



Proposed changes to the rules on Solicitors Qualifying Examination exemptions Consultation responses

April 2024

Sensitivity: General

These are the texts of the responses from respondents who asked us to name them and publish their responses.

Changes to the rules on Solicitors Qualifying Examination (SQE) exemptions

Response ID:30 Data

2. About you

First name(s)

Dawn

Last name

Lawson

I am responding..

on behalf of an organisation

On behalf of what type of organisation?

Law society

Please enter the name of the society

Surrey Law Society

How should we publish your response?

Please select an option below.

Publish the response with my/our name

3. Consultation questions

1) To what extent do you agree that we should change our regulations and the principles for qualified lawyers to prevent qualified lawyers from being granted an exemption from an assessment that they have previously failed?

Strongly agree

Please add any comments you would like to make:

2) Can you see any other impacts, either positive or negative, from the introduction of this new rule?

Yes

Please explain your answer

If someone has failed a test to demonstrate competence it is correct that they should be required to carry out further studies and

subsequently pass the necessary examination to demonstrate competence. This is clearly in both the interest of the profession and public interest.

3) Alongside this consultation we have published tracked change versions of the amendments we propose to make to our current regulations and the Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would prevent a qualified lawyer who had failed any part of the SQE from being granted an exemption from that part?

Agree

Please add any comments you would like to make:

Changes to the rules on Solicitors Qualifying Examination (SQE) exemptions

Response ID:31 Data

2. About you

First name(s)

Michael

Last name

Padua

I am responding..

on behalf of an organisation

On behalf of what type of organisation?

Law society

Please enter the name of the society

The Law Society of England and Wales

How should we publish your response?

Please select an option below.

Publish the response with my/our name

3. Consultation questions

1) To what extent do you agree that we should change our regulations and the principles for qualified lawyers to prevent qualified lawyers from being granted an exemption from an assessment that they have previously failed?

Agree

Please add any comments you would like to make:The Law Society agrees in principle that this change seems fair and the reasons provided are sound. An exemption assumes that on the basis of work experience or qualification, the qualified lawyer already has the required legal knowledge being tested in the SQE2. By failing the SQE2 the qualifying lawyer has demonstrated that they do not in fact have the required legal knowledge to qualify as a solicitor. As noted, this should encourage the qualifying lawyer to pursue remedial training in order to pass the exam on another occasion.

2) Can you see any other impacts, either positive or negative, from the introduction of this new rule?

Yes

Please explain your answer

It is likely that this change would impact only a small number of applicants - those qualified lawyers who chose to sit the SQE2 assessment prior to an SRA decision to exempt all qualified lawyers from that jurisdiction, or a qualified lawyer who chose to sit the SQE2 before having the required (2-year) level of work experience to obtain an individual exemption but then applied for an exemption after completing the required work experience.

That said, we would urge the SRA to ensure that any changes implemented be fully compliant with any and all obligations under agreements the UK has or may have in the future with other countries or jurisdictions. We note the SRA's acknowledgement, for instance, that any changes must be fully compliant with the Swiss Citizens Rights Agreement and the UK/Swiss Trade Agreement.

3) Alongside this consultation we have published tracked change versions of the amendments we propose to make to our current regulations and the Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would prevent a qualified lawyer who had failed any part of the SQE from being granted an exemption from that part?

Neither agree nor disagree

Please add any comments you would like to make:We have no comments.

Changes to the rules on Solicitors Qualifying Examination (SQE) exemptions

Response ID:28 Data

2. About you

First name(s)

Mickaela

Last name

Fox

I am responding..

on behalf of an organisation

On behalf of what type of organisation?

Law society

Please enter the name of the society

Liverpool Law Society

How should we publish your response?

Please select an option below.

Publish the response with my/our name

3. Consultation questions

1) To what extent do you agree that we should change our regulations and the principles for qualified lawyers to prevent qualified lawyers from being granted an exemption from an assessment that they have previously failed?

Strongly agree

Please add any comments you would like to make:How the qualified lawyer performed on past assessment is clearly material to whether they ought to be granted exemption and should be taken into account.

2) Can you see any other impacts, either positive or negative, from the introduction of this new rule?

No

3) Alongside this consultation we have published tracked change versions of the amendments we propose to make to our current regulations and the Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would prevent a qualified lawyer who had failed any part of the SQE from being granted an exemption from that part?

Agree

Please add any comments you would like to make:

These are the responses from respondents who asked us to publish their responses but not their names.

Changes to the rules on Solicitors Qualifying Examination (SQE) exemptions

Response ID:21 Data

3. Consultation questions

1) To what extent do you agree that we should change our regulations and the principles for qualified lawyers to prevent qualified lawyers from being granted an exemption from an assessment that they have previously failed?

Disagree

Please add any comments you would like to make: Qualified lawyers from other jurisdictions sit for the SQE exam to diversify their jurisdictional practices. Laws of England and Wales are common laws, I feel the exemption criteria are missing an important aspect to grant exemptions based on qualified lawyers practicing in common law or civil law jurisdictions. A consideration of 2 years of QWE is taken into consideration hence the evidence on practical skillsets shall be taken into consideration rather than taking only the assessment standards. Therefore, it will be more prudent to grant an exemption based on a lawyer being qualified from a common law jurisdiction who has two years of practise.

