

# Regulation and Education Authorisation and Monitoring Activity

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September 2017—August 2018

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# Introduction and overview of 2017/18

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1. We have a statutory responsibility for the education and training of solicitors, as set out in the Solicitors Act 1974 and the Legal Services Act 2007. These education and training requirements play a key part in helping us to protect consumers of legal services. This report concerns our quality assurance activity in relation to education and training. Unless otherwise stated, it relates to the period 1 September 2017 to 31 August 2018.
2. During this time, we have continued to develop the Solicitors Qualifying Examination (SQE), which all aspiring solicitors in England and Wales will need to take to qualify. Following extensive consultation, in April 2017, our Board approved proposals for the introduction of the SQE. In April 2018, the Legal Services Board approved the SQE regulations, subject to a further application, once the final form of the assessment has been designed. We appointed Kaplan as the assessment organisation for the SQE in July 2018 after a lengthy tendering process. We remain on target to introduce the SQE in Autumn 2021. A pilot of the SQE1 assessment took place in March 2019 and the results of the pilot were published. A pilot of SQE2 took place at the end of 2019.
3. Our new Standards and Regulations came into force on 25 November 2019. These did not make any substantive changes to the academic stage of training. But they did make changes to the vocational stage of training. Specifically, the new regulations no longer require experience of three practice areas of English and Welsh law during the period of recognised training (PRT). The requirement to satisfy the Practice Skills Standards continues. The Practice Skills Standards themselves have been revised so that they are aligned to the Statement of Solicitor Competence.

# Executive summary

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4. The majority of those who qualify as solicitors will have completed, in this order:
  - a) the academic stage of training – qualifying law degree (QLD) or common professional examination (CPE)
  - b) the vocational stage of training – the legal practice course (LPC), the PRT and professional skills course (PSC).

This report analyses the information we receive from the course providers that we approve or authorise to provide courses. It also analyses information we gather on the routes to qualification of those admitted to the profession.

## Key findings

5. This year, rates of successful completion for the LPC fell from 66% (2016/17) to 56% (2017/18). Those for the CPE fell from 64% (2016/17) to 60% (2017-18). We consider successful completion to be where a student has passed the LPC, but students who have not successfully completed may have additional attempts available to them and may have been referred or deferred in one or more subjects. This means that students may go on to successfully complete the LPC.<sup>1</sup>
6. However, there appear to be significant differences in the successful completion rates between providers. There are a number of different factors which may influence pass rates, including candidate ability and engagement, teaching quality and assessment arrangements, but we are unable to draw firm conclusions from the data available.
7. 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.

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<sup>1</sup>In this context "referred" students are those who have failed one or more assessments and may re-sit, and "deferred" students who have postponed their assessments (eg because of exceptional circumstances such as illness or bereavement).

8. Data indicates that students from black and minority ethnic groups are less likely to successfully complete the CPE and the LPC.
9. 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.
10. Our data on the ethnic origin and disability of those undertaking a PRT is less comprehensive. As is shown in figures 12 and 13, large numbers of training contracts registered indicated ethnic background as “unknown” and few declared a disability.

# The routes to qualification

## Numbers admitted by route

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

Figure 1: Pathways to qualification

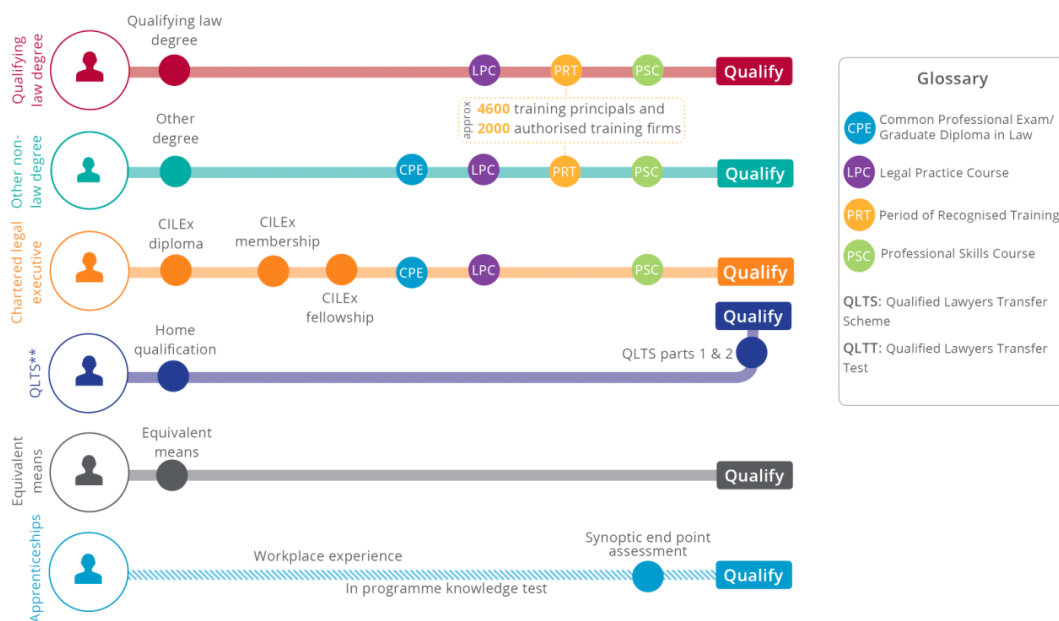


Figure 2: Numbers admitted by route

12 months to end of...	LPC	Qualified lawyers transfer test	Qualified lawyers transfer scheme	Chartered Institute of Legal Executive routes	Other	Total
Jun-15	5,327	89	441	136	35	6,028
Jun-16	5,420	36	580	239	38	6,313
Jun-17	5,566	27	673	228	58	6,552
Jun-18	5,756	16	814	345	69	7,000

12. Key findings from this period are:

- 7,000 solicitors were admitted
- approximately 82% of those admitted followed the route to qualification set out in the SRA Training Regulations 2014<sup>2</sup>
- the qualified lawyers transfer Test (QLTT) and qualified lawyers transfer scheme (QLTS) account for approximately 12% of those admitted.

13. The QLTT and QLTS qualification routes are taken by barristers of England and Wales and lawyers qualified in other jurisdictions who wish to qualify as solicitors of England and Wales.

14. The QLTT assessment ceased to be available from 31 August 2010. It was replaced by the QLTS, which is a two-stage assessment of the knowledge and skills needed to be a solicitor. Candidates who have completed the QLTT may still apply for admission as there may be a significant delay between passing the assessment and applying for admission.

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<sup>2</sup> The SRA Training Regulations 2014 – Qualification and Provider Regulations require the completion of the academic stage of training and the vocational stage of training.

## Providers of legal education and training

15. Course providers range from universities that offer only a QLD to those that offer a full range of pre and post-qualification courses. In 2017/18, all pre-qualification education took place in providers that are also subject to regulation by the Quality Assurance Agency for Higher Education (QAA).
16. The PRT takes place in firms and organisations we authorise to provide training. Two providers offer their courses across a number of locations. Six providers offer a programme that combines the QLD and the LPC (the exempting degree).



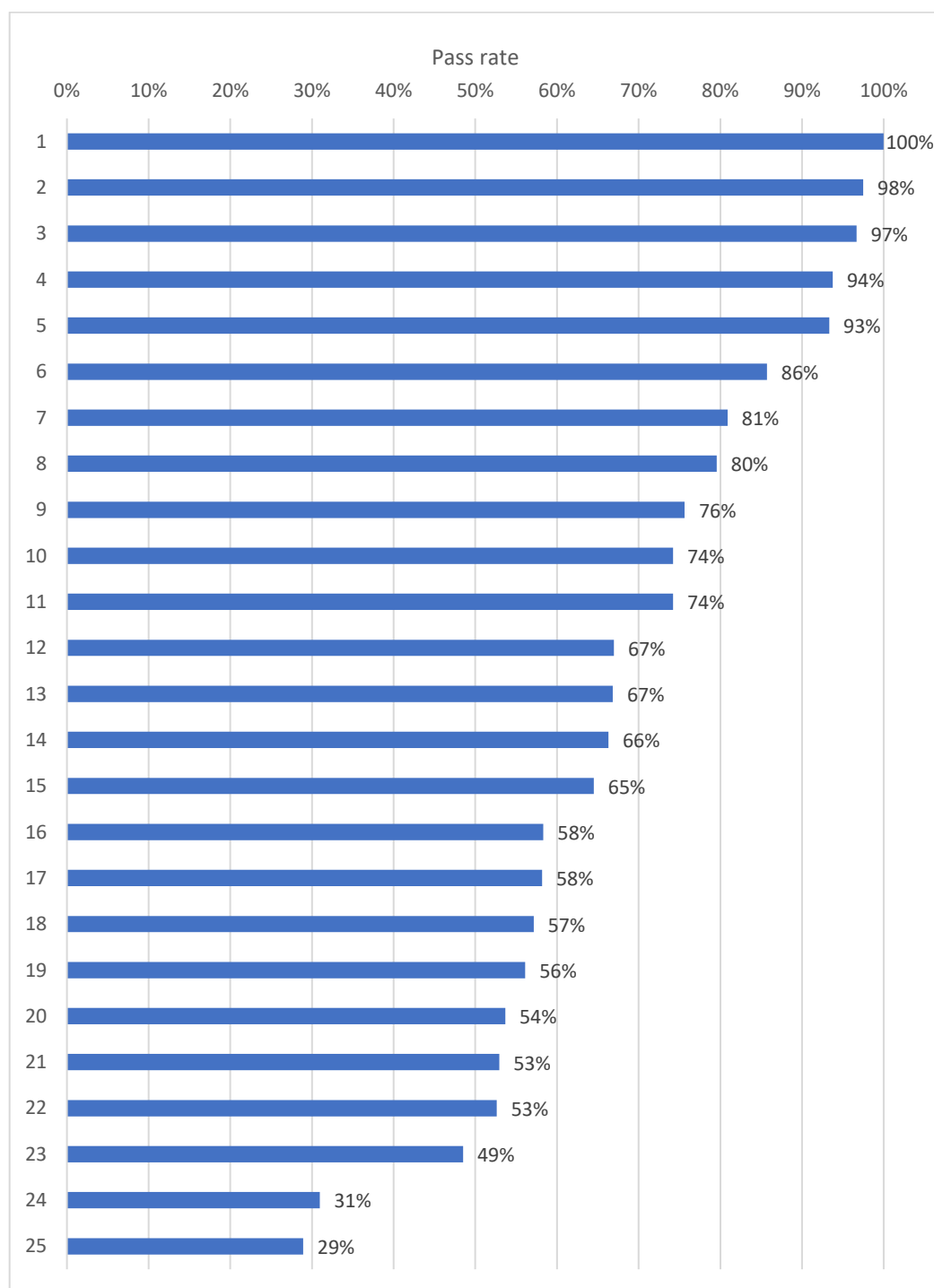
# SRA Monitoring

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## Legal Practice Course

17. When monitoring the quality and standards of education and training, we focus on the two professional qualifications within the framework:
  - the CPE (the academic award is more commonly known as the Graduate Diploma in Law (GDL))
  - the LPC.
18. For the CPE and the LPC, our monitoring involves an initial approval of the course (CPE) or authorisation (LPC). Each provider must also submit an Annual Course Monitoring Report. Our main quality assurance activity is reviewing course providers' reports on the programme they offer. They must submit this information to us, and it must contain qualitative and quantitative data. If there are issues, we have the power to make a monitoring visit to a provider.
19. The figures from LPC providers (and which are analysed in detail below) indicate:
  - 7,348 (56% of enrolled students) successfully completed the LPC, compared with 66% in the previous year
  - 2.9% failed the LPC in this period
  - the remaining students were either withdrawn, suspended, or were referred or deferred from their assessments.

Figure 3: LPC results by provider

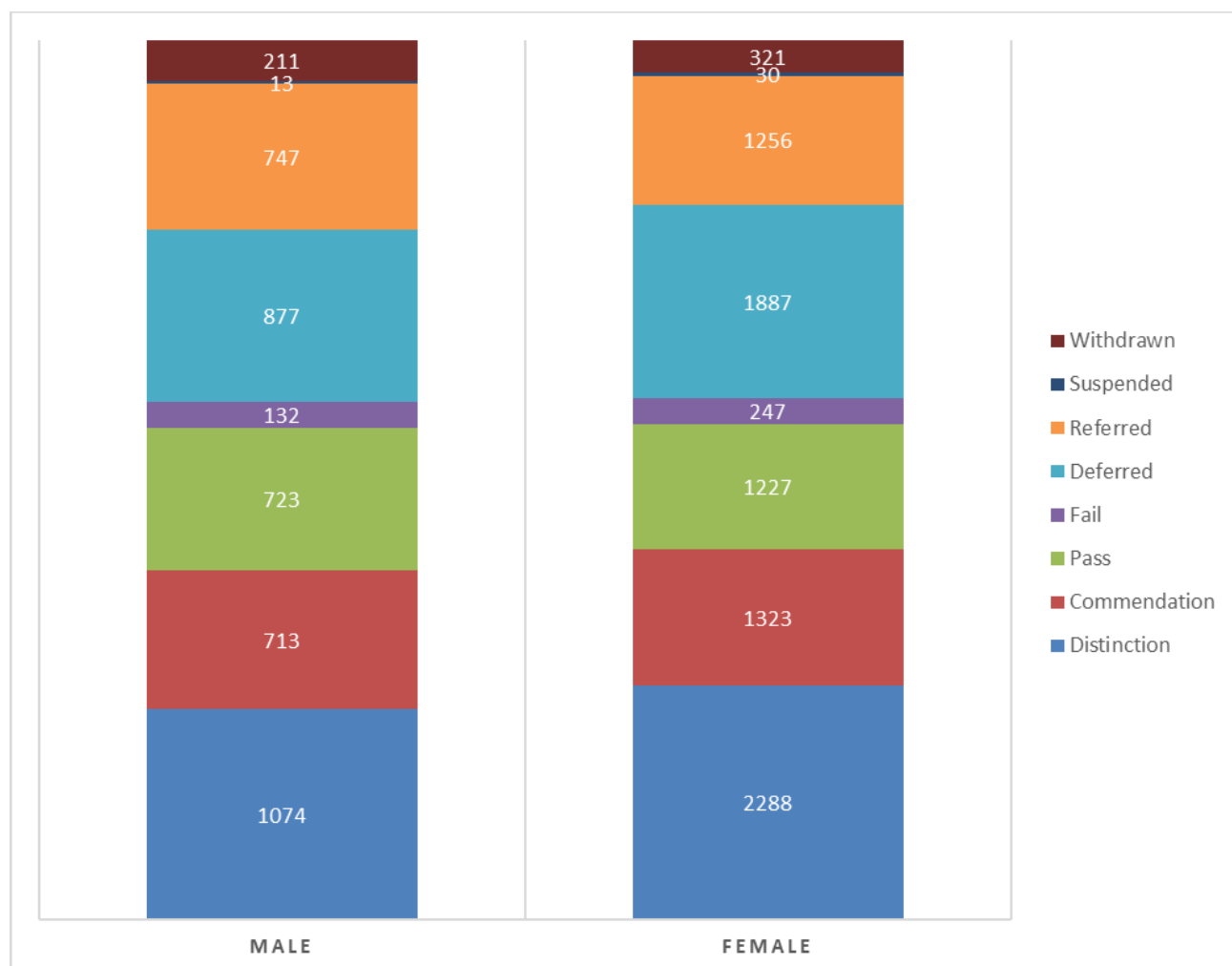


20. Successful completion rates by provider vary from below 30% to 100%. In addition to the variation in successful completion rates, there is significant variation between providers in terms of the proportion of students obtaining pass, commendation and distinction grades. It is unclear what the reasons are for such a wide disparity in performance. There are very large differences in the size of the different providers, from a group of 16 students to many thousands of students spread over different locations. There may also be variation in academic ability between different intakes, variable quality of teaching, and/or different approaches to assessment. This makes it difficult to be confident about consistent outcomes.
21. As stated, the size of LPC provision varies. The largest providers, BPP University and the University of Law, offer the LPC across a number of different locations. Between them, they shared approximately 80% (10,456) of the total number of students enrolled to take assessments (77% in 2016/17). Several providers had fewer than 50 students. As also stated above, the smallest course had 16 students.

## Results by gender

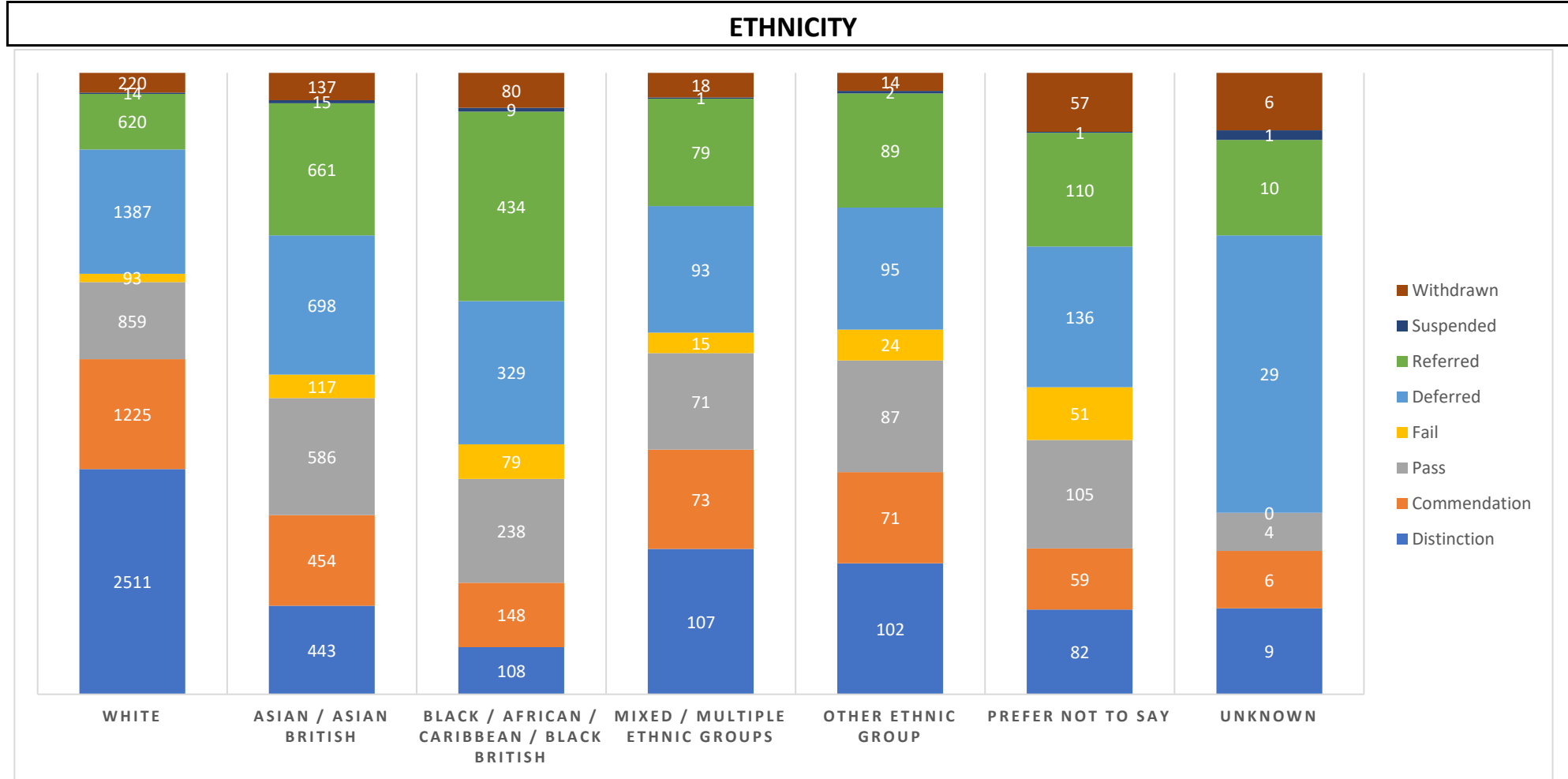
22. Some 64% of students in this cohort were female and 36% were male. This indicates no change from 2016/17. There is little difference in performance on the LPC by gender, in that approximately 56% of both male and female candidates successfully completed the LPC. However, female students achieved a higher proportion of distinctions.

Figure 4: LPC results by gender



# Results by ethnicity

Figure 5: LPC results by ethnicity



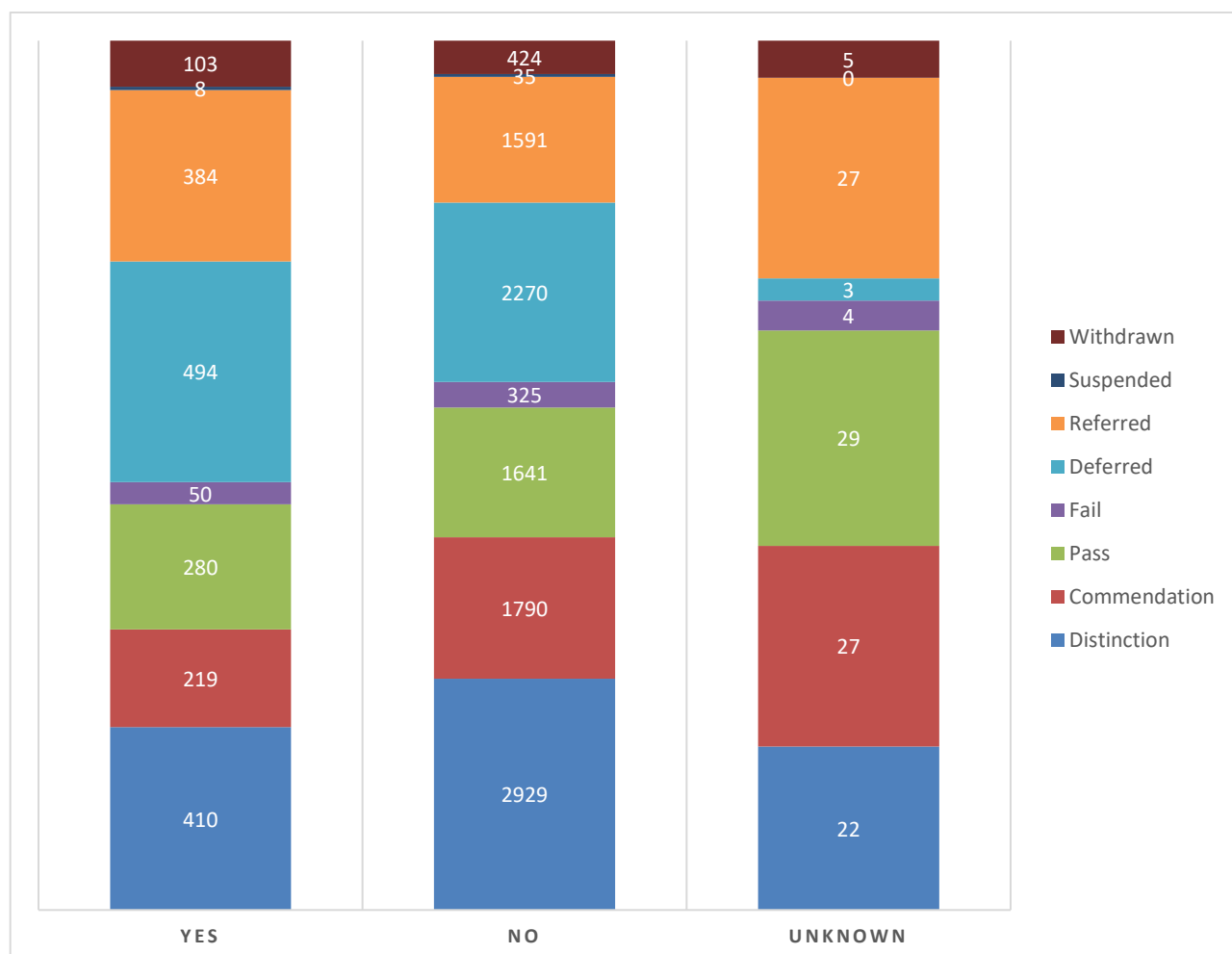
23. Key findings show:

- 24% of students identified themselves as Asian/Asian British which is comparable with 2016/17.
- approximately 11% as black/African/Caribbean/black British
- approximately 3% as mixed/multiple ethnic groups.

24. The table indicates that students from these ethnic backgrounds are less likely to pass the LPC and more likely to fail or be referred or deferred in their assessments. Approximately 66% of white students successfully completed the LPC in the period in comparison with approximately 48% of Asian/Asian British students and 35% of black students. The table indicates both higher “fail” rates among these groups but also significantly higher rates of both referral and deferral.

## Results by disability

Figure 6: LPC results by disability



25. Figure 6 illustrates comparative performance on the LPC of students with disabilities. Approximately 15% of students identified themselves as having a disability, compared with 12% in the previous year. This is unlikely to reflect the proportion of students having special arrangements for learning and assessment.
26. It is apparent from the table that students who have disabilities are more likely than their colleagues who do not have disabilities to be referred or deferred in their assessments. This may reflect the need for students with disabilities to defer their assessments in response to a deterioration in their condition. As indicated previously in this report, students deferred in their assessments will normally have further assessment attempts available to them.

# Annual Course Monitoring Reports – narratives

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27. All LPC providers must submit to us a narrative annual report on their LPC course. In addition, providers appoint external examiners to review the quality and standards of their assessments. Each of the LPC providers appoints its own external examiners and the external examiners report to the LPC provider (rather than to us). In their narrative Annual Course Monitoring Reports, the LPC providers include a summary and analysis of issues raised by the external examiners and the provider's response to those issues. From 2016/17 onwards, we have asked the LPC providers to send us copies of the external examiners reports with their own narrative reports.
28. Although we prescribe a template for the narrative report, there is inconsistency in the amount of information provided. Some providers offer very brief responses, whereas others offer a great deal of information on matters such as the student feedback on the course and the external examiners' reports.
29. The external examiners are largely positive about the LPC overall, with providers reporting positive comment in relation to:
- marking schemes and moderation processes
  - up to date and professional curricula
  - fair and effective assessments
  - academic standards and programme quality
  - learning and teaching strategies and materials.
30. Some areas of concern identified were:
- Different student outcomes depending on the date they started the course (where learning materials and teachers were common to all provision). In some instances it can be difficult to determine the causes of such anomalies particularly where the cohort in question forms only a small number of students and outcomes may not therefore be statistically significant.
  - Adverse student feedback on errors in assessments.
  - Whether students chose their programme of study (and in particular whether they decide to study for a Legal Practice Course programme

