

The SQE...

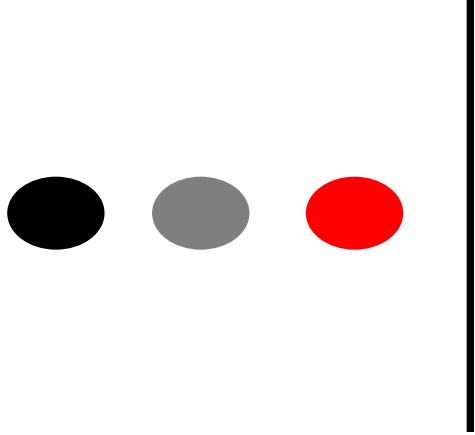
Fit for Purpose?
Fit for Pro Bono?

Hosted by Nottingham Law School and LawWorks on
behalf of CLEO

#SQEFitForPurpose



**NOTTINGHAM
LAW SCHOOL**
NOTTINGHAM TRENT UNIVERSITY



Welcome

Helen Hudson
Head of Practitioner Portfolio
Nottingham Law School





Introduction/Overview

Helen Hudson
Head of Practitioner Portfolio
Nottingham Law School

Richard Williams (via Skype)
Policy Adviser
Solicitors Regulation Authority

Richard Pitkethly
Head of Learning and Practice
LawWorks



TRAINING FOR TOMORROW: IMPLICATIONS FOR ACADEMICS

Helen Hudson

Head of Practitioner Portfolio, Nottingham Law School

Qualification stages

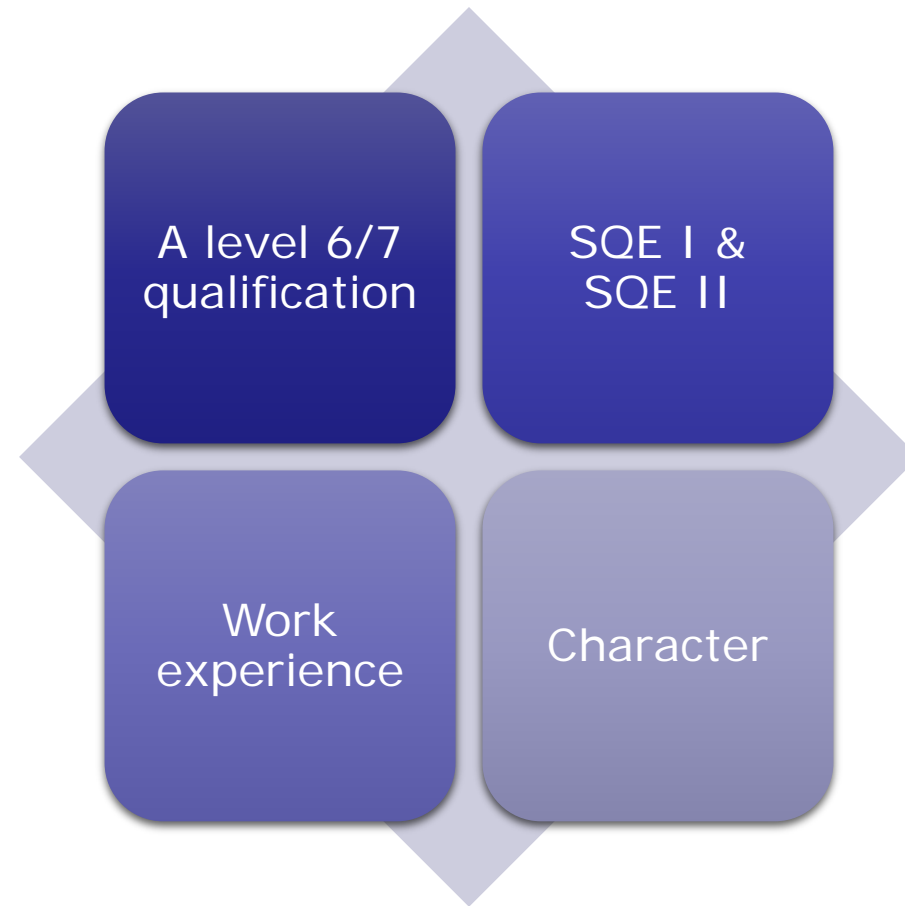


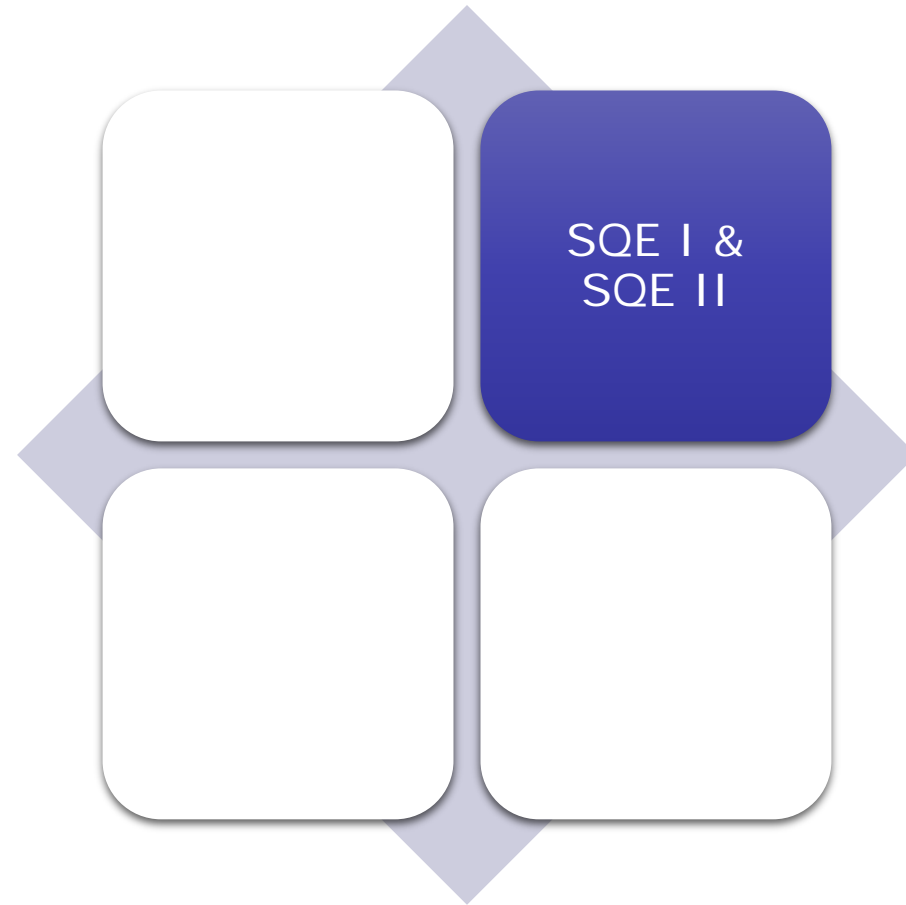


- The “academic stage” (for domestic entrants):
 - LLB
 - GDL
 - FILEx
- In the future
 - A qualification at level 6 (3rd year undergraduate equivalent) or 7 (masters’ level)
 - “equivalent to” a degree
 - in any subject
 - “If you don't have an equivalent qualification, we may be able to count experience in the workplace as equivalent.”

Challenges for academics

- The content and level of an LLB is prescribed by the QAA:
 - “In addition to the general intellectual training that they provide, law degrees give a preparation for a range of careers”
- Only half of new solicitors have LLBs, not all LLB graduates become solicitors:
 - What about the Bar (and other legal professions)?
 - What about the LLB graduates who become accountants, journalists, business executives, HR personnel ...
- What becomes of the GDL?





- SQE I assesses LLB + parts of the LPC at level 6
- SQE II assesses the rest of the LPC (in two topics chosen by the candidate/the candidate's firm)but the SRA have said that these skills assessments will be more complex than the LPC equivalents which are currently at level 7

Responses

- Academic law degree followed by SQE preparation courses?
- SQE-compliant LLBs?
- SQE-compliant LLMs?
- GDL-like preparation courses for non-law graduates?
- Shorter, mix and match courses on different topics and skills?
- Preparation for either or both SQEs within a law firm?
- Individual self-study?

Challenges for academics

- The guinea pig generation
- Parallel routes until 2031: when do we switch?
- Different and more resource intensive assessment methods
- Assessment specification

Questions in the Draft Assessment Specification

- What is the minimum number of separate assessments required in stage 1 to reliably and validly assess the functioning legal knowledge we have set out in the Assessment Specification and Summary of Functioning Legal Knowledge (SFLK)? For example, by sampling more widely, could the same knowledge be assessed through fewer separate assessments? Should the assessments be taken in one session, or should they be modularised and taken over time?
- What number, format and type of questions and length of assessments will most reliably and validly assess the functioning legal knowledge we have set out in the Assessment Specification and SFLK? How might open book assessments be used within the SQE?

- What should the balance of practical legal skills assessments be between stage 1 and stage 2? For example, could legal drafting be reliably and validly assessed at stage 1? Could the stage 1 practical legal skills assessments be assessed at a different time from the functioning legal knowledge assessments?
- What is the most valid, reliable and manageable way to assess Rights of Audience? For example, could Rights of Audience be assessed at stage 1?
- What is the minimum number of separate assessments required in stage 2 to reliably, validly and cost-effectively assess the SoSC? For example, could fewer more synoptic assessments, covering a broader range of competences, be used at stage 2?
- In what range of practice contexts should the stage 2 practical legal skills assessments be assessed? What is the impact of candidate choice and prior work experience on the reliability of assessments set in different practice areas?

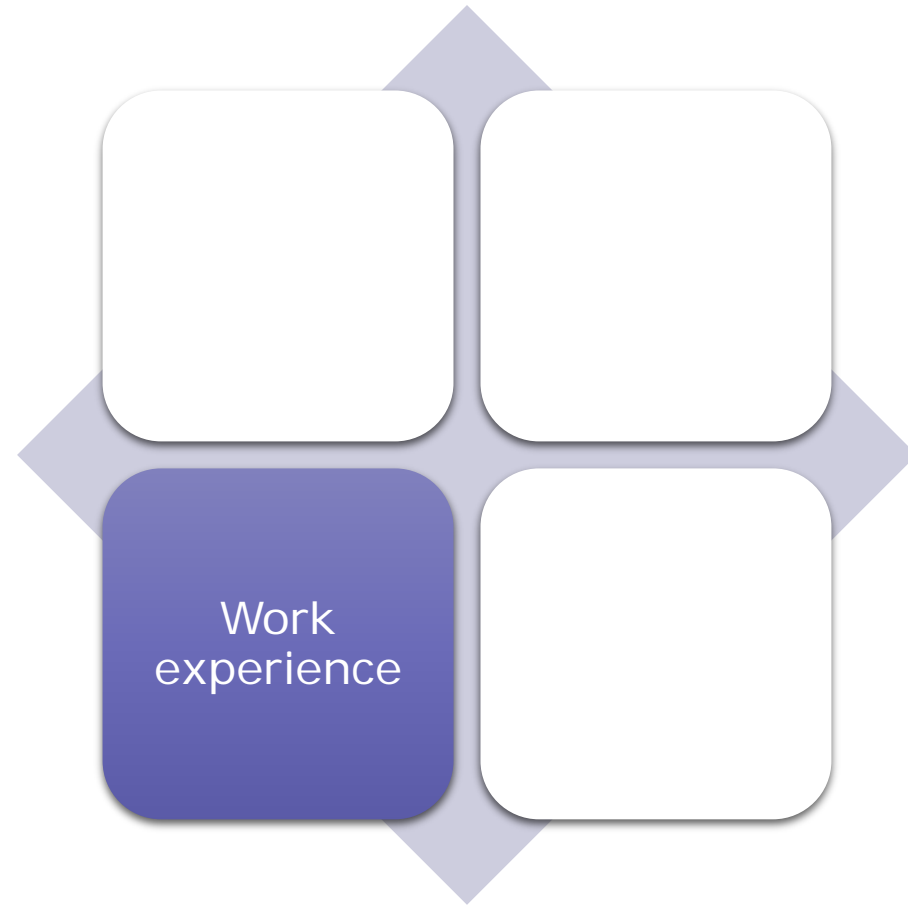
- What are the benefits and risks of retaining a non-compensatory standard setting model, as currently proposed, as opposed to a total compensatory or a partial compensatory (within clusters of competence) standard setting model?
- When in the academic/calendar year, and how frequently, should the SQE assessments be available?
- In addition to the Assessment Specification, what further information can and should be provided to enable universities, training providers and employers to prepare candidates for the SQE?

According to the document - This period of pre-implementation development and testing will begin after we have appointed the assessment organisation for the SQE in early 2018.

Challenges for academics

- Can you pick off parts of SQE1 during an LLB? If so, when and how?
- How will the league table be generated – effect on admission criteria for course?
- Careers advice – which course, which route?
- Which courses and routes will be those the law firms *in fact* recruit from?





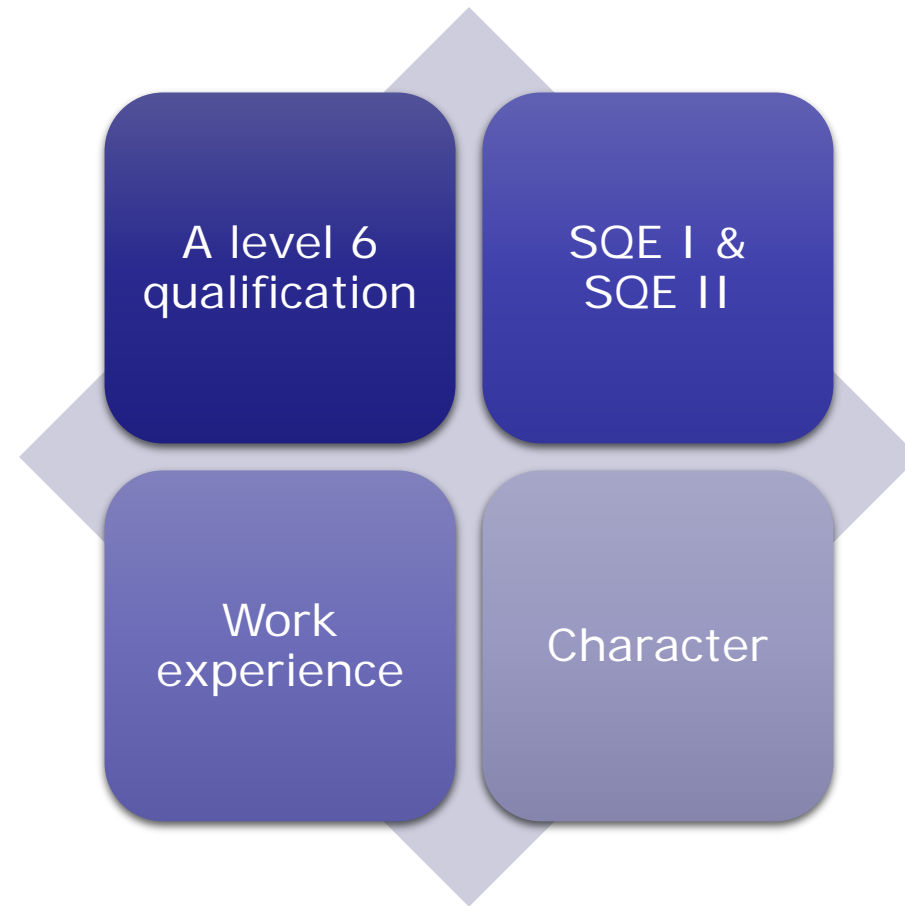
“Through qualifying work experience, we will allow a wider range of experience in the delivery of legal services to count towards qualification. It could include time spent:

- on placement during your law degree in a student law clinic
- working as a paralegal
- in a traditional two-year period of recognised training.

But you can only count experience gained in a maximum of four different organisations and your experience must give you the opportunity to develop the competences you need to practise as a solicitor.”

Responses

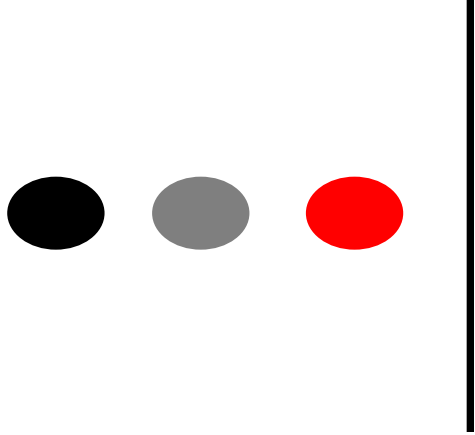
- The SQE does not attempt to assess anything learned *only* in the workplace (otherwise it could only be taken on day -1 at the end of the work experience).
- It may assess some things that are *better* learned in the workplace (or its equivalent)
- Could risk averse firms
 - Demand SQE II is taken as early as possible?
 - Opt out and only take on those who have already passed SQE II?
- Role of clinic and placement as all or part of the work experience, or as a means of transition?



Contact details

Helen.hudson@ntu.ac.uk





LUNCH



SRA competences and clinic

Jane Ching

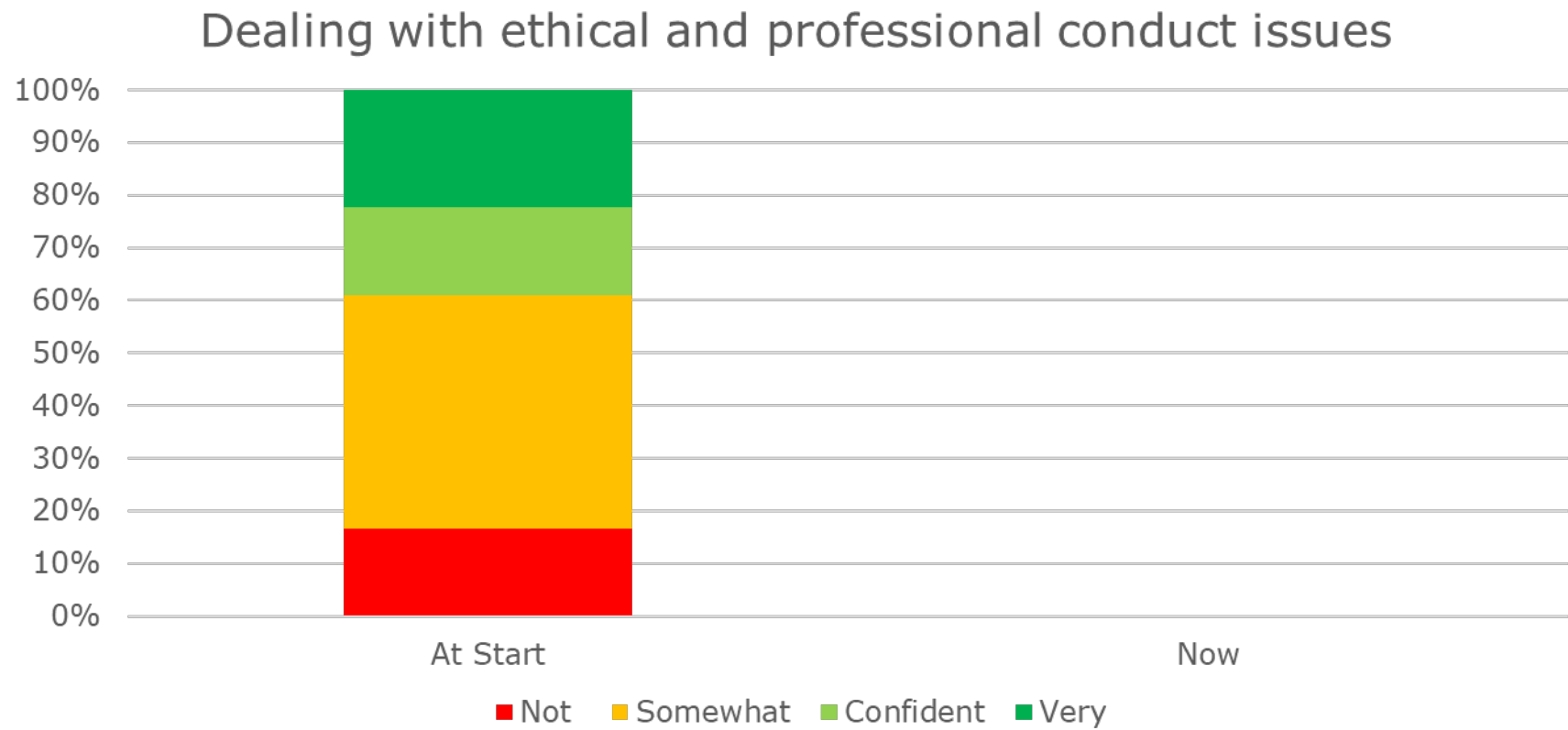
Professor of Professional Legal Education, Nottingham Law
School