2) Can you see any other impacts, either positive or negative, from the introduction of this new rule?

Yes

Please explain your answer

I feel this new rule will have a negative impact rather than a positive impact. It is restricting and will impact everyone including the people who have completed their qualification from the UK.

3) Alongside this consultation we have published tracked change versions of the amendments we propose to make to our current regulations and the Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would prevent a qualified lawyer who had failed any part of the SQE from being granted an exemption from that part?

Strongly disagree

Please add any comments you would like to make:The draft is missing on the following points:- 1) Clarity on exemption from SQE2. 2) If a candidate has already completed a Masters course or any course from the UK, there should not be an obligation to provide evidence on the English language requirement. The application should have a column to evidence if any course has been completed by the candidate from the UK. 3) Some regulatory bodies have a hierarchal organisational structure which may unnecessarily put the candidate go through multiple layers of regulatory/professional body. In some instances, it may also be impossible for the regulatory/professional body to directly write an application to the SRA. Hence, it is not a practical solution to grant an exemption, especially for SQE 2. Instead, a certificate of practice shall be treated as conclusive evidence for the assessment of granting exemption.

Changes to the rules on Solicitors Qualifying Examination (SQE) exemptions

Response ID:24 Data

3. Consultation questions

1) To what extent do you agree that we should change our regulations and the principles for qualified lawyers to prevent qualified lawyers from being granted an exemption from an assessment that they have previously failed?

Strongly disagree

Please add any comments you would like to make: I am afraid that I strongly disagree with the proposed amendments. I respectfully submit my reasons/suggestions as follows:- 1. According to my understanding of SQE2 assessment specification and SRA guidelines on SQE2 exemptions, the requirements of granting an SQE2 exemption are not equal to those of marking and passing an SQE2 assessment. For example, SQE2 exemptions focus on qualified lawyers' equivalent practice rights and two years' experience as a practising lawyer (which is probably not based upon their practising English law, but instead foreign law), while the SQE2 assesses the candidate's knowledge and standard in both the black letter of the law (which is English law) and practice skills. Simply, just because some qualified lawyer has failed an SQE2 assessment does not mean that he or she cannot or should not be granted an exemption for SQE2. 2. Further, there may have been many reasons why an SQE2 candidate has failed their assessment, e.g. ill-prepared due to less time. I am not going to say that there may have been a valid or reasonable ground for not passing an assessment, but I do think some if not all candidates with failing SQE2 results should deserve the chance of applying for and then being granted an exemption, so long as my submission under paragraph 1 above is established, i.e. "Just because some qualified lawyer has failed an SQE2 assessment does not mean that he or she cannot or should not be granted an exemption for SQE2." 3. Thinking the opposite way, I am of the opinion that a qualified lawyer who has been granted an SQE2 exemption would not be sure (or even probable) to pass the SQE2 assessment which they have been granted exemption for, if they chose to attempt it - even where they thought they had been well prepared for that assessment. If this is true – an exempted qualified lawyer would possibly still fail an SQE2 assessment, would it be fair and reasonable that if someone has failed an SQE2 assessment then they should be prevented from applying for or being granted an exemption? 4. In an alternative, would the SRA consider the more proportionate option that only candidates whose highest SQE2 marks were below some specified point (say 47%, or for legislating purposes, 15% below the pass mark for each assessment) should be so prevented as proposed by the SRA? If not, why? 5. My responses and submissions on the SRA's proposed change of rules in relation to any SQE1 exemption would be the same as above. Thank you!

2) Can you see any other impacts, either positive or negative, from the introduction of this new rule?

Yes

Please explain your answer

The proposed amendments would be (i) unfairly advantageous to those qualified lawyers who have been granted an exemption but would probably fail an assessment and (ii) prejudicial to at least some of those who have failed an SQE assessment.

3) Alongside this consultation we have published tracked change versions of the amendments we propose to make to our current regulations and the Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would prevent a qualified lawyer who had failed any part of the SQE from being granted an exemption from that part?

Agree

Please add any comments you would like to make:The proposed amendments - although I disagree with them per se - are simple, clear and would serve the intended purposes.

Changes to the rules on Solicitors Qualifying Examination (SQE) exemptions

Response ID:27 Data

3. Consultation questions

1) To what extent do you agree that we should change our regulations and the principles for qualified lawyers to prevent qualified lawyers from being granted an exemption from an assessment that they have previously failed?

Strongly agree

Please add any comments you would like to make:As a dual-qualified individual, I understand the differing standards and skills assessed in various jurisdictions, especially in civil law countries. The OSCE/SQE2 is an exceptional exam, and not everyone is competent to pass it, as not everyone can adapt their practice to the required standards. The requirement to pass the SQE2 actually encourages candidates to grow and meet the standards. It may be just fair, given the circumstances, to allow them more than three attempts.

2) Can you see any other impacts, either positive or negative, from the introduction of this new rule?

Yes

Please explain your answer

If a person fails the SQE2/OSCE, it is clear evidence that they do not meet the requirements. Admission of such candidates based on the SQE2 exemption poses a risk of discrediting the profession.

3) Alongside this consultation we have published tracked change versions of the amendments we propose to make to our current regulations and the Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would prevent a qualified lawyer who had failed any part of the SQE from being granted an exemption from that part?

Neither agree nor disagree

Please add any comments you would like to make:
