

Reviewing Levels and the Proposed Content Demands in the Solicitors Qualifying Examination

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1 Introduction

The Solicitors Regulatory Authority (SRA) has proposed the introduction of a new, centralised assessment for qualifying solicitors. The assessment will be based on the Statement of Solicitor Competence, the Statement of Legal Knowledge and a Threshold Standard, which define competence in the solicitor profession. The new, centralised assessment will be designed to measure competence against these statements and a pass will demonstrate that the candidate is competent and can be recognised as a solicitor in England and Wales.

The design of the proposed centralised assessment is detailed in the draft Assessment Specification for the Solicitors Qualifying Examination (SQE).¹

SRA have invited AlphaPlus to evaluate the level and demand of the proposed assessment. The following sections of this report firstly propose a methodology for evaluating the level and demand as defined by the specification, then use this methodology to evaluate the demand, finally, we recommend some further steps that should be taken to confirm the level and demand in the centralised assessment once more detail is available.

Overall, we believe that the SQE as currently proposed is a level 7 qualification based on the comparisons to the FHEQ and EQF performance descriptors, and based on comparison to an existing level 6 and level 7 qualification. This judgement is based on predictions of what the assessment content will look like and a number of points are raised that need to be considered as the assessments are developed, and should be reviewed once the assessments are available.

2 Methodology

We used two approaches to evaluate the level and demand of the Solicitors Qualifying Examination. The two approaches each consider the level of the new qualification in a different manner and, therefore, using the two is intended to confirm or not the findings from each approach.

1. Firstly, we evaluated each of the components against the Framework for Higher Education Qualifications of UK Degree Awarding Bodies (FHEQ) level descriptors to award a level to each component. We then used the range of levels assigned to each component to decide on a level for each stage of the assessment. Finally, we came to a judgement about the qualification as a whole.

We then repeated this process with the level descriptors from the European Qualifications Framework. We used a best fit approach when deciding on the most appropriate level in both cases.

As above, the two different frameworks were chosen so that the results could be used as confirmation of each set of findings. In this case, neither framework is specifically designed for levelling professional qualifications, so two have been selected that can provide a useful indication of the level, rather than a definitive answer.

2. Secondly, we compared the proposed assessment design to two existing professional qualifications: one at level 6 (CILEx Diploma in Law and Practice) and one at level 7

¹ The draft specification and further information on the consultation into the proposals is available here: <http://www.sra.org.uk/sra/consultations/solicitors-qualifying-examination.page>

(qualification as a chartered accountant through the Institute for Chartered Accountants in England and Wales (ICAEW)). The comparison considered factors such as:

- The course duration and entry and exit points
- The amount of time spent on the assessment
- Any cognitive demands suggested by the content (such as defined use of command words)
- The type and proportion of different assessment approaches being used.

At this stage only the draft Assessment Specification is available for this evaluation. Many approaches to evaluating the level or demand of a qualification require review of the assessment items, papers and mark schemes. Suggestions for how this might be done once these items become available are provided below.

2.1 Evaluation against the FHEQ and EQF

Levels of qualifications are defined by government in the UK from entry level up to level 8. Regulated qualifications are all approved at a certain level by Ofqual and included on the Register of Regulated Qualifications. Levels up to 3 can (simplistically) be considered to be equivalent to qualifications for school-aged learners, up to A Level. Level 3 is often used for qualification for university. Levels 4 and above define more specialist knowledge at undergraduate level and above, and are described in the *Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies* (FHEQ) (QAA, 2014). In this document, the QAA claim to provide an important reference point for higher education providers, assisting them in setting and maintaining academic standards. The FHEQ also claims to be a good benchmark for all post-level 4 qualifications, not just those offered by universities and so has been selected for use in this study.

'The frameworks are an important tool for professional, statutory and regulatory bodies (PSRBs) in defining and using qualifications in the context of their professional recognition and accreditation processes. The frameworks also inform international comparability of academic standards, especially in the European context; support international competitiveness; and facilitate student and graduate mobility.' (QAA, 2014, p. 5)

There are, however, challenges with using the FHEQ to level professional qualifications, despite the claim of transferability. A key defining feature of the higher levels in the FHEQ is the opportunity to demonstrate innovation or originality. Clearly in an academic context, through for example personal research, there are ample opportunities for new insights to be made and demonstrated. In a professional context, where practice is defined by existing evidence and industry standards, it is more difficult to demonstrate innovation, for example, in medical practice doctors will tend to use existing evidence about where and how certain drugs have been effective in order to prescribe them effectively. In the case of qualifying solicitors, practice is defined by the agreed law which is exemplified and clarified through case law. Originality is constrained as to how existing approaches are applied to individual cases, each of which are unique, and by responding to changing circumstances and the unexpected. However, we believe that the FHEQ does provide a valid comparator, although recognising this limitation.

