for Business, Innovation and Skills approved a Trailblazer Apprenticeship leading to qualification as a solicitor. We amended our training regulations to permit qualification through this route.
4. Work continued to develop proposals for a new, national Solicitors Qualifying Examination.

Executive summary

The vast majority of those who qualify as solicitors will have completed the academic stage of training (Qualifying Law Degree or Common Professional Examination (CPE)) and vocational stage of training (the Legal Practice Course (LPC), Period of Recognised Training (PRT) and Professional Skills Course (PSC)).

This report is concerned with the analysis of information we receive from those we approve or authorise to provide courses and with information we gather on the routes to qualification of those admitted to the profession.

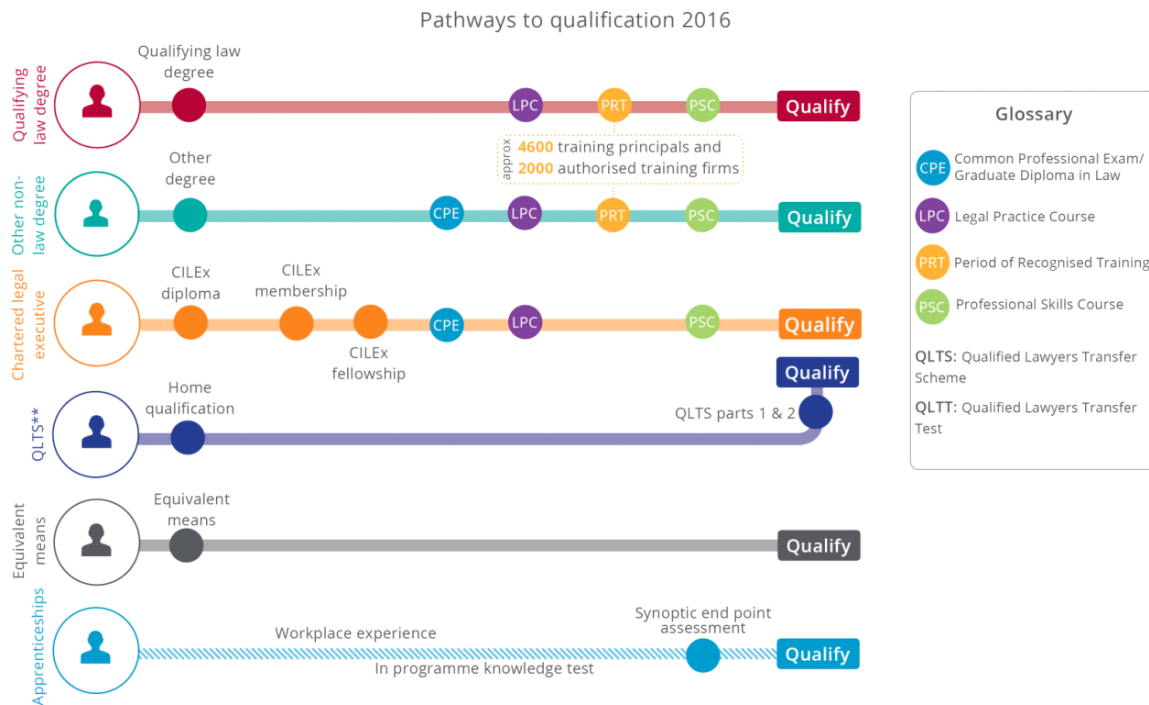
Key findings for this period are:

- Overall rates of successful completion for the LPC and CPE remain fairly constant for students overall, but there appear to be significant differences in the rates between providers.
- In addition to the differences in overall completion rates, there are significant differences between providers in the proportion of students which achieve pass, commendation or distinction grades.
- Data indicates that students from ethnic groups other than white students are less likely to successfully complete the CPE and the LPC.
- Male and female students appear to perform equally well on the CPE and LPC and women outnumber men on both courses and at the point of admission.
- Our data on the ethnic origin of those undertaking PRTs is less comprehensive because for the period 2014–15 some 77 percent of training contracts registered indicated ethnic background as 'unknown'.
- Following a research exercise in which we identified differences in assessment practice across LPC providers, we have a better appreciation of the range of practice and of the difficulty of obtaining accurate information on the performance of LPC providers and the current standard to which students are being assessed in the current distributed model of course delivery and assessment.

The routes to qualification

5. Figure 1 sets out the routes to qualification as a solicitor under our existing training regulations. The graduate route takes a minimum of six years for those who study full time and undertake a PRT of two years (full time). Figure 1 also illustrates the routes available to legal executives and lawyers qualified in other jurisdictions.

Figure 1: Pathways to qualification



Numbers admitted by route

6. Figure 2 identifies the numbers admitted as solicitors by their route to qualification between 1 September 2014 and 31 August 2015.

Figure 2: Numbers admitted by route

Route	Number
LPC	5404 (87%)
QLTS	398 (6%)
ILEX route	162 (3%)
QLTT	58 (1%)
Other	35 (less than 1%)
Total	6,173

Key findings from this period are:

- Some 6,173 solicitors were admitted. Approximate percentages are provided by route to qualification but these do not total 100 percent due to rounding.
- The Qualified Lawyer Transfer Test (QLTT) and Qualified Lawyers Transfer Scheme (QLTS)* account for just over 7 percent of those admitted.
- Only 58 people qualified through the QLTT** route compared with 514 through the QLTS, which reflects the withdrawal of the QLTT route (save for transitional arrangements) and its replacement by the QLTS as the route to qualification for barristers and overseas lawyers. The QLTT is now only available to those covered by the transitional arrangements when the QLTS was introduced in 2011.

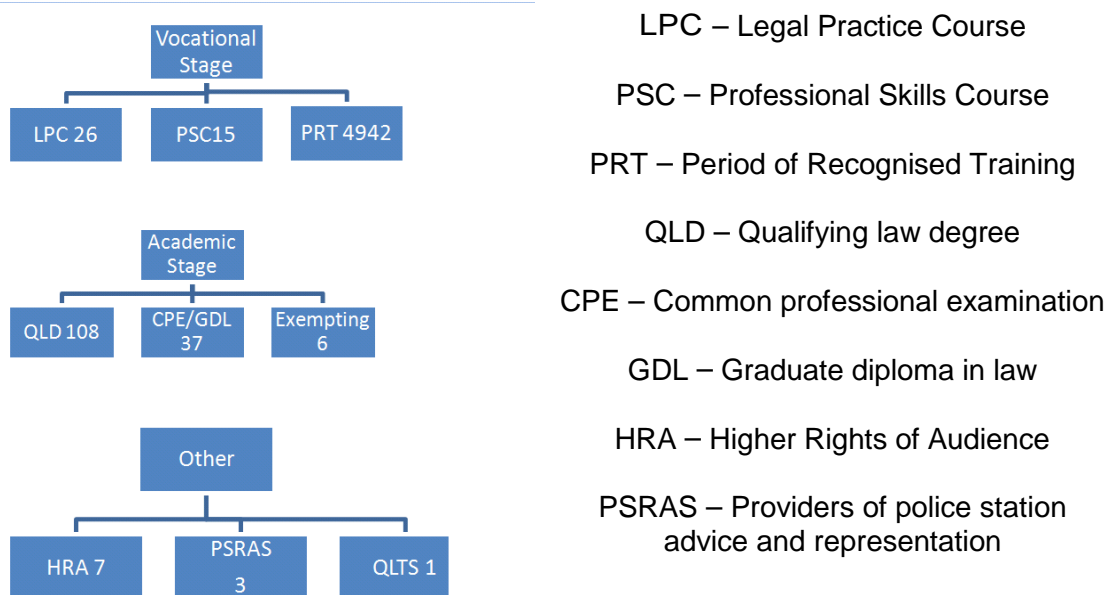
* The QLTT and QLTS represent the qualification route taken by barristers of England and Wales and lawyers qualified in other jurisdictions.

** The QLTT ceased to be available as a route to the profession from 31 August 2010. It was replaced by the QLTS, which is a two-stage assessment of the knowledge and skills required to be a solicitor.

Providers of legal education and training

7. Figure 3 sets out the numbers of organisations we authorise to provide legal education and training.

Figure 3: Numbers of providers of different qualifications



Providers range from universities that offer only the academic stage to post-qualification courses. In 2014/15 all pre-qualification education took place in providers that are also subject to regulation by the Quality Assurance Agency for Higher Education (QAA). The PRT takes place in firms and organisations we authorise to provide training. In 2014/15, there were 37 providers of the CPE/GDL and 26¹ providers of the LPC. Two providers offer their courses across a number of locations. Six providers offer a programme that combines the QLD and the LPC (the exempting degree). In 2014/15, 646 additional firms and organisations were authorised by us to take trainees.

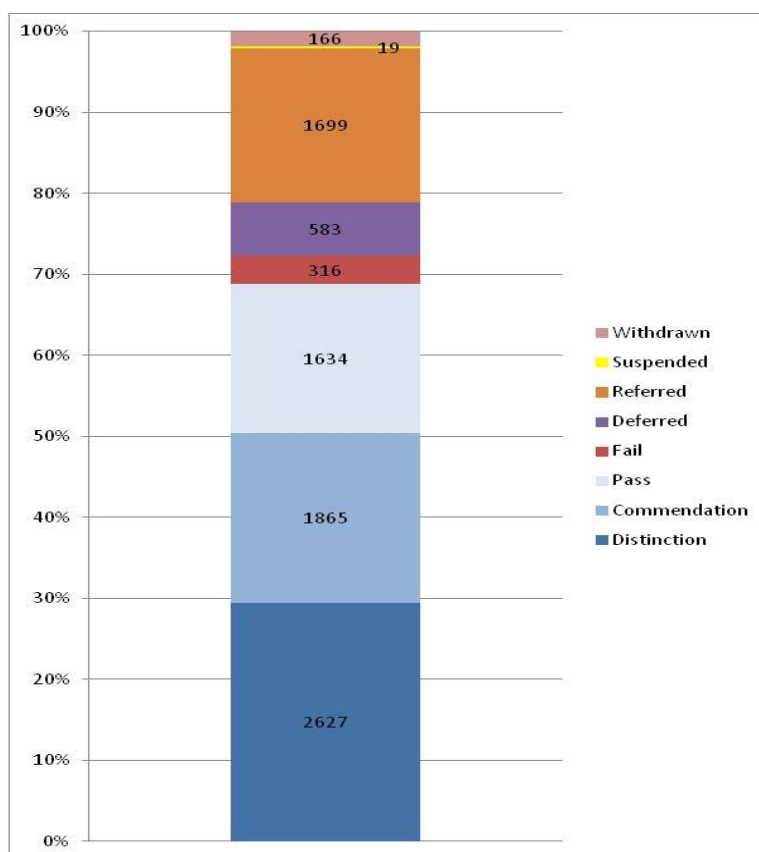
SRA Monitoring

8. Our monitoring of the quality and standards of education and training focuses on the two professional qualifications within the framework: the CPE (for which the academic award is often a post graduate diploma in law (or GDL) and the LPC. For the CPE and the LPC our monitoring involves initial approval (CPE) or authorisation (LPC) and the requirement for each provider to submit an annual course monitoring report. Under the SRA Training Regulations 2014 we approve providers of the CPE and authorise providers of the LPC to deliver the respective programmes. Where the Annual Course Monitoring Reports disclose issues, we have the power to make a monitoring visit to a provider. The data included in Figures 4–13 is drawn from provider annual course monitoring reports.

The Legal Practice Course

9. Figure 4 sets out details of LPC completion rates.

Figure 4: LPC Final Results 2015 (all students)



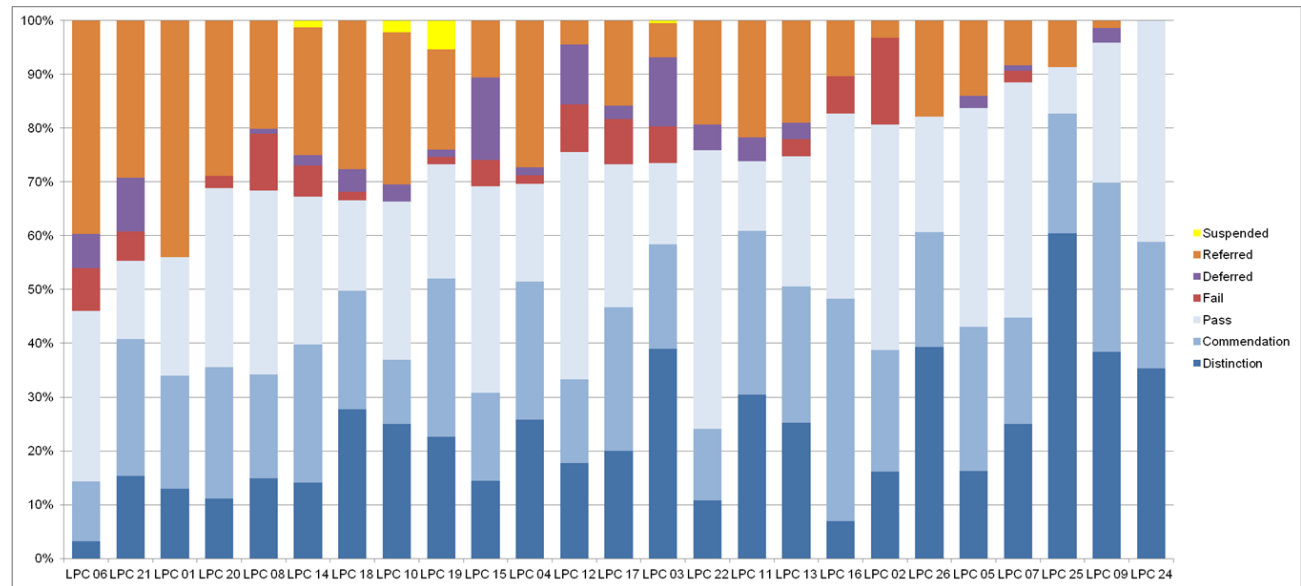
The total number of students enrolled and eligible to sit assessments that would allow them to complete the LPC in the period of the report was 8,909. This compares to 8,372 in 2013/14.¹

10. These figures indicate that, overall, 69 percent of enrolled students successfully completed the LPC (compared to 70 percent last year) and 3.5 percent failed the LPC in this period. The remaining students were either withdrawn or suspended, or were referred or deferred from their assessmentsⁱⁱ.

Results by provider

11. Figure 5 sets out LPC results by provider.

Figure 5: LPC results by provider



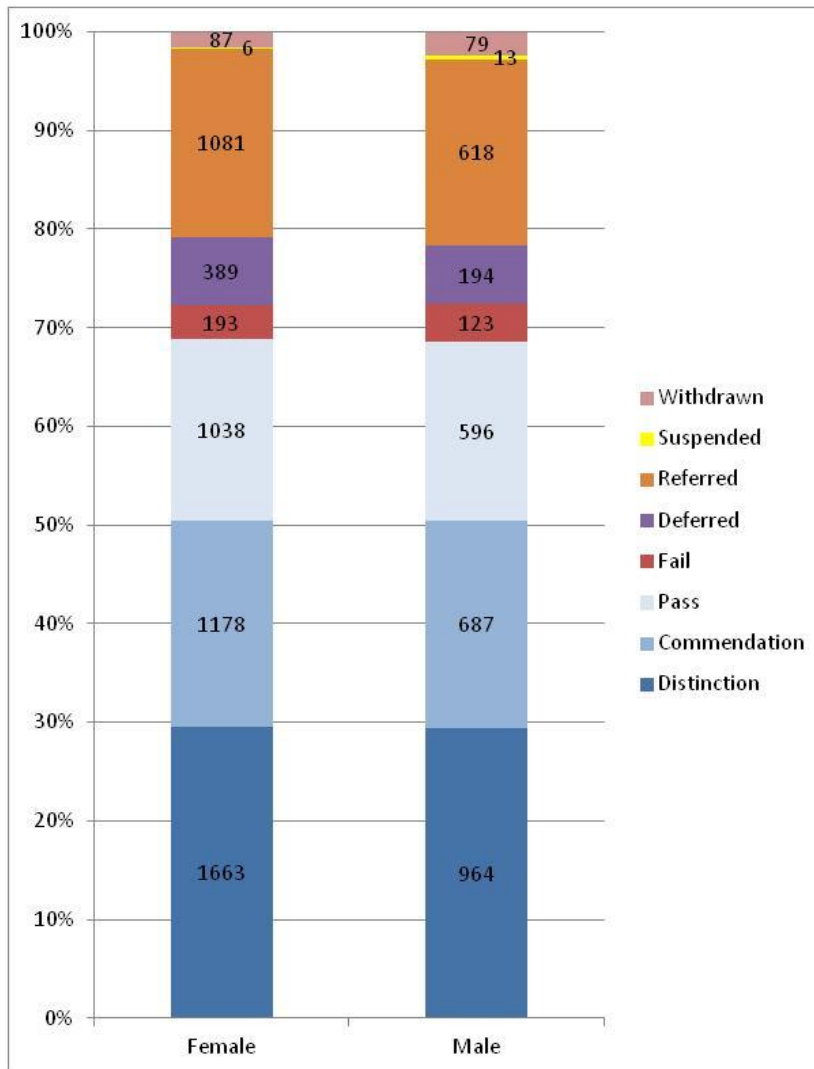
12. Successful completion rates by provider vary from below 50 percent to 100 percent. In addition to variation in completion rates, there is significant variation between providers in terms of the proportion of students obtaining pass, commendation and distinction grades. It is unclear what the reasons are for such a wide disparity in performance. There are very large differences in the size of the different providers, from a group of 17 students, to many thousands of students spread over different centres. There may also be variation in academic ability between different intakes; variable quality of teaching; and/or different approaches to assessment. This makes it difficult to be confident about consistent outcomes. We have reviewed assessment approaches among LPC providers and report on this in more detail in paragraphs 39–48.

13. The size of LPC provision varies. The largest providers, BPP University and the University of Law, offer the LPC across a number of different locations. Between them, they shared 76 percent (6,796) of the total number of students enrolled to take assessments (72 percent in 2013/14). Seven providers had fewer than 50 students. The smallest course has 17 students.

Performance by gender

14. Figure 6 shows performance by gender.

Figure 6: LPC Final results 2015 by gender (all students)

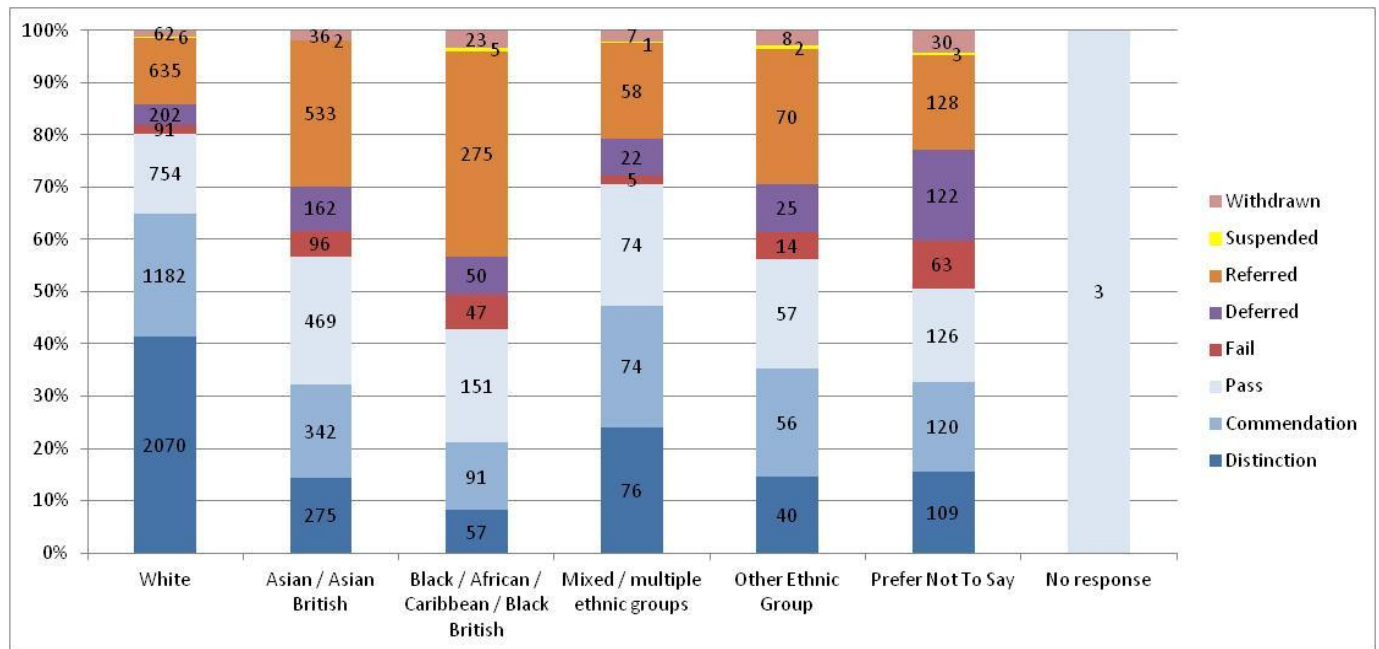


Some 63 percent of students in this cohort were female and 37 percent were male. There is little difference in performance on the LPC by gender.

Performance by ethnicity

15. Figure 7 shows shows performance on the LPC by ethnicity of students.

Figure 7: LPC Final results 2015 by ethnicity (all students)



Key findings show:

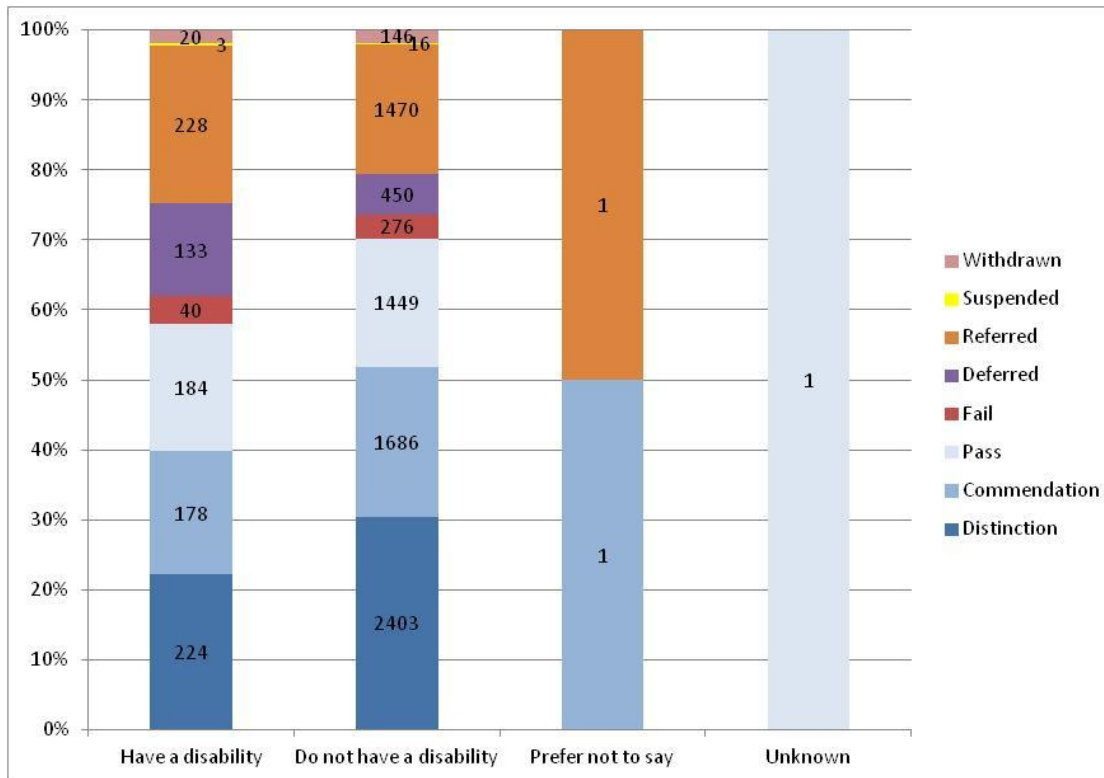
- 21 percent of students identified themselves as Asian/Asian British
- approximately 8 percent as Black/African/Caribbean/Black British
- approximately 3.5 percent as mixed/multiple ethnic groups.

The table indicates that students from the backgrounds above are less likely to pass the LPC and more likely to fail or be referred or deferred in their assessments. Approximately 80 percent of white students successfully completed the LPC in the period in comparison with approximately 57 percent of Asian/Asian British students and 42 percent of black students. The table indicates both higher 'fail' rates amongst these groups but also significantly higher rates of both referral and deferral.

Results by disability

16. Figure 8 illustrates comparative performance on the LPC of students with disabilities. Approximately 11 percent of students identified themselves as having a disability, compared with 9 percent last year. The responsibility for making reasonable adjustments for students with disabilities is a matter for the LPC provider, although in particular cases they may seek guidance from us as to whether the proposals for reasonable adjustments are acceptable.

Figure 8: LPC Final results 2015 by disability

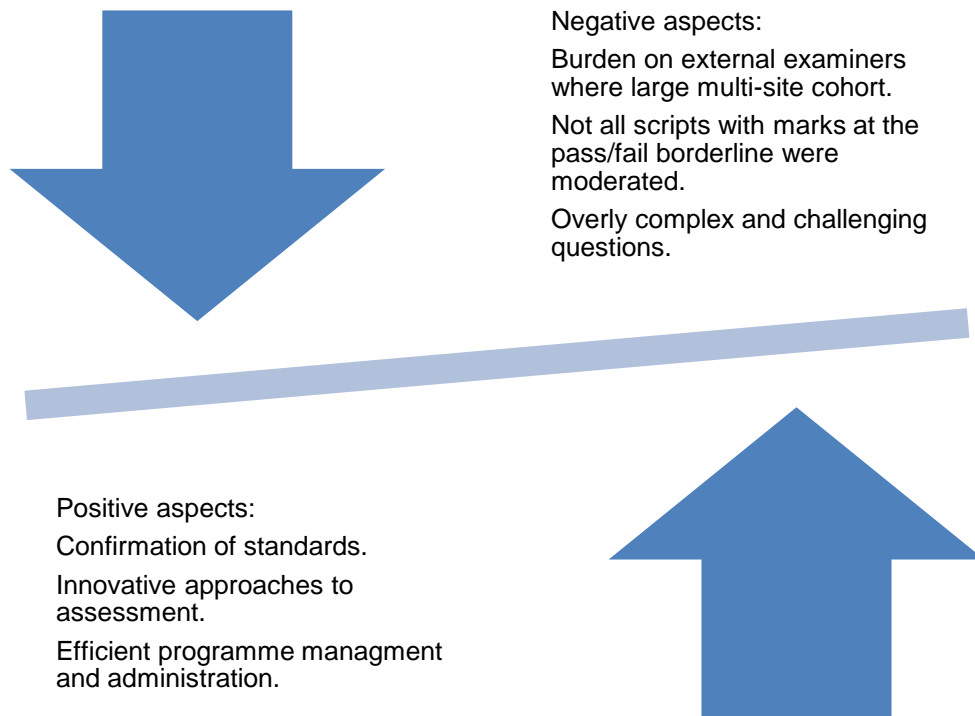


17. It is apparent from the table that students who have disabilities are more likely than their colleagues who do not have disabilities to be referred or deferred in their assessments. However, by the time they have completed all assessments, there is little difference between the two groups. Some 6.4 percent of disabled students ultimately fail the LPC, compared with 5 percent of non-disabled students.

External examiner reports

18. All LPC providers appoint external examiners to review the quality and standards of their assessments. Each of the LPC providers appoints its own external examiners and the external examiners report to the LPC provider (rather than to us). In their narrative Annual Course Monitoring Reports, the LPC providers include a summary and analysis of issues raised by the external examiners and the provider's response to those issues. The external examiners for the LPC all confirmed that the quality and standards set by the SRA are maintained. They report high levels of student satisfaction with the quality of learning and teaching. Some external examiners expressed concern about a lack of rigour in assessment and a lack of internal scrutiny to make sure assessments were clear and free from error. External examiners reported that where this occurred, providers were responsive to external examiner recommendations and feedback. We compare external examiners' views with those of the Chief External Assessors we appointed to review provision across the LPC in paragraphs 39–49.

Figure 9: Positive and negative aspects of LPC provision identified by external examiners

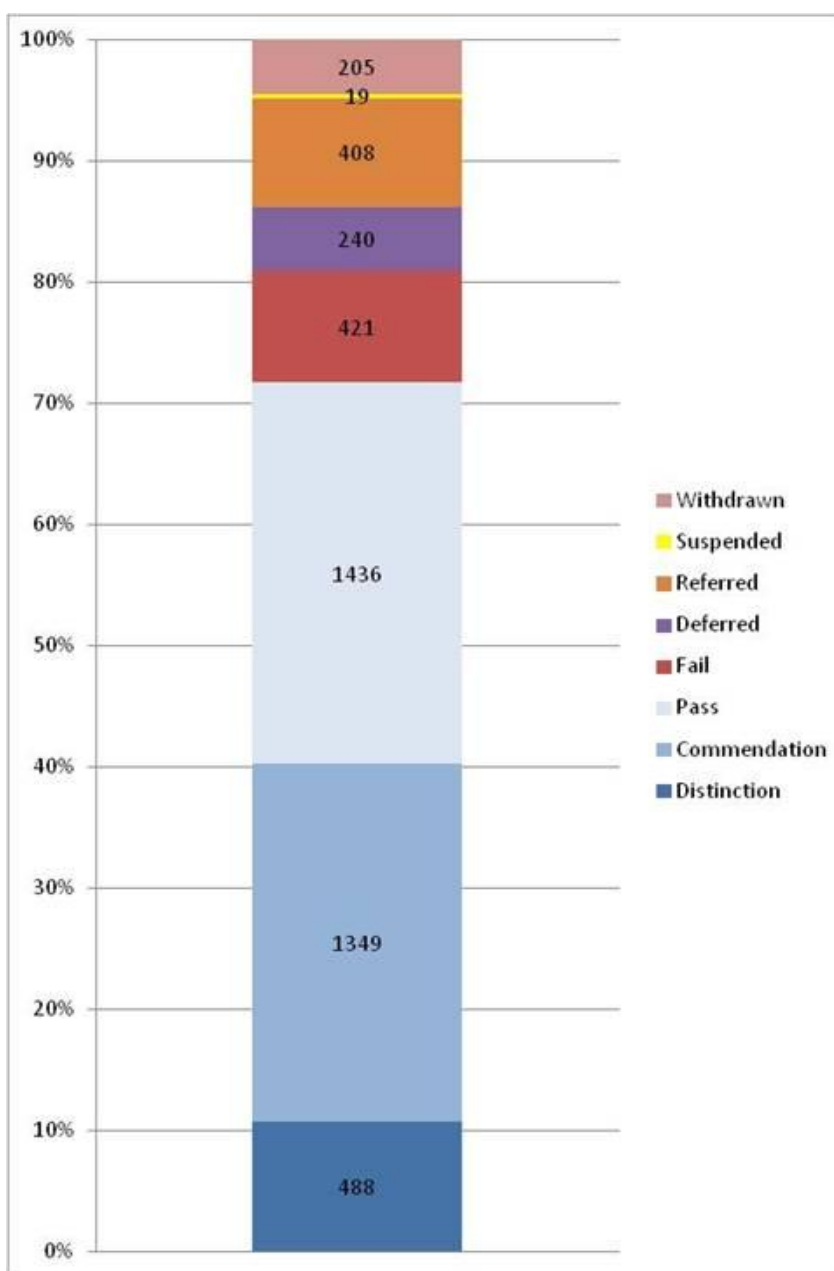


The Common Professional Examination/Graduate Diploma in Law

Completion rates

19. Figure 10 shows CPE/GDL results. The total number of students who were enrolled and eligible to sit assessments which would enable them to complete the CPE in the period of the report was 4,566 (compared with 4,455 in the previous academic year). This includes full-time students enrolling for the first time in September 2014 (or later); part-time students in their second year of study and students who had referred or deferred assessment attempts. CPE assessment rules permit three attempts at each assessment. Figure 10 indicates overall outcomes for the CPE/GDL. The overall completion rate in 2014–15 was 72 percent, which is similar to the previous year.

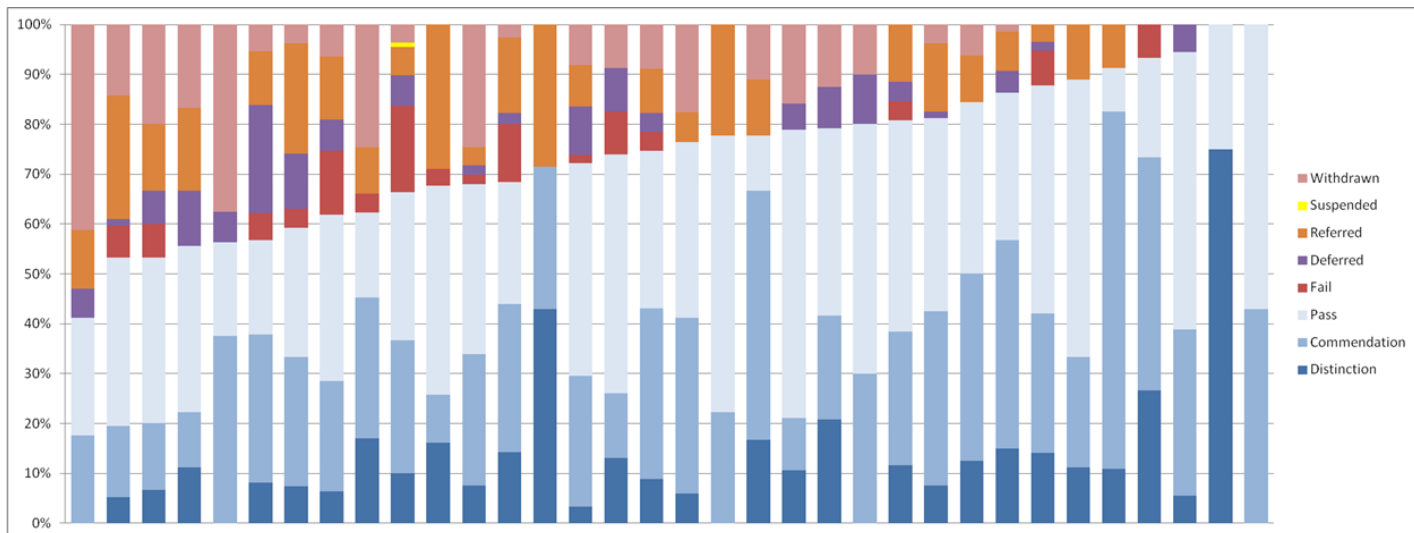
Figure 10: CPE/GDL results



Results by provider

20. As with the LPC, the CPE is offered by a range of providers, all of which are also subject to regulation by QAA. The size of provision varies considerably. The largest providers, BPP University and the University of Law, offer the CPE across a range of locations. As with the LPC, BPP and the University of Law dominate the market, together accounting for approximately 67 percent of student recruitment. The smallest three providers recruited only four, seven and nine students.

Figure 11: CPE/GDL results by providers



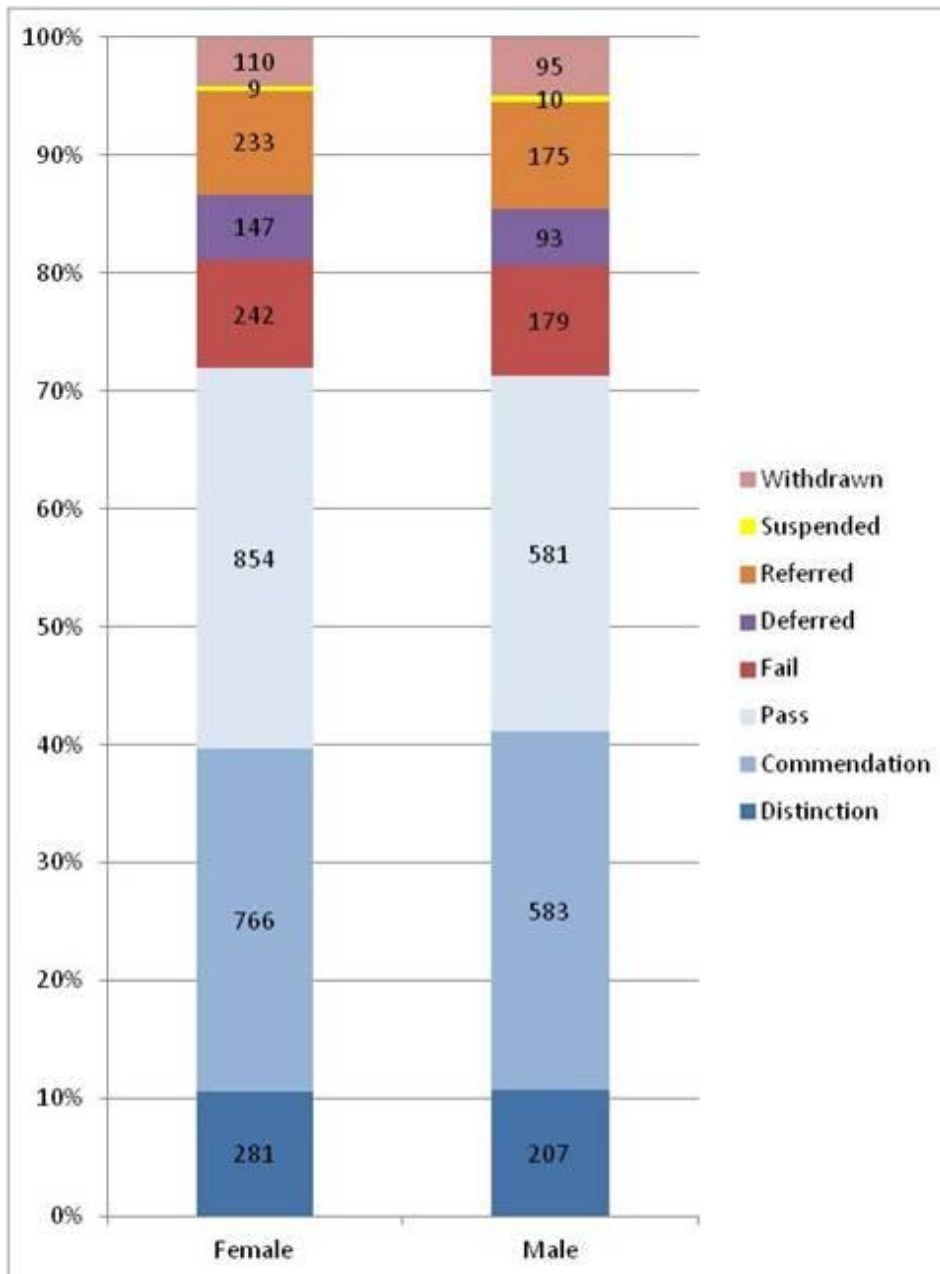
21. Rates of successful completion of the CPE/GDL by provider shown in figure 11 also vary significantly, from less than 45 percent to 100 percent. In addition to the differences in rates of successful completion, it is again apparent that (among those who do successfully complete) there are very significant differences in the proportions obtaining pass, commendation and distinction grades. Once again, it is difficult to draw firm conclusions about the reasons for this. There is significant variation in size of providers. There may also be student groups of different academic ability, differences in the quality of teaching and/or in the approach to assessment.

22. Providers supply us with a summary and evaluation of issues raised by their external examiners in their Annual Course Monitoring Reports. These did not raise any concerns about quality and standards on the CPE/GDL.

Results by gender

23. Figure 12 provides a breakdown of CPE completion rates by gender. These numbers indicate largely consistent performance in the CPE/GDL by gender.

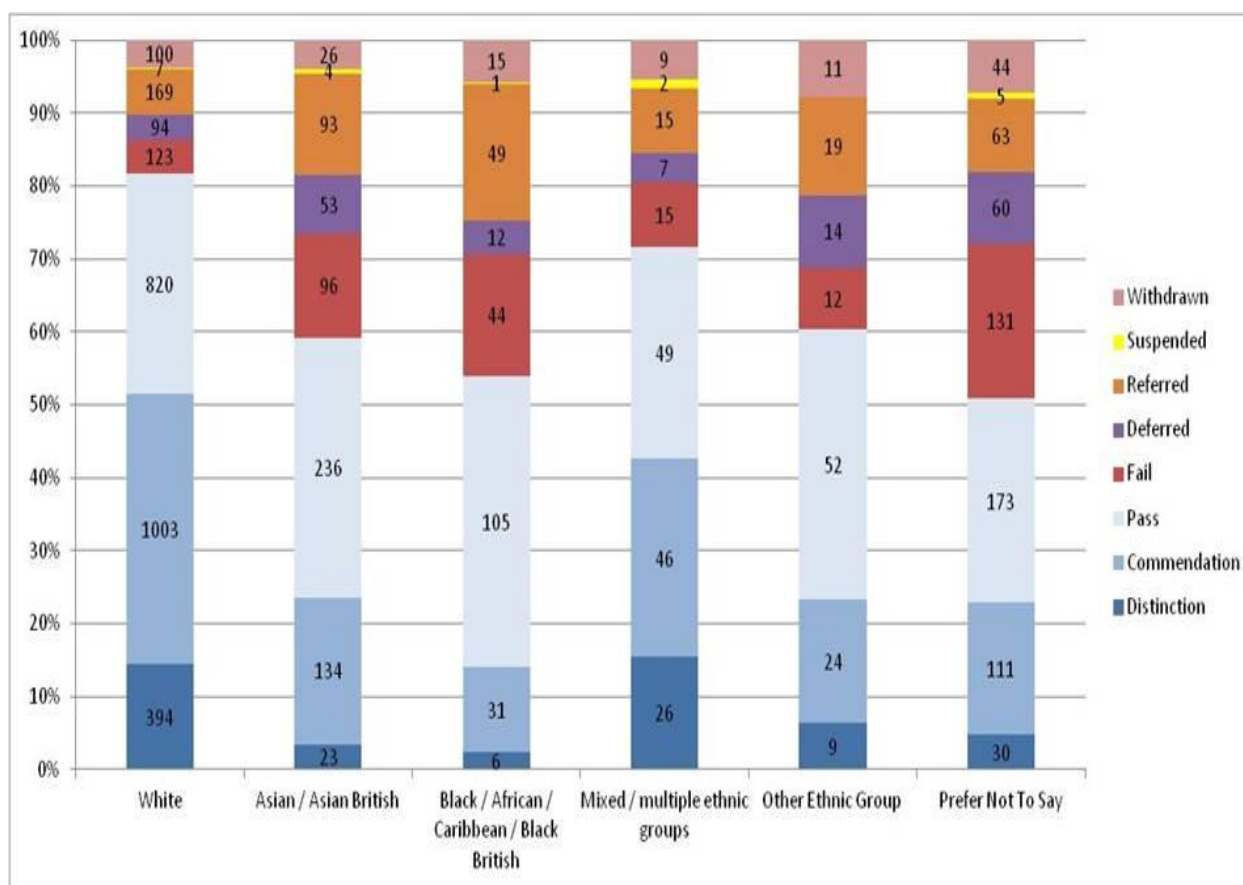
Figure 12: CPE final results by gender



Results by ethnicity

24. Figure 13 shows breakdown of CPE completion rates by ethnicity. As with the LPC, these numbers appear to indicate that students from ethnic groups other than white are less likely to pass the CPE/GDL and are more likely to fail or be deferred or referred. The position is similar to that encountered with the LPC. While white students have a successful completion rate of over 80 percent the rate is just under 60 percent for Asian/Asian British student and approximately 54 percent for black students. In addition where Asian or black students are successful, they are much less likely to be awarded commendations or distinctions.

Figure 13: CPE results by ethnicity



Training

25. The final stage of the qualification pathway is the requirement to complete a PRT (when trainees will also undertake the PSC). Training will take place in a firm or organisation approved by us to take trainees and, if carried out on a full time basis, will usually be for a period of two years.

The tables in figure 14 provide details of the number of training contracts registered with us in the last two periods.

Figure 14: Age band, ethnicity, disability, and gender breakdown

Age band	1 July 2013–30 June 2014		1 July 2014–30 June 2015	
18–21	–	0%	2	0%
22–25	915	16%	1,968	34%
26–30	3,640	66%	3,049	52%
31–35	670	12%	529	9%
36–40	165	3%	148	3%
41–45	87	2%	87	1%
46–50	40	1%	49	1%
51–55	28	1%	24	0%
56–60	8	0%	10	0%
61+	3	0%	1	0%
Not provided	1	0%	4	0%
Total	5,557		5,871	
Ethnicity	1 July 2013–30th June 2014		1 July 2014–30 June 2015	
Asian	435	8%	344	6%
Black	85	2%	79	1%
Chinese	27	0%	21	0%
Mixed	58	1%	40	1%
White	1,295	23%	835	14%
Other	26	0%	24	0%
Unknown	3,631	65%	4,528	77%
Total	5,557		5,871	

Disability	1 July 2013–30th June 2014		1 July 2014–30 June 2015	
Physical	3		1	
Mental	2		1	
Learning	9		6	
Sensory	1		0	
Hearing	4		1	
Visual	0		1	
Long Standing Illness	2		3	
Other	1		2	

Gender	1 July 2013–30 June 2014		1 July 2014–30th June 2015	
Female	3,375	61%	3,695	63%
Male	2,182	39%	2,176	37%
Total	5,557		5,871	

26. This data indicates that firms and organisations are recruiting more female than male trainees. This does roughly correlate to the proportion of students undertaking the LPC in 2014/15, which is 63 percent female and 37 percent male. (Those being recruited as trainees in this period are likely to have completed the LPC in previous years.)

27. However, we have an incomplete picture of the ethnicity of trainees: a high percentage of trainees registering with us did not disclose their ethnicity. This is a gap in our understanding of our trainee solicitor population and the progression of students from university into workplace learning.

28. The number of LPC graduates who disclosed a disability and who secured a training contract in these periods is less than 1 percent of the total number of trainees registered in each period. Figure 8 shows that in 2014/15 11 percent of LPC graduates had disclosed a disability and although the trainees captured in the numbers in figure 14 will be a different group of students from those captured in figure 8, the numbers indicate either that students with disabilities are less successful in obtaining training contracts than those who do not have a disability, or that they do not disclose their disability at the point of entering into a PRT.

Qualified Lawyers Transfer Scheme

29. Figure 15 shows QLTS results data

Figure 15: QLTS results data

Assessment	Number of candidates attempting whole assessment	Pass rate %							
		Gender			Ethnic group			First language	
		F	M	Sex not stated	BME	White	Not stated	English	Other than English
MCT	741	55.8% (416)	51.3% (318)	25% (7)	39.7% (297)	62.9% (280)	64% (164)	60.3% (388)	46.4% (351)
OSCE	399	80% 225	75.4% 173	100% (1)	74.2% (124)	83.2% (179)	78.1% (96)	86% (229)	68.6% (169)

30. Some 398 barristers and lawyers qualified via this route. Eligibility to seek admission via QLTS requires an individual to be a qualified lawyer in a jurisdiction that we recogniseⁱⁱⁱ and complete the QLTS assessments. The QLTS assessments test an individual's competence to be a solicitor by way of multiple choice testing (MCT) of legal knowledge, and skills-based assessments, called objective structured clinical examination (OSCE). Candidates must pass the MCT (stage 1) before being able to progress to the OSCE (stage 2).

31. The information contained in figure 15 is for the period January 2014–December 2014. Candidates from 65 jurisdictions undertook assessment in 2014. We currently recognise 155 jurisdictions, which include, as separate jurisdictions, the states of America and territories of Canada. Some 53.8 percent of candidates who presented for stage 1 MCT assessment in this period were successful and eligible to progress to stage 2. The pass rate for stage 2 was 77.7 percent. Pass rates by gender, ethnicity and first language are shown in figure 15. Fewer than five candidates disclosed a disability.

32. The results indicate that the pass rate on the MCT for white students is almost 63 percent, whereas for black and minority ethnic students it is just under 40 percent. The pass rate on the MCT for students for whom English is their first language is just over 60 percent, whereas for those for whom English is not their first language the pass rate is just over 46 percent. Once students have passed the MCT, however, the discrepancy in performance by ethnic group/first language reduces in the OSCE: the pass rates is 83 percent for white students, 74 percent for black and minority ethnic students and 86 percent for those whose first language is English and 69 percent for those whose first language is not English.

Equivalent means applications

33. Since the introduction of the SRA Training Regulations 2014, it has been possible for applicants to satisfy any of the requirements of the academic or vocational stages of training by way of an equivalent means application.

34. The Training Regulations provide that an applicant can apply to us to recognise that they have met the requirements of either the academic or the vocational stage of training by 'equivalent means.'

We may recognise prior learning and grant exemptions where:

- the level, standard, volume and content of prior learning achieved is equivalent to all or part of a particular stage of education and training
- there is relevant, sufficient and adequate evidence of such achievement.

35. We may also grant exemptions based on prior experiential learning. The key principle here is that we will recognise the achievement of learning and outcomes and not simply evidence that an applicant has had experience of doing something.

36. Although numbers are still relatively low, they have been steadily increasing. Figure 16 shows that 52 individuals have now qualified as solicitors on the basis of us recognising their work place experience as equivalent to a formal training contract.

37. Figure 16 shows the number of equivalent means applications for the period from 1 July 2014 to 30 June 2016.

Figure 16: Number of equivalent means applications July 2014–June 2016

EQ applications from 1 July 2014 to 30 June 2016	Received	Granted	Refused	Withdrawn	Work in progress	Unallocated
CPE	109	57	24	23	5	0
CPE for non graduates	39	29	2	6	2	0
LPC	13	3	1	4	3	0
PRT	154	86	21	23	24	0
PSC	7	3	0	4	0	0
Morgenbesser	3	0	0	3	0	0

38. In October 2015 we agreed to recognise students who had successfully completed two programmes offered by a private provider (the Chancery Lane Institute for Professionals, Dubai) as exempt respectively from the requirements to complete the academic stage of training and the Legal Practice Course; or from the requirement to complete the Legal Practice Course alone (depending on the programme the student had completed).

Chief external assessors exercise: Review of LPC assessment practices in academic year 2014/15

39. As part of our review of training regulations in 2014 we ceased to require each LPC to have an SRA-appointed external examiner, relying instead on a similar requirement imposed by the QAA for Higher Education.

40. Instead, during the period 2015/16, we appointed a number of subject-expert assessors from within the sector to review LPC assessments set during academic year 2014/15. Each assessor considered assessments in particular subjects from all LPC providers on an anonymous basis. Each chief assessor reported on one subject. One chief assessor dealt with all the skills assessments.

41. The Chief Assessors found examples of good assessment practice, including:

- clarity in the presentation of assessments
- appropriate time limits for the assessments
- appropriate coverage of the relevant LPC outcomes
- well-written questions providing clear instructions to candidates.

42. However, they also found variations in assessment practice, including the following:

- The breadth of the curriculum covered in assessments varied, particularly in relation to elective subjects.
- There was apparent variability in the level of difficulty of assessments, with some questions apparently more straightforward than others and requiring different levels of application of legal principles to facts.
- The conditions in which assessments were taken varied: some providers supplied advance materials, some permitted students to take in any materials of their choice, some allowed no materials to be taken in and others allowed a range of permitted materials.
- The length of assessments varied.
- The quality of and approach to mark schemes varied, particularly in relation to the degree of discretion given to markers.
- In some cases, skills assessments were broken down into small marks for mechanical steps, rather than being based on a holistic assessment of overall competence.

43. We have considered whether the variations identified by the Chief Assessors create a risk of inconsistent standards. However, in a distributed model of assessment, making accurate judgments about comparative standards is very hard. At one level, any difference in an exam question or conditions means candidates are not being judged against the same standards.

44. There are other reasons why it is difficult for us to draw any firm conclusions:

- It is impossible for us to understand how the assessments align with the teaching students received. We do not know the extent to which students were guided or signposted towards the assessment. Where a paper was particularly challenging, we do not know if students had been taught how to answer those questions, had had practice in answering similar questions, or whether the problem was entirely unfamiliar to them.
- Although Chief Assessors were all trained before they carried out their review, their judgments are necessarily subjective and their reports vary in the degree of detail. Differing conclusions may therefore be as much to do with Assessors' own views as with the underlying quality of the assessment.
- We do not receive copies of external examiners' LPC reports, although we do receive summaries and evaluations by providers of their external examiners' findings. It is notable

that these reports do not identify all the issues mentioned by the Chief External Assessors. We do not know why there appears to be a discrepancy in the approach taken.

- Although the assessments were rendered anonymous, some Chief External Assessors are currently employed by LPC providers, and may have recognised their own (or colleagues') assessments.
- The exercise did not look at all LPC electives, but only those most common to all providers. This means that the larger providers (who offer a wider range of choice) had a smaller proportion of their electives reviewed.
- There were also some gaps in information provided by providers.

45. We believe that the Chief External Assessors exercise has been valuable because it has enabled us, for the first time, to engage in a comparison of assessments across the range of LPC providers. In some cases this has raised specific questions about individual providers, which may be limited to individual modules or may be of more widespread concern. Where we have identified particular issues we will pursue these with the provider concerned in a process of dialogue, recognising the limitations of the information we have.

46. Our analysis of both the LPC Annual Course Monitoring Reports and the reports of the Chief External Assessors highlights the difficulty of obtaining accurate information on the performance of LPC providers and the current standard to which students are being assessed. The Chief Assessors' findings give us enough information to understand where we need to engage further with individual providers. However, what their reports do not enable us to do is to draw firm conclusions about whether or not appropriate standards are being met on the LPC across all providers and across all subjects, and whether students are being assessed on a fair or comparable basis. We doubt whether it is possible to reach this conclusion within a distributed model of assessment across 26 LPC providers. It would be even more difficult to establish the standards of the 110 QLD providers, where there are larger numbers of providers, we do not specify the course in the same degree of detail, and we have no power to call on providers to produce their examinations to us.

47. We are continuing to consult on the introduction of a centralised assessment (the Solicitors Qualifying Examination) but the earliest that would come into effect would be 2019.

48. At present we do not intend to repeat the Chief External Assessors exercise in the same form for the academic year 2015/16 because of our view that, with the current distributed model of assessment, we are unlikely to be able to reach firm conclusions.

References

ⁱ The LPC offered by Nottingham Trent University at Kaplan in London will cease to operate from the end of the academic year 2015/16 but a new LPC will be available from academic year 2016/17 at the University of Sunderland.

ⁱⁱ In this context "referred" means students who have failed one or more assessments and may re-sit, and "deferred" means students who have postponed their assessments (eg because of exceptional circumstances such as illness or bereavement).

ⁱⁱⁱ One whose lawyers undertake a formal period of education, are bound by an ethical code and have rights of audience in court.