The project

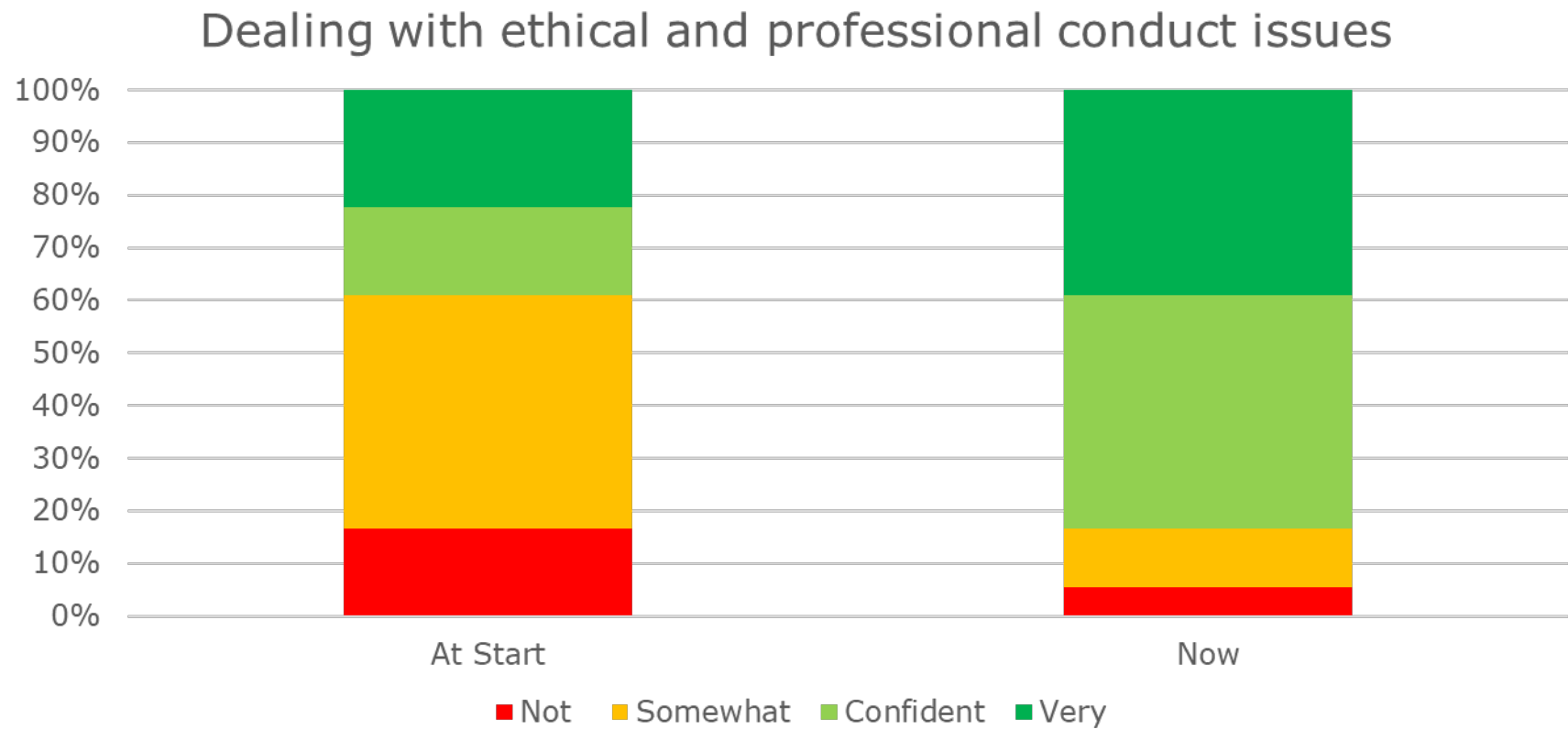
- What kind of work is done:
 - in a training contract,
 - as a paralegal or CILEx
 - during a sandwich placement
 - in a law clinic
- What knowledge, skills and attitudes do trainees/paralegals/students get out of workplace experience.
- How does that work/learning relate to the Statement of Solicitor Competence.
- What do other professions do? What is the value of learning in the workplace?

The quantitative(ish) findings

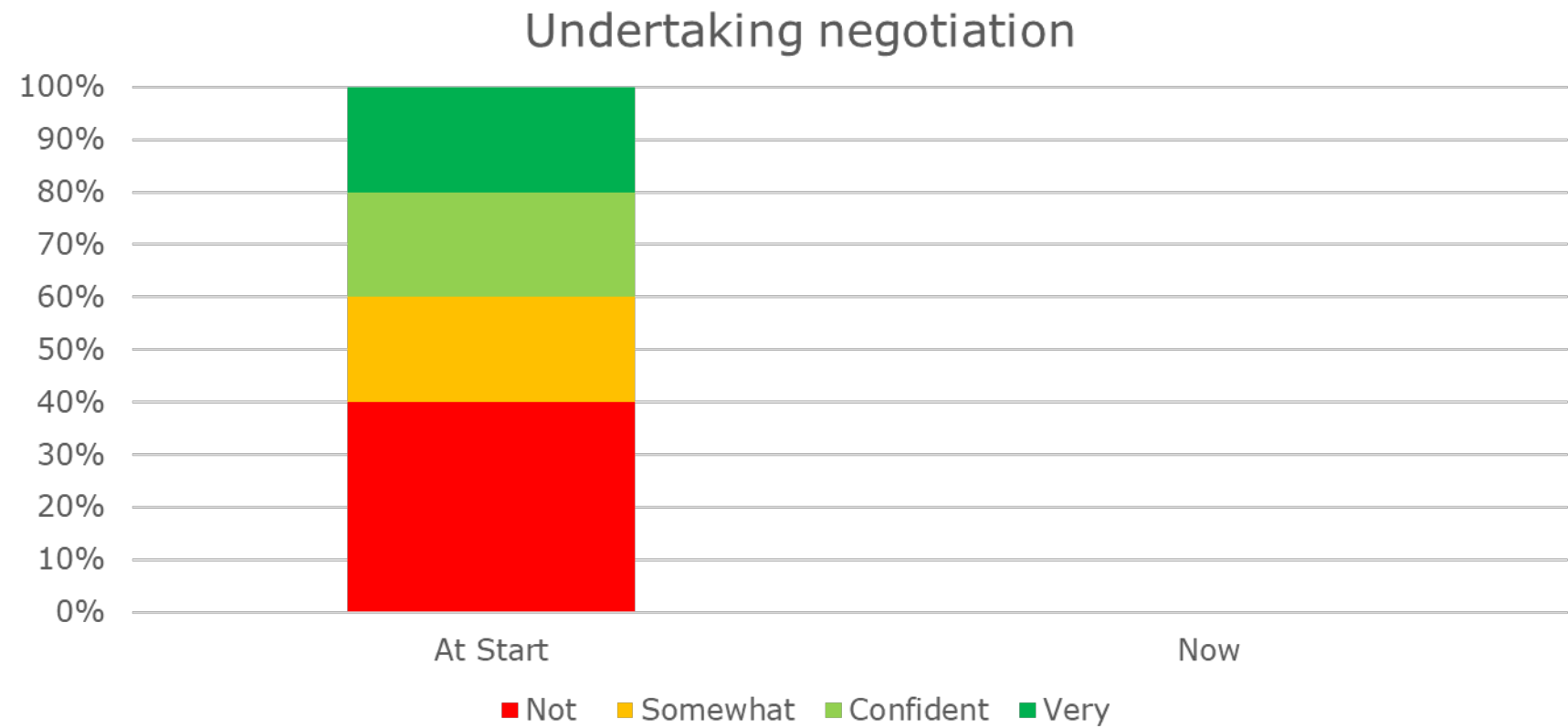
Current clinic students (n = 27)



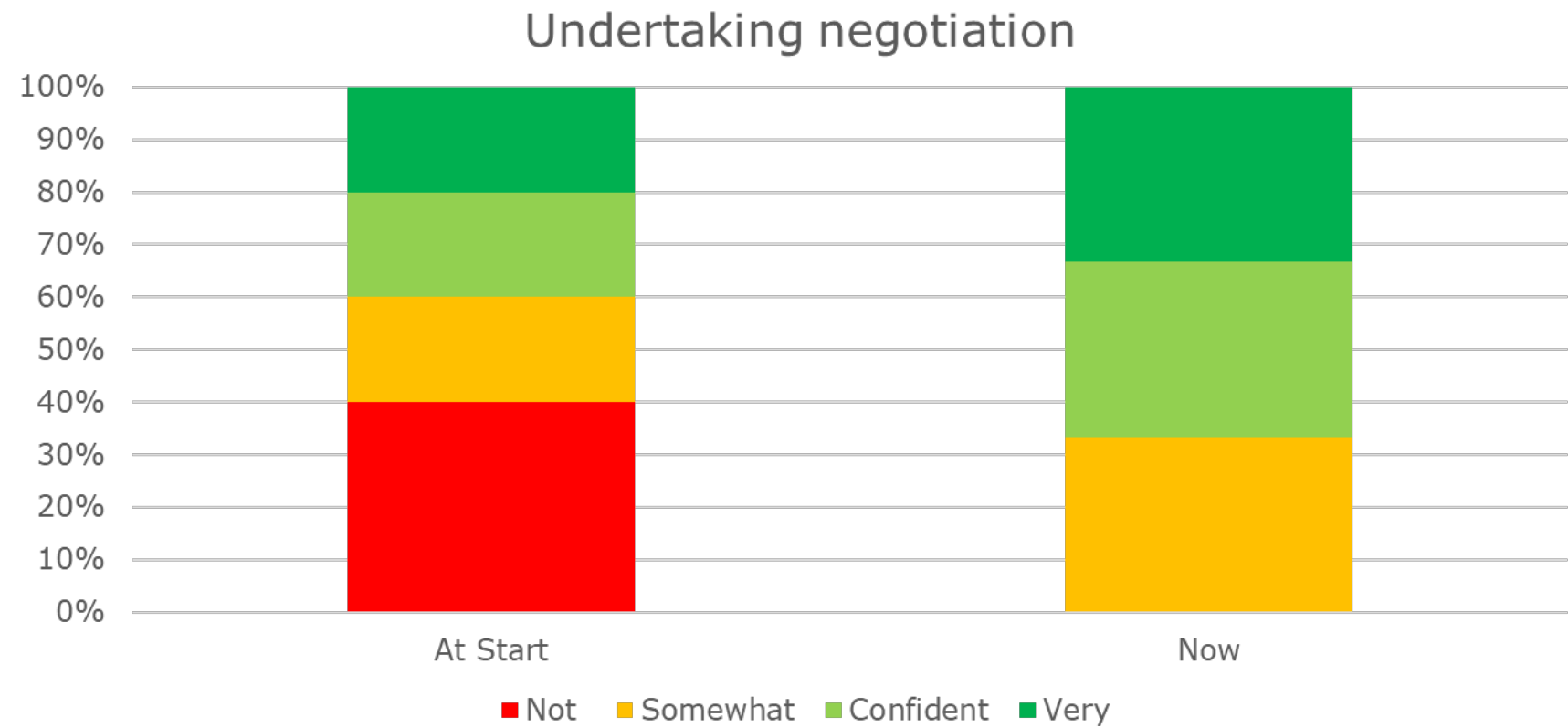
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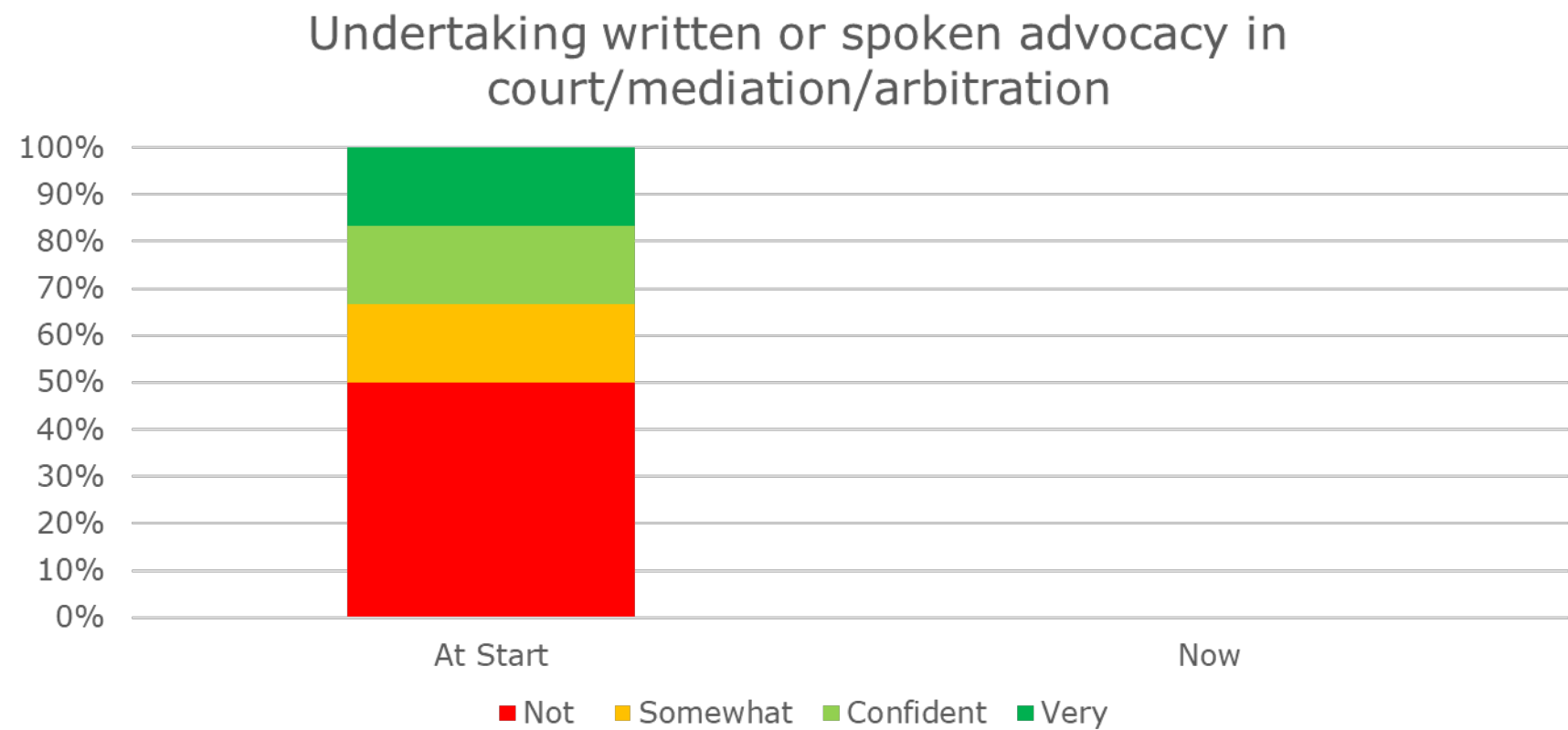
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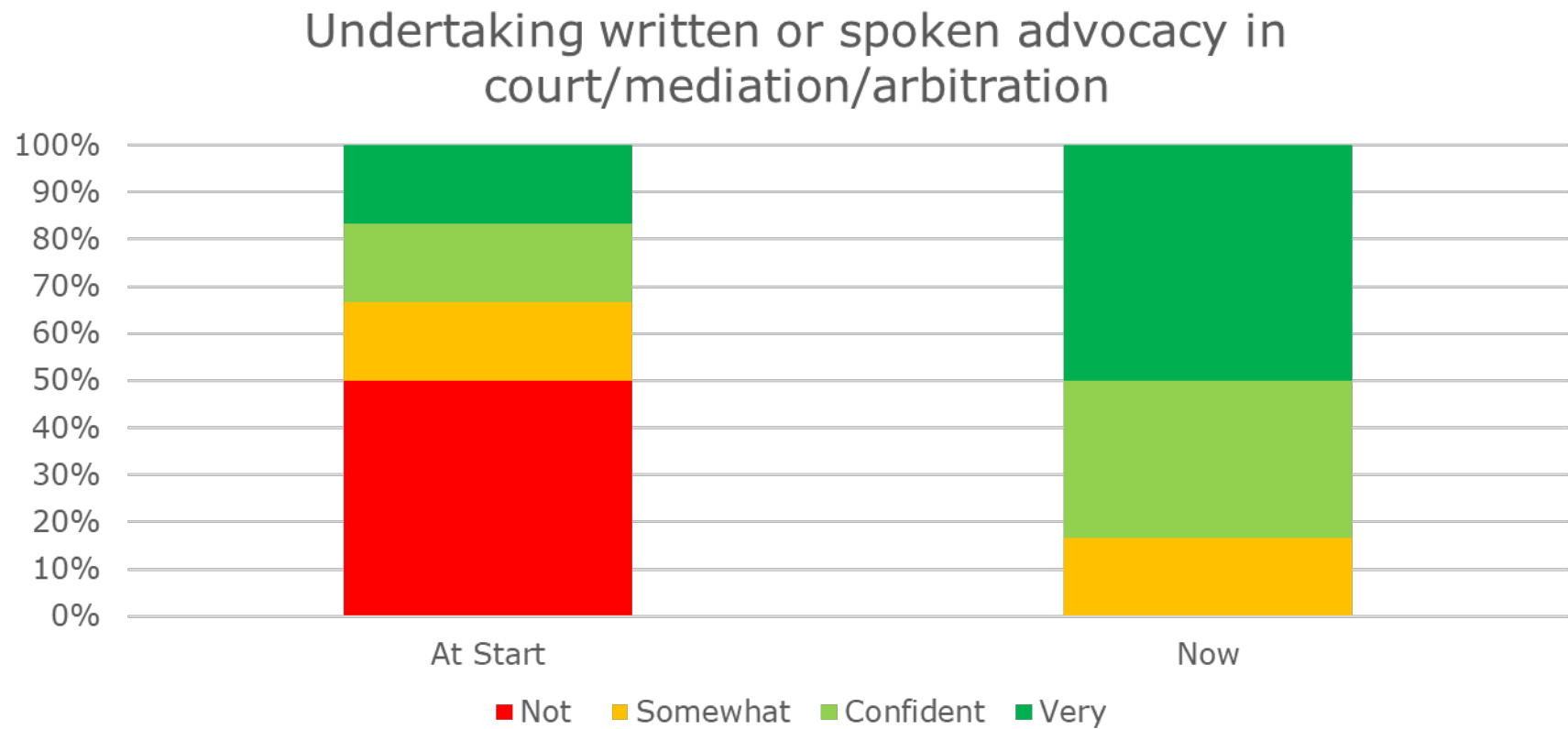
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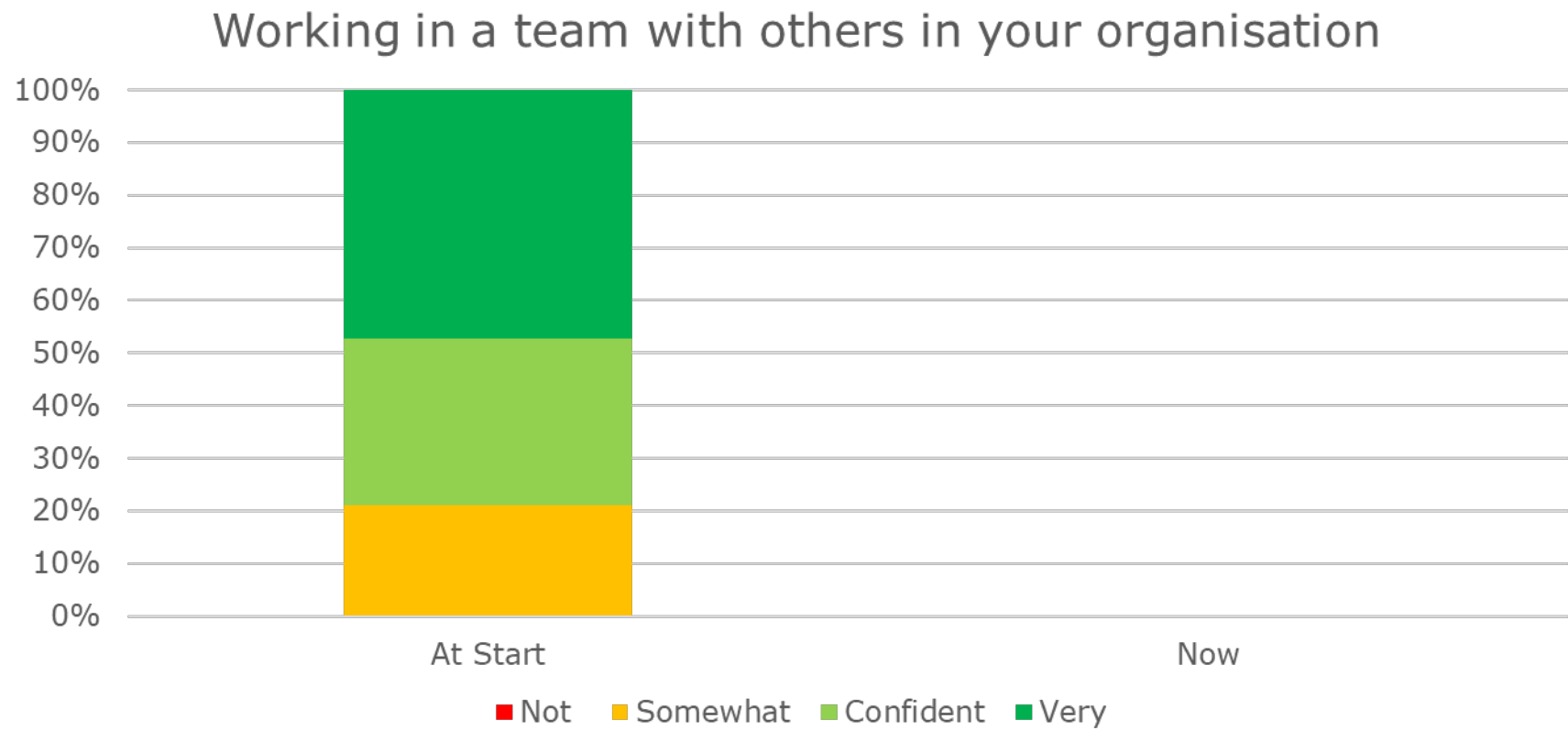
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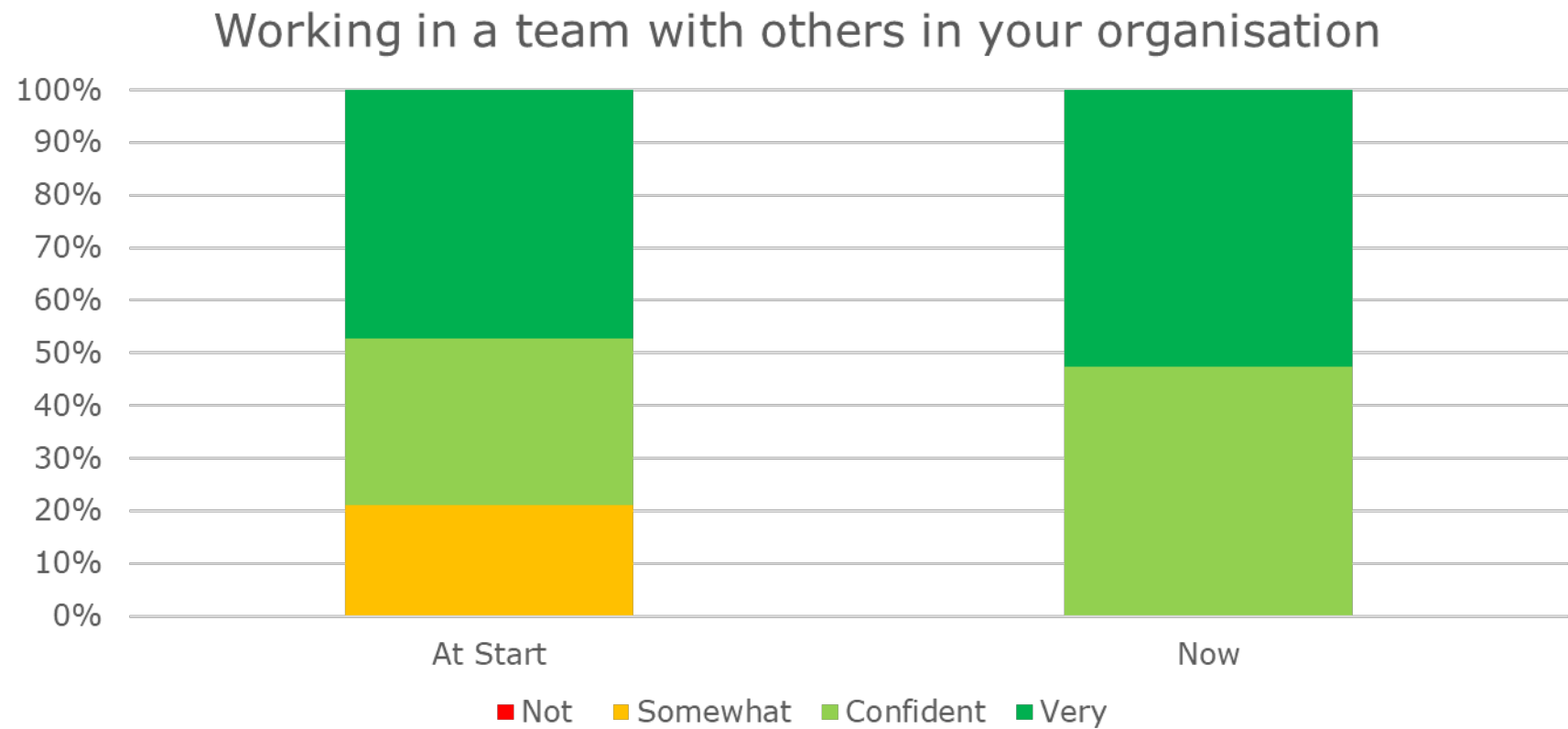
Current clinic students (n = 27)



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The qualitative findings

Clinic and law as a business

- Focus on personal plight work
- So can underplay
 - Budgeting
 - Case management systems



Clinic and client contact

- Clinic students did not always have client contact
- High response for reporting directly to a client but a weaker one for working in a direct relationship with a client



Clinic and teamworking

- Clinic work often appeared to be allocated to pairs or groups
- Mature students with greater life experience allocated (or taking) quasi-supervisory roles



Clinic and time management



“Nothing was ever really urgent”

One task at a time

More time available
for a task than in a
training contract

But ...

"I don't think it is reasonable to conflate work experience from a training contract with that from a university law clinic. If the proposal is to reduce the length of a training contract from two years, it is not realistic to assume that the work experience gained before the start of a training contract is adequate to compensate. Pre-training contract work experience tends to be limited in terms of responsibility, actual legal work done and lack of charging responsibilities."

Trainee respondent (survey)

The conclusions

The good news:

- Legal research, taking responsibility for one's own learning, taking steps to obtain help, communicating clearly, analysing problems, obtaining facts and drafting etc appear in *most* kinds of work experience.
- Ethics, teamwork, the commercial background of the organisation, personal autonomy, responsibility and time and workload management are provided in *most* training contracts and in *some* other kinds of work experience.



The less good news?

- Advocacy
 - Client contact
 - Negotiation
-
- Passing SQE 2 before undertaking any work experience (unless you're an apprentice)?



- Ching J, 'Pre-Qualification Work Experience in Professional Legal Education: Literature Review' (Solicitors Regulation Authority 2016)
<<http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/workplace-learning.page>> accessed 31 May 2018
- Ching J and Henderson P, 'Pre-Qualification Work Experience in Professional Legal Education: Appendices' (Solicitors Regulation Authority 2016)
<<http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/workplace-learning.page>> accessed 31 May 2018
- —, 'Pre-Qualification Work Experience in Professional Legal Education: Report' (Solicitors Regulation Authority 2016)
<<http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/workplace-learning.page>> accessed 3 May 2017
- Henderson P, 'SRA Workplace Experience Project' (*Centre For Legal Education - Nottingham Trent University*, 11 October 2016)
<<http://www.nlscl.org.uk/sra-workplace-experience-project/>> accessed 31 May 2018

Contact details

Jane.ching@ntu.ac.uk

Pamela.henderson@ntu.ac.uk





Qualifying Work Experience Discussion

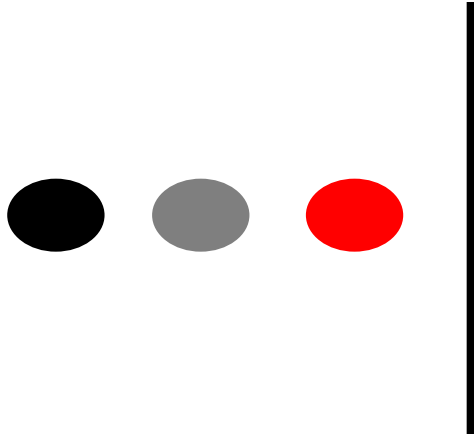
Jane Ching
Nottingham Law School

Lucy Blackburn
UCLAN

Lucy Yeatman
University of Liverpool

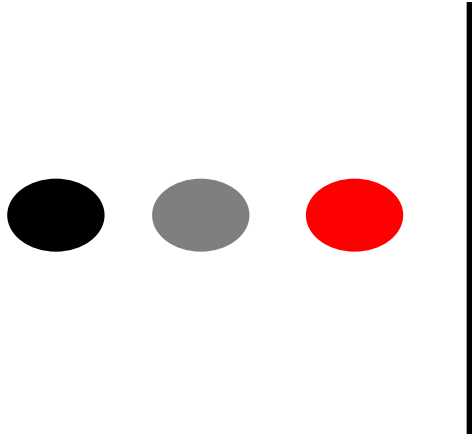
Victoria Roper
Northumbria University





BREAK





Impact on Pro Bono Discussion

James Sandbach
LawWorks

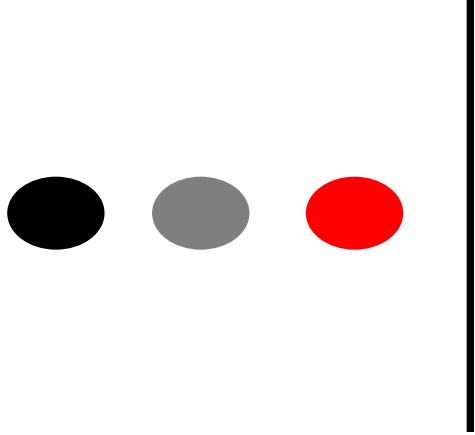
Victoria Speed
BPP

Emma Rehal- Wilde
Debevoise and Plimpton LLP

Andy Unger
South Bank University



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Close

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