The FHEQ provides performance descriptors for the different levels, which were used as part of this study, with each of the SQE components being mapped against them. Comparison with the FHEQ automatically indicates a comparison with the European-equivalent framework, as this has been evaluated by the QAA as described in the Framework document: *'Compatibility with the QF-EHEA was verified by QAA in 2006 for the FQHEIS and 2008 for the FHEQ.'* (p. 11)

It should be noted that we did not necessarily expect all of the components to be of the same standard. The FHEQ states:

'In some cases, programmes leading to higher education qualifications, particularly those taken over a number of years, involve learning that is progressively more challenging across more than one level. For example, integrated master's degrees involve learning across levels 4-7 of the FHEQ'. (p. 15)

Although the FHEQ is mapped to the European-equivalent for higher education, the QF-EHEA, we also compared the proposed SQE to the more general European Qualifications Framework (EQF). The EQF is a European learning framework designed to cover all types of qualifications ranging from those acquired at the end of compulsory education (Level 1) to the highest qualifications such as Doctorate (Level 8). The EQF aims to facilitate mobility of students and workers within the EU in order to encourage a mobile and flexible workforce throughout Europe. This may be useful to SRA when considering the comparability of the SQE to other qualifications for qualifying solicitors in Europe.

The results of both comparisons are given in the next section. For both we focused on the level 6 and the level 7 performance descriptors as we predict that the SQE is targeted at around those levels.

2.2 Comparison with existing qualifications

In addition to comparing to the selected learning frameworks, we selected two existing qualifications with a known level to compare the proposed SQE against. Firstly, we chose the CILEx Level 6 Diploma in Law and Practice, and secondly the ICAEW qualification for chartered accountant status which is set at level 7. Both of these qualifications have detailed published information about the assessment approaches.

The results of the comparisons are provided in the next section.

3 Level and Demand in the Solicitors Qualifying Examination

3.1 Comparison with FHEQ Performance Descriptors

The following tables shows the level descriptors from the FHEQ and how the different components in the proposed SQE relate to these descriptors.

Table 1: Comparison of the Stage 1 Functioning Legal Knowledge Assessments with the Level 6 and Level 7 performance descriptors from the FHEQ.

Stage 1: Functioning Legal Knowledge Test (FLKA)		
<p>There are six Functioning Legal Knowledge Assessments:</p> <ul style="list-style-type: none"> Principles of Professional Conduct, Public and Administrative Law, and the Legal Systems of England and Wales Dispute Resolution in Contract or Tort Property Law and Practice Commercial and Corporate Law and Practice Wills and the Administration of Estates and Trusts Criminal Law and Practice. <p>Each of the six assessments use computer-based, objective testing, including SBAs and EMQs formats. Some questions may be sequential, based around a common scenario.</p> <p>A candidate should be able to:</p> <ul style="list-style-type: none"> identify relevant core legal principles or rules – whether derived from cases, statutes or regulatory sources apply them appropriately and effectively to client-based and ethical problems and situations encountered in practice. <p>Candidates are not required to recall case names or cite statutory authority except where specified.</p>		
FHEQ Level Descriptor:	Commentary	Evaluation
<p>Level 6 Awarded to students who have demonstrated:</p> <ul style="list-style-type: none"> a systematic understanding of key aspects of their field of study, including acquisition of coherent and detailed knowledge, at least some of which is at, or informed by, the forefront of defined aspects of a discipline an ability to deploy accurately established techniques of analysis and enquiry within a discipline 	<ul style="list-style-type: none"> We believe that the candidates in the SQE will be required to demonstrate ‘systematic understanding of key aspects of their field of study’ in their Stage 1 FLKAs. These MCTs require the candidates to demonstrate a breadth of knowledge across a wide-range of content. Assuming that a reasonably high pass mark is set (as has previously been discussed), this will ensure that there is ‘systematic’ understanding. 	<p>Achieved</p>

<ul style="list-style-type: none"> conceptual understanding that enables the student: <ul style="list-style-type: none"> to devise and sustain arguments, and/or to solve problems, using ideas and techniques, some of which are at the forefront of a discipline to describe and comment upon particular aspects of current research, or equivalent advanced scholarship, in the discipline an appreciation of the uncertainty, ambiguity and limits of knowledge the ability to manage their own learning, and to make use of scholarly reviews and primary sources (for example, refereed research articles and/or original materials appropriate to the discipline). 	<ul style="list-style-type: none"> We believe that these stage 1 assessments have the potential to assess ‘analysis and enquiry’ through the use of the SBAs and EMQs. We do not believe the use of MCTs in the stage 1 assessment, in which an answer is selected, will allow candidates to demonstrate the skills of devising an argument and describing and commenting on research which require constructed response questions. The FLKAs should allow an appreciation of uncertainty to be demonstrated, if appropriately designed questions are developed. Candidates will be required to manage their own learning and to read widely in order to develop the breadth of knowledge required by the FLKAs. 	
<p>Typically, holders of the qualification will be able to:</p> <ul style="list-style-type: none"> apply the methods and techniques that they have learned to review, consolidate, extend and apply their knowledge and understanding, and to initiate and carry out projects critically evaluate arguments, assumptions, abstract concepts and data (that may be incomplete), to make judgements, and to frame appropriate questions to achieve a solution - or identify a range of solutions - to a problem communicate information, ideas, problems and solutions to both specialist and non-specialist audiences. 	<p>Candidates who pass the FLKAs could be expected to be able to apply a breadth of knowledge and understanding, as well as methods and techniques, in a range of work-based contexts. They should be able to critically evaluate arguments (something which can be assessed in well-designed MCTs), make judgements and identify a range of solutions to a problem.</p>	<p>Achieved</p>
<p>And holders will have:</p> <ul style="list-style-type: none"> the qualities and transferable skills necessary for employment requiring: <ul style="list-style-type: none"> the exercise of initiative and personal responsibility decision-making in complex and unpredictable contexts the learning ability needed to undertake appropriate further training of a professional 	<p>The breadth and depth of the understanding required in the FLKAs and the requirements of the assessments – applying that understanding in a high pressure, timed context, and through responding to scenario-based questions should ensure the candidates can exercise initiative and personal responsibility, as well as being able to make decisions in unpredictable contexts. These contexts will generally not be complex. Candidates will</p>	<p>Achieved</p>

