

# Education and Training Review 2018/19

14 December 2020

Read in Welsh [\[/sra/how-we-work/archive/reports/201819-mewn-adolygiad/adolygiad-o-addysg-a-hyfforddiant-201819/\]](https://sra.gov.uk/how-we-work/archive/reports/201819-mewn-adolygiad/adolygiad-o-addysg-a-hyfforddiant-201819/)

## Education and training standards

We set the education and training standards for solicitors to make sure the people we allow into the profession are competent. This is so that people who use legal services get a proper standard of service from their solicitor.

We want everyone who joins the profession to meet the same high professional standards. In September 2021, we will introduce a new, single examination, the Solicitors Qualifying Examination (SQE), to replace the current routes to qualification as a solicitor. This will give both the public and the profession confidence in legal services and encourage more flexibility and choice in training. The flexibility, which will include 'earn as you learn' options, will also help to encourage a diverse profession, attracting the brightest and the best from every community.

## Character and suitability test

We assess whether candidates for admission as a solicitor are fit to enter the profession through our character and suitability test. The questions we ask include whether the applicant has been convicted of any criminal offence, whether they have been subject to any enforcement action by another regulator and whether they have ever been declared bankrupt. In making our decisions, we consider all the information applicants give to us and, where there are potential concerns as to their suitability, any evidence to show they have taken steps to reform their character.

In 2018/19, we refused three applicants. The reasons were that one applicant had failed to disclose a previous conviction on their application. The other two applicants were registered European lawyers (RELs) and they did not meet our requirements to become a solicitor in England and Wales. The refusals we make each year are limited in number as some people withdraw their applications when they cannot meet our requirements.

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[The year in education](#)



Our latest [Regulation and Education report](#)

[\[/globalassets/documents/sra/research/monitoring-activity-2017-2018.pdf?version=48e48c\]](#) presents data from legal course providers about student performance on the Legal Practice Course (LPC); the Graduate Diploma in Law (GDL), also known as the Common Professional Examination (CPE); and information on the period of recognised training (PRT) all aspiring solicitors complete before qualifying. The key findings in the 2017/18 report were:

- The overall rates for successfully completing the LPC fell from 66% in 2016/17 to 56% 2017/18. The rate for successfully completing the CPE also fell from 64% to 60%. There continues to be significant differences in completion rates between course providers.
- In addition to the differences in overall successful completion rates, there are significant differences between providers in the proportion of students who achieve pass, commendation or distinction grades. Data indicates that students from ethnic groups other than white are less likely to successfully complete the CPE and the LPC, a finding we also made in the [2016/17 report](#) [\[/sra/how-we-work/archive/reports/authorisation-monitoring-activity-2016-17/\]](#).
- As we saw last year, 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 ethnicity and disability of the people who then start their PRT is less comprehensive. This is because 94% of people starting their PRT registered their ethnicity as 'unknown' in 2017/18 [1](#) [\[#n1\]](#). And, less than 1% (four people) declared a disability, which does not reflect the numbers declaring a disability on the LPC (15%) or GDL (14%). The numbers concerning the PRT were similar in the 2016/17 report, with 92% declaring their ethnicity as 'unknown' and just nine people declaring a disability.

Testing all aspiring solicitors through one examination, the SQE, should better assure consistent, high standards when people enter the profession.

## **Competence review**

We expect all solicitors to deliver a proper level of service to clients. To do this, solicitors must meet our standards by keeping their skills and knowledge up to date. Our [Competence Statement](#) [\[/solicitors/resources-archived/continuing-competence/cpd/competence-statement/\]](#) sets out the standards we expect them to maintain.

In 2016, we changed our requirements as to how solicitors meet these standards. We moved away from asking solicitors to carry out a mandatory 16 hours of approved training to a more relevant and up to date process. Solicitors now need to make an annual declaration to us that they have reflected on, identified and addressed any learning and development needs.



In 2019, we carried out a thematic review of the work of 20 firms, an online survey that attracted nearly 500 responses, and considered the annual declarations solicitors make to us about continuing competence. We wanted to seek early feedback on how the new approach was working – although it is still early to draw firm conclusions. The findings of this work, [among others \[sra/how-we-work/archive/reports/continuing-competence/\]](#), were:

- Most firms and solicitors said they implemented the new approach without significant problems.
- Any concerns that the new approach might result in solicitors neglecting their learning and development needs were not borne out. Our survey results showed 52% of solicitors saying they are doing about the same amount of learning and development, 40% doing more, and only 9% doing less.
- Solicitors feel that the removal of the 16 hours requirement has not led to a decline in the quality of their work. Nearly 40% of respondents felt that our changes had improved the competence of solicitors.

However, we also found that solicitors and firms still face challenges implementing our scheme, such as good record keeping. And, a small number of solicitors who had consistently returned a negative declaration stated that they had not reflected or addressed their learning needs.

Following this work, we will take steps to provide more support to solicitors and highlight the resources [we have already made available \[solicitors/resources-archived/continuing-competence/archive/resources/archive/use-competence-statement/\]](#). We will continue to monitor our data and follow up on the small number of negative declarations. This is to make sure every solicitor knows they have an obligation to reflect on their learning and development needs and address any gaps.

We will carry out a strategic review of our approach to regulating solicitors' continuing competence, which is likely to be a programme of work that continues over several years.

## **The Solicitors Qualifying Examination in 2018/19**

To make sure all solicitors are tested to the same high standard, regardless of their route into the profession, we are introducing the SQE. People will know that their solicitor has had their core knowledge and skills assessed against a consistent standard.

During 2018/19, we confirmed the SQE launch date and ran the SQE1 pilot, amending the first part of the assessment based on its results. We also appointed a reviewer to independently examine the SQE. In December 2019, we confirmed what legal knowledge would be tested in SQE1 and ran the pilot for SQE2.



[Read more information on the SQE](#) [\[/sra/policy/solicitors-qualifying-examination/\]](#) and [its design](#) [\[/sra/research-publications/sqe-final-design/\]](#). [Our SQE briefing](#) [\[/sra/research-publications/sqe-briefing/\]](#) also has more information.

## Career in Law

In October 2018, we launched Career in Law, a Facebook page designed to help students and aspiring solicitors make informed decisions about becoming a solicitor.

It includes the most up to date news about qualifying as a solicitor now and in the future. It has information on what the new SQE will assess from September 2021, what qualifying work experience means and other helpful topics. All aspiring solicitors need to do is follow the Facebook page to receive regular updates.

In 2018/19, posts on Career in Law had more than 80,000 impressions. The most popular posts were videos on getting the key facts about the SQE and four things aspiring solicitors need to qualify after 2021. As of October 2020, the page had almost 3,000 likes.

Following the success on Facebook, we launched Career in Law's Instagram page in October 2020, to bring information about the SQE and its introduction to more aspiring solicitors.

## Solicitor apprenticeships 2016-2019

We are pleased to see that the number of solicitor apprenticeships continues to increase since their introduction in 2016.

### **2016 2017 2018 2019**

25    75    133    228

Qualifying through the solicitor apprenticeship route allows individuals to start or change their career without the cost associated with higher education. It encourages people from all types of backgrounds to become solicitors. We developed the Trailblazer apprenticeship in law with employers to make sure it provides the training they need and want.

## Entry to the profession

Solicitors currently enter the profession through a range of routes. These include:

- taking a traditional law degree or a non-law degree and the CPE, and then the LPC
- qualifying as a solicitor under the Qualified Lawyers Transfer Scheme (QLTS)

- qualifying as a Chartered Legal Executive, and then going on to take the LPC.

The table and chart below show the number of individuals that joined the profession from each route from 2016 to 2019. Please note, these figures are correct as of the October in the latter year. A definition of terms can be found in the glossary.

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Total joining the profession</b>	6,599	6,785	7,003

Other can mean, for example, some qualifying from Northern Ireland and the Republic of Ireland, some RELs and Magistrates' Clerks.

## **Joining the profession 2018/19**

The majority of solicitors still join the profession in autumn. This is because law firms' two-year training programmes mainly follow the academic year, finishing at the end of the summer. We also see a small peak in the number of solicitors we admit in March, because some training providers have a second intake of trainees at that point.

Some training providers also reduce the two-year training programme by up to six months if a trainee already has relevant work-based experience.

Total admitted: 7,003.

## **Authorising organisations to carry out a period of recognised training**

We authorised 5,877 organisations to provide a PRT, the work-based part of a solicitor's training, in 2018/19. Around three-quarters of these are law firms, and the rest are in-house legal teams or law centres.

## **Equivalent means**

In 2014, we introduced equivalent means. It allows individuals to show they have met our requirements for a particular stage of training by demonstrating that they have equivalent experience. For example, we will allow solicitors to qualify if they have experience equivalent to a PRT, even if they have not completed a two-year PRT with a law firm.

We continue to see people pursue equivalent means as a way of meeting our requirements.



## 2015/16 2016/17 2017/18 2018/19

63 70 85 88

### Higher rights of audience

A higher rights of audience qualification allows solicitors to act as an advocate in the higher courts. These are the Crown Court, High Court, Court of Appeal and Supreme Court in England and Wales. The number of solicitors we regulate that have higher rights of audience can be seen below.

	Civil	Criminal	Both	Total
<b>2016/17</b>	2,131 (31%)	3,272 (48%)	1,464 (21%)	6,867
<b>2017/18</b>	2,279 (33%)	3,200 (46%)	1,437 (21%)	6,916
<b>2018/19</b>	2,439 (35%)	3,153 (45%)	1,417 (20%)	7,009

Please note, these figures are correct as of the October in the latter year.

### Advocacy research

In 2019, we published [research on advocacy in the solicitors' profession](https://sra.gov.uk/how-we-work/archive/reports/advocacy-in-the-solicitors-profession/) [sra/how-we-work/archive/reports/advocacy-in-the-solicitors-profession/]. We surveyed 2,830 individual solicitors and 851 firms to gain a better idea of who is providing advocacy services, which types of advocacy they provide, and the types of courts they practise in. Key findings from the research were:

- One-in-three solicitor firms (32%) offer criminal advocacy, mostly focusing on guilty plea and sentencing hearings. Nearly 60% of firms provide advocacy services for civil cases, 47% in areas of family law, and 32% at tribunals.
- Almost 7,000 solicitors across England and Wales hold the higher rights of audience qualification. The survey found that nearly a quarter of those polled had never undertaken advocacy in a higher court.
- Overall, most firms and solicitors felt standards of solicitor advocacy had improved or stayed largely the same over the past 10 years, but they did express concern at the cost and availability of training in this area.

### Advocacy consultation

We used this research to inform our August 2019 consultation, [Assuring Advocacy Standards](https://sra.gov.uk/consultations/consultation-listing/advocacy/) [sra/consultations/consultation-listing/advocacy/]. In it, we proposed changes to the assessment of solicitor advocates and qualifying requirements for undertaking advocacy in more serious youth court cases. We are committed to making sure that solicitors practising criminal and civil advocacy meet the high standards we and the public expect.



We received 61 responses to the consultation and engaged with a wide range of stakeholders, including the judiciary, the Crown Prosecution Service, Just for Kids Law and Citizens Advice, to learn their views. In July 2020, [we announced new measures](#) [\[globalassets/documents/sra/consultations/assuring-advocacy-standards-consultation-response.pdf?version=4a1c3f\]](#), designed to maintain and ensure high standards of advocacy among solicitors. These will come into force in 2021. The recommendations include:

- revised higher rights of audience standards
- higher rights of audience assessments not able to be taken pre-admission
- the appointment of a single higher rights of audience assessment provider (which will take place no earlier than summer 2022).

After reviewing feedback, we will not be taking forward a proposal that solicitors acting in serious cases in the youth court should have a higher rights qualification where one would be needed if the case was being heard in an adult court. Instead, we will build on our [recent work](#) [\[solicitors/resources-archived/continuing-competence/cpd/youth-court-advocacy/\]](#) to provide resources for youth court practitioners, and for [young people](#) [\[globalassets/documents/solicitors/youth-court-leaflet.pdf?version=496642\]](#) in the criminal justice system. We will also carry out random sampling of practitioners' learning and development records, to gain assurance and understanding about how they maintain their competence.

This work builds upon our previous research into [judicial perceptions](#) [\[sra/how-we-work/reports/criminal-advocacy\]](#) of the quality of criminal advocacy and our [criminal advocacy thematic review](#) [\[sra/how-we-work/reports/criminal-advocacy\]](#), both published in 2018. It also takes into account the [Ministry of Justice's Jeffrey Review](#) [\[https://www.gov.uk/government/organisations/jeffrey-review\]](#), which looked into how criminal defendants are given independent legal representation in the courts of England and Wales.

## **[Future work](#)**

### **Solicitors Qualifying Examination**

We will continue to work with key stakeholders, the profession, academics and education and training providers to develop the SQE ahead of its introduction in autumn 2021. Our focus in the coming year will be on preparing to run the first assessments. The first sitting for SQE1 will take place in November 2021, with the first SQE2 sitting in April 2022

We will also continue to work with Kaplan on introducing the SQE in Welsh, in an incremental way, helping to meet the needs of the profession and the public in Wales.



## **Continuing competence**

We recognise the importance of high standards at the point of entry into the profession, but also throughout a solicitor's practice over many years. We will undertake a strategic review of our approach to regulating solicitors' continuing competence, building on our work carried out in 2019. This is likely to be a programme that continues over several years.

## **Advocacy standards**

The quality of advocacy and criminal practice is an area that particularly affects the vulnerable in society. We plan to keep this under review in light of the findings from our consultation on Assuring Advocacy Standards. Part of this is looking at what we can produce to support the profession, building on our work to support solicitors working in the youth justice system, and with the young people involved.

## **Our Corporate Strategy 2020—23**

November 2020 marks the beginning of our new [three-year Corporate Strategy \[sra/corporate-strategy/\]](https://www.sra.org.uk/corporate-strategy/). The first of three objectives is to set and maintain high professional standards for solicitors and law firms as the public would expect and ensure we provide an equally high level of operational service. Education and training and assuring high standards at the point of admission and as solicitors continue to practise is, of course, central to this.

## **Police station representation**

Access to competent police station advice is an important safeguard within the criminal justice system, especially for the vulnerable. We authorise providers of the Police Station Representatives Accreditation Scheme qualification and we want to enhance our quality assurance of this qualification by reviewing current arrangements this year and making any required changes in 2021/22. Looking ahead, we may also want to consider a suite of qualifications to address challenges and opportunities as the legal market and the profession develops.

## **Understanding patterns of attainment**

Our third objective in the Corporate Strategy 2020–23 concerns building our understanding of emerging opportunities and challenges for the users of legal services and the legal sector, and our role in effectively regulating it.

The legal profession should reflect society and the communities it serves, if it is to meet all consumers' needs and attract a wide pool of talent and diverse experience and thought.





There is well-evidenced differential attainment affecting BAME students at all levels of education and training and professional assessment in multiple sectors. Our latest [Regulation and Education report](#) [[globalassets/documents/sra/research/monitoring-activity-2017-2018.pdf?version=48e48c](#)] showed this, as it has done in [previous years](#) [[sra/how-we-work/archive/reports/authorisation-monitoring-activity-2016-17/1](#)]. Studies across many disciplines, including, for example, pharmacy, medicine and higher education as a whole, also show this.

We believe we can achieve a fairer and more consistent assessment through good design, question setting and marking, and close monitoring and quality assurance once the SQE is up and running. The SQE will also allow us to focus attention on this issue and identify and share good training practice. It is important to note that while we think SQE can help, it is likely that the attainment gap may persist, as it does elsewhere, as the reasons for this seem to be complex and rooted in wider societal issues.

We plan to share our data, commission research and work with others to increase understanding of these difficult issues, including how protected characteristics and social mobility intersect, what the societal causes might be for the under-attainment we have identified and what might be done. This is likely to be the start of a project lasting several years.

## **Education and training - glossary**

Chartered Institute of Legal Executives (CILEx)

Provides training to become a legal executive and regulates legal executives.

Common Professional Examination (CPE)

A postgraduate law course taken by non-law graduates who wish to become a solicitor or barrister in England and Wales. Also known as the Graduate Diploma in Law.

Graduate Diploma in Law (GDL)

See CPE.

Legal Practice Course (LPC)

A vocational stage of training just before the period of recognised training (see below). It combines academic and practical training, to prepare students for work in a law firm.

Period of recognised training (PRT)

Work-based learning, typically in a law firm, which forms part of the vocational stage in the route to qualifying as a solicitor.

Professional Skills Course (PSC)

The final stage of training before qualifying as a solicitor. It focuses on practical skills, such as client care and communication.

Qualified Lawyers Transfer Scheme (QLTS)

The scheme involves assessments that people must take if they are already qualified as a lawyer in another jurisdiction and want to qualify as a solicitor in England and Wales.

#### Qualified Lawyers Transfer Test (QLTT)

This test performs the same role as the QLTS. It has now been largely phased out and replaced by the QLTS. A small number of individuals still enter the profession by this route.

#### Qualifying work experience (QWE)

One of the elements needed to pass the SQE.

#### Solicitors Qualifying Examination (SQE)

An examination all aspiring solicitors will need to take to qualify as a solicitor. It will be split into two stages, SQE1 and SQE2, and will assess legal knowledge and practical legal skills.