or equivalent nature.	almost certainly have the learning ability needed to undertake further training.	
Level 7 descriptor ... Awarded to students who have demonstrated: <ul style="list-style-type: none"> • a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline, field of study or area of professional practice • a comprehensive understanding of techniques applicable to their own research or advanced scholarship • originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline • conceptual understanding that enables the student: to evaluate critically current research and advanced scholarship in the discipline, to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses. 	As above, the FLKAs will allow candidates to demonstrate systematic knowledge, however, a key difference here is the requirement to demonstrate new insights which is not possible in a multiple choice test (mct) (albeit with different forms of multiple choice questions). The candidate could demonstrate understanding of appropriate techniques via the FLKAs as specified. As with the point about new insights above, the candidate will not have scope within a mct to demonstrate originality. This would require a candidate to construct a response to questions. It should be possible to assess a candidate's conceptual understanding and ability to evaluate in a carefully designed mct. However, a candidate will not be able to propose new hypotheses.	Not achieved
Typically, holders of the qualification will be able to: <ul style="list-style-type: none"> • deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences • demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level • continue to advance their knowledge and understanding, and to develop new skills to a high level. 	The candidate will be able to deal with a range of issues and make sound judgements, although the issues will not generally be complex. They will not be able to communicate conclusions clearly due to the format of the assessment. The candidate will not be able to demonstrate originality or to act autonomously in planning. The candidate will be able to continue to advance knowledge and develop new skills to a high level.	Not achieved
And holders will have: <ul style="list-style-type: none"> • the qualities and transferable skills necessary for employment requiring: 	As above, the breadth and depth of the understanding required in the FLKAs and the requirements of the assessments – applying that understanding in a high	Achieved

<ul style="list-style-type: none"> • the exercise of initiative and personal responsibility • decision-making in complex and unpredictable situations • the independent learning ability required for continuing professional development. 	<p>pressure, timed context, and through responding to scenario-based questions should ensure the candidates can exercise initiative and personal responsibility, as well as being able to make decisions in unpredictable contexts (although not generally complex). Candidates will almost certainly have the learning ability needed to undertake further training.</p>	
<p>On balance, we conclude that the Stage 1: Functioning Legal Knowledge Assessments are equivalent to level 6 in the FHEQ. The assessments meet the demands of the level 6 performance descriptor well but the selected-response format does not allow scope for a number of the productive elements of the level 7 descriptor, such as the ability to demonstrate new insights or originality, to be demonstrated.</p>		

Table 2: Comparison of the Stage 1 Practical Legal Skills Assessment with the Level 6 and Level 7 performance descriptors from the FHEQ.

Stage 1: Practical Legal Skills Assessment: Legal Research and Writing (PLSA)		
<p>This assessment lasts 180 minutes (3 hours) and will consist of 2 tasks:</p> <ul style="list-style-type: none"> • a structured research task • a two-part writing skills task. <p>For the research task, candidates are asked to undertake research on a directed legal issue. The task will arise out of one or more of the areas of law covered in the stage 1 Functioning Legal Knowledge assessments.</p> <p>For the written skills task, candidates are asked to produce two formal letters on procedural or administrative matters. The first intended recipient is a client and the second is a third party. Guidance on house style is provided alongside the assessment.</p>		
FHEQ Level Descriptor:	Commentary	Evaluation
<p>Level 6 Descriptor: Awarded to students who have demonstrated:</p> <ul style="list-style-type: none"> • a systematic understanding of key aspects of their field of study, including acquisition of coherent and detailed knowledge, at least some of which is at, or informed by, the forefront of defined aspects of a discipline • an ability to deploy accurately established techniques of analysis and enquiry within a discipline • conceptual understanding that enables the student: <ul style="list-style-type: none"> • to devise and sustain arguments, and/or to solve problems, using ideas and techniques, some of which are at the forefront of a discipline • to describe and comment upon particular aspects of current research, or equivalent advanced scholarship, in the discipline • an appreciation of the uncertainty, ambiguity and limits of knowledge • the ability to manage their own learning, and to make use of scholarly reviews and primary sources (for example, refereed research articles and/or original materials appropriate to the discipline). 	<p>We believe that candidates will be able to demonstrate some higher level skills in the Stage 1 PLSA in a limited range of questions/ scenarios. Candidates will be required to deploy analysis and enquiry. The assessment does not require candidates to demonstrate systematic understanding or detailed knowledge, given their limited scope.</p> <p>Candidates may be able to show conceptual understanding, to devise and sustain arguments and solve problems. They will also be able to call on and describe current research.</p> <p>The candidate may be able to demonstrate uncertainty and limits of knowledge if appropriate tasks are set.</p> <p>All candidates who are successful on the Stage 1 PLSA can be assumed to have the ability to manage their own learning.</p>	<p>Achieved</p>
Typically, holders of the qualification will be able to:	The Stage 1 PLSA will be an ideal context in which	Achieved

<ul style="list-style-type: none"> • apply the methods and techniques that they have learned to review, consolidate, extend and apply their knowledge and understanding, and to initiate and carry out projects • critically evaluate arguments, assumptions, abstract concepts and data (that may be incomplete), to make judgements, and to frame appropriate questions to achieve a solution - or identify a range of solutions - to a problem • communicate information, ideas, problems and solutions to both specialist and non-specialist audiences. 	<p>candidates can apply their knowledge of methods and techniques, as well as carrying out practical tasks (if not full projects), albeit in a limited number of questions/scenarios.</p> <p>The candidate should have opportunity to critically evaluate, make judgements and identify solutions to a problem.</p> <p>The PLSA will specifically require a candidate to communicate information to specialist and non-specialist audiences.</p>	
<p>And holders will have:</p> <ul style="list-style-type: none"> • the qualities and transferable skills necessary for employment requiring: <ul style="list-style-type: none"> - the exercise of initiative and personal responsibility - decision-making in complex and unpredictable contexts - the learning ability needed to undertake appropriate further training of a professional or equivalent nature. 	<p>The application of knowledge in work-based contexts required in the PLSA and the design of the assessments – applying that understanding in a high pressure, timed context, and through responding to scenario-based questions, should ensure the candidates can exercise initiative and personal responsibility, as well as being able to make decisions in complex and unpredictable contexts. Candidates will almost certainly have the learning ability needed to undertake further training.</p>	<p>Achieved</p>
<p>Level 7 descriptor</p> <p>... Awarded to students who have demonstrated:</p> <ul style="list-style-type: none"> • a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline, field of study or area of professional practice • a comprehensive understanding of techniques applicable to their own research or advanced scholarship • originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline 	<p>Candidates will be required to demonstrate systematic knowledge and critical awareness across a limited range of content. They are unlikely to be able to provide new insights, although they should be able to apply their learning to unique cases, in a limited number of questions/scenarios.</p> <p>Candidates will be required to demonstrate in-depth understanding of a limited range of legal topics and techniques.</p> <p>Candidates are unlikely to have the opportunity to demonstrate originality but they should be able to demonstrate applying their skills and understanding to</p>	<p>Not achieved</p>

<ul style="list-style-type: none"> conceptual understanding that enables the student: - to evaluate critically current research and advanced scholarship in the discipline - to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses. 	<p>unique cases, and to show practical understanding of how techniques are used.</p> <p>Candidates will be required to demonstrate conceptual understanding, critical evaluation and to select approaches and techniques across a small number of contexts.</p>	
<p>Typically, holders of the qualification will be able to:</p> <ul style="list-style-type: none"> deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level continue to advance their knowledge and understanding, and to develop new skills to a high level. 	<p>Candidates will have to demonstrate that they can deal with 'real world' issues systematically and creatively in a limited range of questions/ scenarios. They will have to demonstrate sound judgement and communicate their conclusions clearly to a range of audiences.</p> <p>Candidates will have to demonstrate self-direction and also act autonomously in implementing tasks. However, these tasks will not be at a professional level – the specification states they will be set for candidates working at an unqualified level.</p> <p>Candidates successful on this assessment could be expected to advance their understanding and develop new skills to a high level.</p>	Not achieved
<p>And holders will have:</p> <ul style="list-style-type: none"> the qualities and transferable skills necessary for employment requiring: <ul style="list-style-type: none"> the exercise of initiative and personal responsibility decision-making in complex and unpredictable situations the independent learning ability required for continuing professional development. 	<p>The application of knowledge in work-based contexts required in the PLSA and the design of the assessments – applying that understanding in a high pressure, timed context, and through responding to scenario-based questions, should ensure the candidates can exercise initiative and personal responsibility, as well as being able to make decisions in unpredictable contexts (albeit generally not complex). Candidates will almost certainly have the learning ability needed to undertake further training.</p>	Achieved
<p>On balance, we conclude that the Stage 1: Practical Legal Skills Assessment is equivalent to level 6 in the FHEQ: the skills are demonstrated in only three questions/ scenarios, the contexts will not be complex, and the specification explicitly states that the level of demand will be that of an unqualified solicitor (so not at a professional level).</p>		
<p>Overall, we conclude that the Stage 1 assessments are at Level 6 in the FHEQ. Although there are some elements in both components which can be argued to be at level 7, the vast majority of the Stage 1 assessment is at level 6.</p>		

Table 3: Comparison of the Stage 2 Practical Legal Skills Assessment with the Level 6 and Level 7 performance descriptors from the FHEQ.

Stage 2: 5 Practical Legal Skills Assessments:

- Client Interviewing
 - The assessment consists of a role-play exercise with a client, played by a trained actor, and observed by a trained assessor, a qualified solicitor.
 - The assessment lasts 90 minutes (1 hour 30 minutes), including 30 minutes' preparation time.
 - Candidates have 30 minutes preparation time to review a file of supporting background information, including any relevant primary legal materials. They then have 30 minutes to carry out an interview with the client and 30 minutes to produce an attendance note.
 - The interview and attendance note are assessed by the qualified solicitor, informed by feedback provided by the client on the client handling skills demonstrated by the candidate.
- Advocacy/Persuasive Oral Communication
 - The assessment consists of a role-play exercise with a judge/decision-maker, played by a trained assessor, who is a qualified solicitor.
 - The assessment lasts 70 minutes (1 hour 10 minutes) including 60 minutes preparation time.
 - Candidates have 60 minutes preparation time to review a file of supporting background information, which includes any relevant primary legal materials, and to prepare a ten minute submission/presentation to be presented by the candidate to a judge or other decision-maker. The objective is to persuade the judge or other decision maker to the candidate's point of view.
 - Candidates may choose to be assessed in either advocacy or in persuasive oral communication. Neither option involves witness handling or an opposing party. In a civil or criminal litigation context, the assessment consists of an oral submission to the court. In non-contentious contexts, it consists of a presentation on a legal topic, advocating on behalf of a client.
 - The presentation is assessed by the judge or decision maker.
- Case and Matter Analysis
 - The assessment consists of a role-play exercise involving a structured interview with a supervisor, played by a trained assessor, who is a qualified solicitor.
 - The assessment lasts 90 minutes (1 hour 30 minutes) including 60 minutes preparation time.
 - Candidates have 60 minutes to review a case or transaction file and prepare to brief the supervisor on the file. The review includes identifying the legal and factual issues, legal risks and next steps. It also includes consideration of an offer and next steps in the negotiation. Candidates then present their review analysis to the supervisor for discussion. The discussion lasts 30 minutes.
 - The candidate's performance in the discussion is assessed by the supervisor.
- Legal Research and Written Advice
 - The assessment consists of a computer-based research and writing task.
 - The assessment lasts 180 minutes (3 hours).
 - Candidates are required to carry out a piece of research arising from instructions received from a client in a given scenario. They are

required to identify and understand the nature of the legal problem, undertake legal research to identify relevant legal sources and apply them to the scenario.

- Having undertaken research, and based upon the outcome of that research, candidates are required to produce a letter to the client which applies the law to the client's problem and provides practical advice and recommendations.
- The client letter and thereby the underpinning research, are assessed by a trained assessor, who is a qualified solicitor.
- Legal Drafting.
 - The assessment consists of a computer-based drafting task.
 - The assessment lasts 180 minutes (3 hours).
 - Candidates are required to draft a document or documents. They have access to an on-line standard precedent bank and are also required to draft clauses or parts of clauses without the use of precedent. The documents must accurately reflect the client's instructions.
 - The documents are assessed by a trained assessor, who is a qualified solicitor.

All five assessments must be taken and passed in the same two practice contexts of the candidate's choice, making a total of ten assessments. The practice contexts are: Criminal Practice; Dispute Resolution; Property; Wills and the Administration of Estates and Trusts; Commercial and Corporate Practice.

FHEQ Level Descriptor:	Commentary	Evaluation
<p>Level 6 Descriptor: Awarded to students who have demonstrated:</p> <ul style="list-style-type: none"> • a systematic understanding of key aspects of their field of study, including acquisition of coherent and detailed knowledge, at least some of which is at, or informed by, the forefront of defined aspects of a discipline • an ability to deploy accurately established techniques of analysis and enquiry within a discipline • conceptual understanding that enables the student: <ul style="list-style-type: none"> • to devise and sustain arguments, and/or to solve problems, using ideas and techniques, some of which are at the forefront of a discipline • to describe and comment upon particular aspects of current research, or equivalent advanced scholarship, in the discipline • an appreciation of the uncertainty, ambiguity and limits of knowledge 	<p>The Stage 2 assessments are primarily assessing skills and the ability to apply legal principles and will not require candidates to demonstrate systematic understanding and detailed knowledge across a broad range of content. Candidates will be able to deploy analysis and enquiry. Candidates will have to demonstrate conceptual understanding to devise arguments and solve problems using a range of ideas and techniques, as well as describe and apply current thinking. Candidates will need to demonstrate an appreciation of uncertainty and the limits of knowledge. Candidates who are successful in Stage 2 will have demonstrated a broad range of skills and techniques across a wide range of scenarios and assessment approaches (in their selected contexts). They will have been required to make use of a wide range of sources.</p>	<p>Achieved</p>

<ul style="list-style-type: none"> the ability to manage their own learning, and to make use of scholarly reviews and primary sources (for example, refereed research articles and/or original materials appropriate to the discipline). 		
<p>Typically, holders of the qualification will be able to:</p> <ul style="list-style-type: none"> apply the methods and techniques that they have learned to review, consolidate, extend and apply their knowledge and understanding, and to initiate and carry out projects critically evaluate arguments, assumptions, abstract concepts and data (that may be incomplete), to make judgements, and to frame appropriate questions to achieve a solution - or identify a range of solutions - to a problem communicate information, ideas, problems and solutions to both specialist and non-specialist audiences. 	<p>Candidates successful in Stage 2 will have to apply a range of methods and techniques, applied their knowledge and understanding, and carried out specified tasks/ projects.</p> <p>Candidates will have been required to demonstrate a range of skills including: evaluating arguments, making judgements, identifying solutions and so on.</p> <p>Candidates will need to communicate complex ideas and solutions to a range of audiences.</p>	<p>Achieved</p>
<p>And holders will have:</p> <ul style="list-style-type: none"> the qualities and transferable skills necessary for employment requiring: <ul style="list-style-type: none"> the exercise of initiative and personal responsibility decision-making in complex and unpredictable contexts the learning ability needed to undertake appropriate further training of a professional or equivalent nature. 	<p>The application of knowledge in work-based contexts required in the PLSAs and the design of the assessments – applying that understanding in a high pressure, timed context, and through responding to scenario-based questions, should ensure the candidates can exercise initiative and personal responsibility, as well as being able to make decisions in unpredictable contexts (albeit not generally complex). Candidates will almost certainly have the learning ability needed to undertake further training.</p>	<p>Achieved</p>
<p>Level 7 descriptor</p> <p>... Awarded to students who have demonstrated:</p> <ul style="list-style-type: none"> a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline, field of study or area of professional practice a comprehensive understanding of techniques applicable to their own research or advanced 	<p>Stage 2 assessments are primarily assessing skills and the ability to apply legal principles. Candidates will not be required to demonstrate systematic knowledge and critical awareness across a range of professional practice contexts. They are unlikely to be able to provide new insights although they should be able to apply their understanding to unique cases.</p> <p>Candidates will be required to demonstrate in-depth,</p>	<p>Achieved</p>

<p>scholarship</p> <ul style="list-style-type: none"> • originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline • conceptual understanding that enables the student: - to evaluate critically current research and advanced scholarship in the discipline - to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses. 	<p>comprehensive understanding of legal principles and techniques in their chosen contexts.</p> <p>Candidates will have the opportunity to demonstrate the ability to use their knowledge and understanding in unique cases and to demonstrate practical understanding of how techniques are used.</p> <p>Candidates will be required to demonstrate conceptual understanding, critical evaluation and to select and critique approaches and techniques across a number of tasks in their selected contexts.</p>	
<p>Typically, holders of the qualification will be able to:</p> <ul style="list-style-type: none"> • deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences • demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level • continue to advance their knowledge and understanding, and to develop new skills to a high level. 	<p>Candidates will have to demonstrate that they can deal with a range of issues systematically and creatively. They will have to demonstrate sound judgement and communicate their conclusions clearly to a range of audiences.</p> <p>Candidates will have to demonstrate self-direction and also act autonomously in implementing tasks at a professional level.</p> <p>Candidates successful in their Stage 2 assessments could be expected to advance their understanding and develop new skills to a high level.</p>	Achieved
<p>And holders will have:</p> <ul style="list-style-type: none"> • the qualities and transferable skills necessary for employment requiring: <ul style="list-style-type: none"> • the exercise of initiative and personal responsibility • decision-making in complex and unpredictable situations • the independent learning ability required for continuing professional development. 	<p>The application of knowledge in work-based contexts required in the PLSAs and the design of the assessments – applying that understanding in a high pressure, timed context, and through responding to scenario-based questions, should ensure the candidates can exercise initiative and personal responsibility, as well as being able to make decisions in unpredictable contexts (albeit generally not complex). Candidates will almost certainly have the learning ability needed to undertake further training.</p>	Achieved
<p>On balance, we conclude that the Stage 2: Practical Legal Skills Assessments are equivalent to level 7 in the FHEQ.</p>		

Overall, we conclude that the Solicitors Qualification Examination, as currently proposed, is at Level 7 in the FHEQ. Although the Stage 1 is at level 6, the final stage assessments: Stage 2 are at level 7.

3.2 Comparison with EQF performance descriptors

For ease of use we have not repeated the descriptions of the SQE assessments in this table. These can be referred to in the tables above.

Table 4: Comparison of the SQE components with the Level 6 and Level 7 performance descriptors from the EQF.

EQF Level Descriptor:	Commentary	Evaluation
<p>Level 6 The learning outcomes relevant to Level 6 are:</p> <p>Knowledge:</p> <ul style="list-style-type: none"> advanced knowledge of a field of work or study, involving a critical understanding of theories and principles <p>Skills:</p> <ul style="list-style-type: none"> advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialised field of work or study <p>Competence:</p> <ul style="list-style-type: none"> manage complex technical or professional activities or projects, taking responsibility for decision making in unpredictable work or study contexts take responsibility for managing professional development of individuals and groups 	<p>Stage 1: FLKA Candidates will be expected to demonstrate advanced knowledge and a critical understanding of theories and principles. Candidates will be expected to demonstrate mastery, and to solve unpredictable problems, although not generally complex. Candidates will not be able to demonstrate an ability to manage professionally appropriate activities or problems. They should be able to demonstrate decision making in unpredictable work contexts.</p> <p>Stage 1: PLSA Candidates will be expected to demonstrate advanced knowledge and a critical understanding of theories and principles in a limited range of questions/ scenarios. Candidates will be expected to demonstrate mastery, and to solve unpredictable problems, although generally not complex. Candidates should be able to demonstrate an ability to manage professional appropriate activities or problems. They will be able to demonstrate decision making in unpredictable work contexts.</p>	<p>Achieved</p>

	<p>Stage 2: PLSAs</p> <p>Candidates will be expected to demonstrate advanced knowledge and a critical understanding of theories and principles in a range of scenarios across two contexts. Candidates will be expected to demonstrate mastery, and to solve unpredictable problems (although not generally complex), in a range of different ways. Candidates will be able to demonstrate an ability to manage professional appropriate activities or problems. They will be able to demonstrate decision making in unpredictable work contexts.</p>	
<p>Level 7</p> <p>The learning outcomes relevant to Level 7 are:</p> <p>Knowledge:</p> <ul style="list-style-type: none"> highly specialised knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research critical awareness of knowledge issues in a field and at the interface between different fields <p>Skills:</p> <ul style="list-style-type: none"> specialised problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields <p>Competence:</p> <ul style="list-style-type: none"> manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches take responsibility for contributing to professional knowledge and practice and/or for reviewing the strategic performance of teams 	<p>Stage 1: FLKAs</p> <p>Candidates will be expected to demonstrate a wide range of specialised legal knowledge and critical awareness of issues in the field. They will not be able to demonstrate original thinking or research as the questions are selected response rather than constructed response. Candidates should be able to show some problem solving skills and integrated knowledge but not to develop new knowledge or procedures. Candidates will not be able to demonstrate an ability to manage or transform work contexts, or to develop new strategic approaches.</p> <p>Stage 1: PLSA</p> <p>Candidates will not be expected to demonstrate specialised knowledge in the PLSA as the tasks will be limited in number, scope and complexity, plus primarily assessing skills not legal knowledge. They should be able to demonstrate some critical awareness of issues in the field. They are unlikely to be able to demonstrate original thinking or research. Candidates should be able to show some problem solving</p>	<p>Stage 1 FLKA: not achieved Stage 1 PLSA: not achieved Stage 2: achieved</p>

	<p>skills and integrated knowledge in a limited range of questions/ scenarios. Candidates will not be able to demonstrate an ability to manage or transform work contexts, or to develop new strategic approaches, due to the limited range of tasks.</p> <p>Stage 2: PLSAs Candidates will be expected to demonstrate some specialised knowledge of being a solicitor and critical awareness of issues in the field. They are unlikely to be able to demonstrate original thinking or research due to the nature of the professional context. Candidates should be able to demonstrate problem solving skills and integrated knowledge and may demonstrate creative procedures in a range of questions/ scenarios. Candidates will not be able to demonstrate an ability to manage or transform work contexts, or to develop new strategic approaches. They will demonstrate high level skills in a range of professionally appropriate and unpredictable questions/ scenarios.</p>	
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On balance, as with the FHEQ, the SQE is a best fit to the level 6 performance descriptor for the Stage 1 assessments, and to the level 7 performance descriptor at Stage 2. Given this we conclude that the SQE as currently proposed is at Level 7 in the EQF.

3.3 Comparison with Existing Qualifications

Table 5: Comparison of the SQE with existing level 6 and level 7 qualifications.

	CILEx Level 6 Diploma in Law and Practice	ICAEQ Chartered Accountant Qualification	SQE	SQE level
Overview	A broad and detailed understanding of the law in three specific areas.	There are four elements to qualifying as a chartered accountant with IACEW: <ul style="list-style-type: none"> Professional development Ethics and professional scepticism 3 – 5 years practical work experience 15 accountancy, finance and business modules over 3 levels Certificate levels are level 4 and higher levels are level 7	All candidates would need to: <ul style="list-style-type: none"> have a degree or equivalent have completed a minimum period of legal work experience have passed the Solicitors Qualifying Examination (SQE) have satisfied our character and suitability requirements. 	Requirements most similar to level 7
Course duration	Around 2 years (but at own pace) 250 guided learning hours	Work experience is 3 to 5 years 450 hours work experience plus exams	Not defined	Not clear
Assessment duration	13 hours plus professional skills units	35.5 hours	30 hours and 10 mins	Most similar to level 7

<p>Item types and question paper design</p>	<p>1 Practice unit plus its linked Law unit 2 x other Law units (all law units are 3-hour external exams, plus 15 minutes reading time) 2 x Professional Skills units (CILEx-set, internally assessed and professionally moderated, assessing legal writing, interviewing and negotiation skills, legal ethics and practical legal research)</p> <p>Task-based Controlled Assessment, Written Examination (Response to a realistic case study scenario released to students approximately 6 weeks in advance of the examination) Practice units: 4 questions of 20 to 30 marks. No choice.</p> <p>Law units: Answer 4 essays from choice of 8, 1 must be from each of Section A or B All questions 25 marks</p>	<p>6 certificate-level modules: fundamentals of accountancy, finance and business. 1.5 hour computer-based assessment. 6 professional-level modules: test students' understanding and ability to use technical knowledge in real-life scenarios. 2.5 hour exams (1 is 3 hours). 3 advanced-level modules: present real-life scenarios, with increased complexity and implications. 2 exams of 3.5 hours. Case study is 4 hours.</p> <p>Certificate level: Multiple choice, multi-part multiple choice, multiple response items, or numeric entry, often multi-mark. Professional level: Open book. Short answer and essay questions, scenario-based, cross-curricular essays, preparation of financial statements, synoptic questions. Advanced level: Open book. Essay-style questions. Case Study tests all the knowledge, skills and experience gained. It presents a complex business issue which challenges students' ability to problem solve, identify the ethical implications and provide an effective solution.</p> <p>There is no optionality and all units must be passed.</p>	<p>Stage 1: 6 functional legal knowledge tests, multiple choice SBA and EMQ. All assessments consist of 80 to 120 questions and last between two to three hours (120 to 180 minutes). PLSA lasts 180 minutes (3 hours) and will consist of 2 tasks:</p> <ul style="list-style-type: none"> • a structured research task • a two-part writing skills task. <p>Stage 2: 1 x 70 mins, 2 x 90 mins, 2 x 180 mins</p> <p>Stage 1: FLKAs: multiple choice testing, employing a range of question formats, including single best answer questions (SBAs) and extended matching questions (EMQs). These question formats usually include a scenario and/or other stimuli (written information, data, visual images, documents) where candidates have to apply their knowledge to the given context. PLSA: skills of legal research and writing through one research task and two writing tasks. Stage 2: Five assessments:</p> <ul style="list-style-type: none"> • Client Interviewing • Advocacy/Persuasive Oral Communication • Case and Matter Analysis • Legal Research and Written Advice • Legal Drafting. <p>Role play, interviews, presenting an argument, drafting, computer-based research and writing</p> <p>There is no optionality and all units must be</p>	<p>Most similar to level 7</p>
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	Some have part questions (eg structure/scaffolding)		passed.	
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Command words	Apply, critically evaluate, analyse		Stage 1: apply, communicate Stage 2: obtain, plan, communicate, apply, develop, establish, initiate, clarify, produce, present	High level command words in SQE, but it is not possible to make a comparison with the existing level 7 qualification
Grade boundaries	Pass grade – 50% of total available marks Merit grade – 65% of total available marks Distinction grade – 75% of total available marks	Pre-set grade boundaries for certification. All 55% Pre-set grade boundaries with awarding meetings for professional level (55%) and advanced level (50%).	Not defined, variable based on expert judgement standard setting procedures	Not clear
Exam grades	Fail, Pass, Merit and Distinction	Pass/ fail plus raw scores	Pass/ fail plus raw scores	Most similar to level 7
Resits		4 attempts at certificate and professional level, unlimited at advanced level	3 attempts Resits all in one session All within 6-year timeframe	Similar to level 7
Entry points	No formal requirement CILEx Level 3 Diploma in Law and Practice recommended	Generally level 3 qualifications either A Levels, vocational equivalents or lower level accountancy exams	Degree	Higher than level 7
Exit points	Qualification as Chartered Legal Executive Lawyer	Chartered Accountant	Qualified solicitor	Most similar to level 7

Although there are some gaps in the evidence, the SQE is more similar to the level 7 ICAEW qualification on features where there is evidence. Overall, this comparison would suggest that the SQE would be viewed as a level 7 qualification. An alternative way of saying this is that it would have face validity as a level 7 qualification.

4 Conclusions and Recommendations for Further Research

The comparisons in the section above suggest that the Stage 1 assessments in the SQE will be equivalent to the level 6 demands in the FHEQ and the EQF. In general, the multiple choice format of the Functioning Legal Knowledge Assessments means that it is not possible for candidates to demonstrate originality or new ideas. Although there is some scope for the candidates to demonstrate higher level skills in the Practical Legal Skills Assessment in Stage 1 as they demand constructed responses, the limited nature of this (three tasks) means that it is not sufficient to bring the Stage 1 assessment up to a level 7. The Assessment Specification explicitly states that the Stage 1 PLSA are set at the level of an unqualified solicitor.

In contrast to the Stage 1 assessments, we conclude that the Stage 2 assessments in the SQE have the potential to make demands of candidates which are equivalent to level 7 in the FHEQ and the EQF. There are a wide range of demanding tasks, across a range of techniques and scenarios, that will provide candidates with multiple opportunities to demonstrate high level skills, including the opportunity to demonstrate the ability to apply existing law to unique and varied cases. Although the contexts will not generally be complex and there will be limited opportunity for the candidates to demonstrate originality given the nature of the professional context, it is still considered that the best fit is to the level 7 descriptors.

It must be noted that these conclusions have been made based on the draft Assessment Specification. At the current time no items or question papers are available and so we are making assumptions about what these will look like based on the proposal. There are a number of features specified in the level descriptors at both level 6 and level 7 that need to be considered when the assessments are being commissioned and developed. These are set out below.

To achieve the level 6 performance criteria, question should assess higher order thinking skills including:

- Analysis
- Enquiry
- Conceptual understanding
- Appreciation of uncertainty
- Critical evaluation
- Understanding of a range of solution to problems
- Application of knowledge in complex and unpredictable contexts (although complex contexts may not be possible or appropriate in this professional context).

These skills should be relatively easy to assess via the Practical Legal Skills Assessments, provided it is stipulated before item development begins that this is a requirement. However, it is more difficult to do this in multiple choice tests. The proposed use of single best answer and extended matching question formats should provide greater potential for these skills to be assessed. Again this needs to be stipulated before item development begins and a skilled test development agency will be required.

Level 7, as would be expected, has even greater demands in terms of the knowledge, skills and competences (to use the EQF terminology) that need to be demonstrated. The key defining factor in being a level 7 qualification is the creation of new knowledge or insights. Within the professional context of law, this may be difficult to demonstrate in general, given that many approaches are constrained by established 'case law'. However, SRA need to consider what this requirement looks like within the context of qualifying as a solicitor and ensure that this is designed into the SQE for the

level 7 classification to be warranted. In particular, the Stage 2 assessments will need to assess the higher order skills set out above, as well as:

- An understanding of the limits of knowledge
- New insights
- Originality, as far as possible given the constraints of the professional field
- Selecting and critiquing approaches
- Solving complex problems
- Integrating knowledge across a range of areas.

While we consider that it is possible for the assessments as defined to assess all these skills, it will only be once the question papers are available that an evaluation of whether this has been achieved is possible. We propose that a further research study be conducted once a full set of assessments is available to evaluate the range and depth of skills and techniques which have been included in them. At that stage, a final conclusion can be drawn about the level of the qualification.

5 References

QAA (2014). The Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies. Available online: <http://www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=2843#.WA9F9dxwY2w> [25 October, 2016].