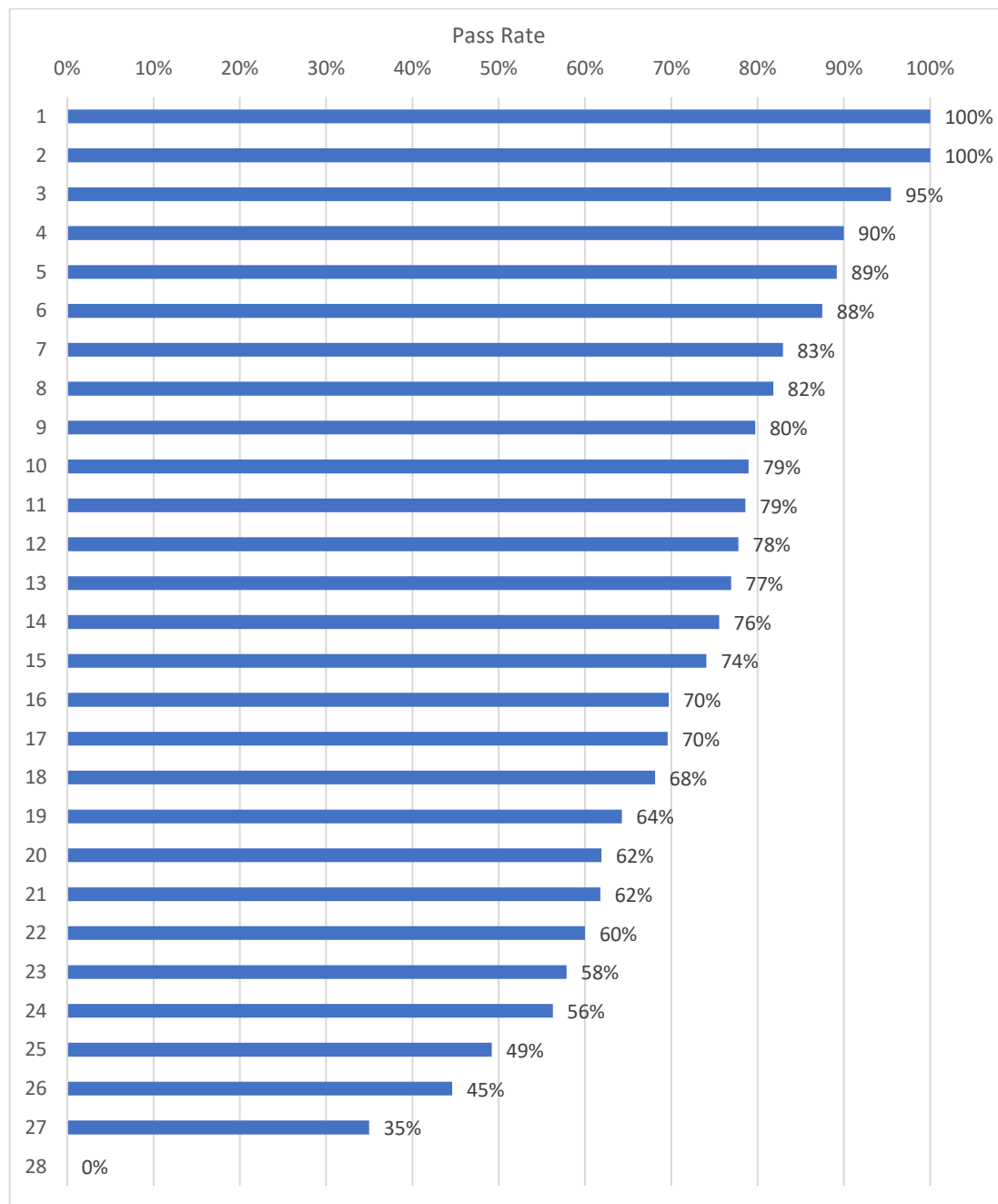


incorporated into a Masters' qualification) fully understanding the implications of the additional workload or whether their decisions are primarily motivated by the availability of student loan funding.

- Some issues with IT provision and support for LPC study.
  - Need for students to seek employment to meet shortfall between programme fees and level of loan funding.
  - Issues of equality for mature, black and minority ethnic students, care leavers and students with protected characteristics more generally.
  - Technical issues with assessments and actions taken by Boards of Examiners.
31. Where we have identified issues, we have addressed them with the providers with the aim of resolving them.
32. We will continue to review the content of reports and external examiners reports for the future.

# The Common Professional Examination/Graduate Diploma in Law

Figure 7: CPE/GDL results by provider



Note: the provider showing 0% had discontinued CPE provision, and had only 2 students remaining, both of whom were referred.

33. Figure 7 shows CPE/GDL results. With rounding, the overall successful completion rate was 60%. The total number of students who enrolled and were eligible to sit assessments that would enable them to complete the CPE in the period of the report was 5,479 (compared with 5,183 in the previous academic year). This includes:

- full-time students enrolling for the first time in September 2016 (or later)
- part-time students in their second year of study
- students who had referred or deferred assessment attempts.

CPE assessment rules permit three attempts at each assessment.

34. As with the LPC, the CPE/GDL is offered by a range of providers, all of which are also subject to regulation by the QAA. Student numbers on the course vary considerably. The largest providers, BPP University and the University of Law, offer the CPE across a range of locations. As with the LPC, BPP and the University of Law dominate the market, together accounting for approximately 76% of student recruitment. The smallest student cohort was two students.

35. Rates of successful completion of the CPE/GDL by provider shown in figure 7 also vary significantly, from fewer than 35% to 100%. In addition to the differences in rates of successful completion, it is again apparent that (among those who do successfully complete) there are very significant differences in the proportions obtaining pass, commendation and distinction grades. Once again, it is difficult to draw firm conclusions about the reasons for this. There is significant variation in size of providers. There may also be student cohorts of different academic ability, differences in the quality of teaching and/or in the approach to assessment.

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

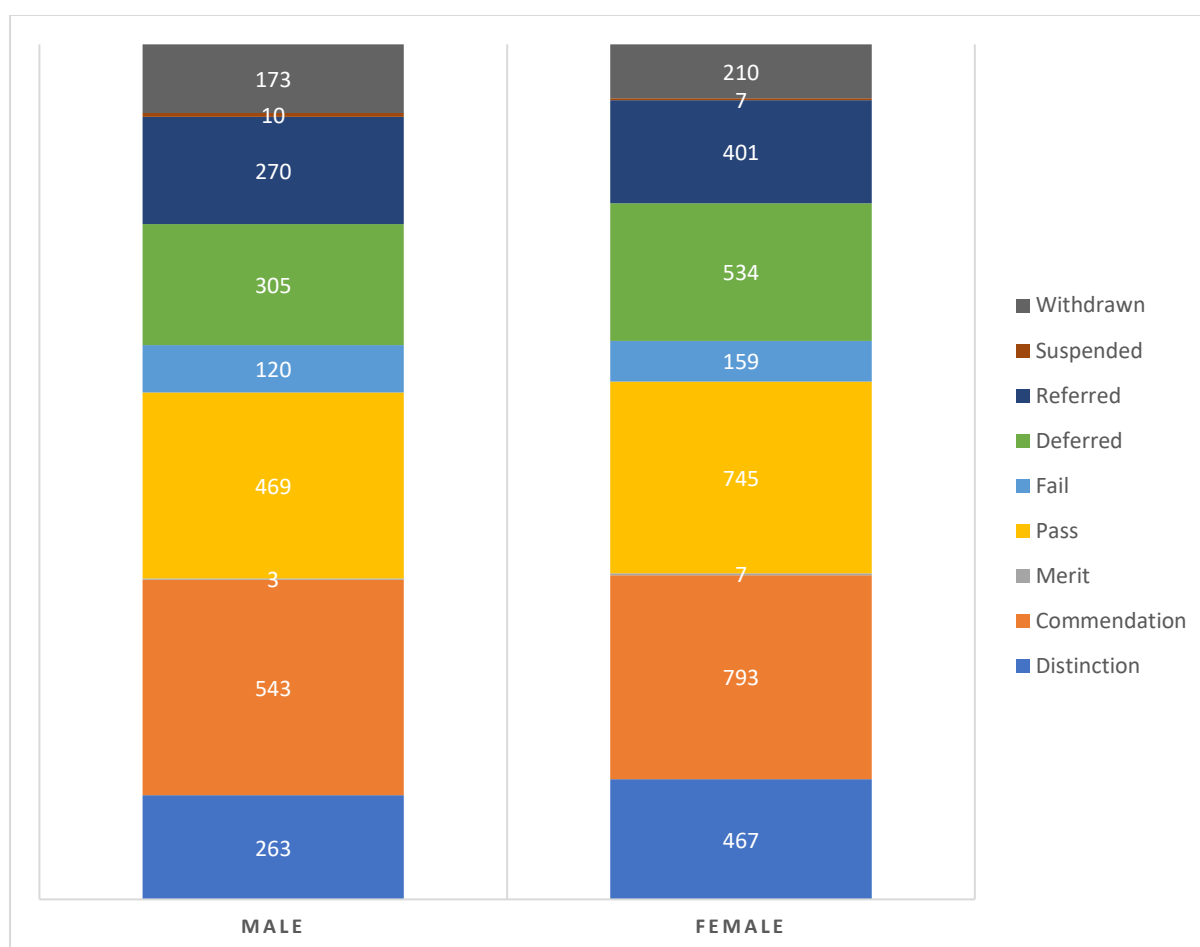
## Results by gender

37. Figure 8 provides a breakdown of CPE successful completion rates by gender. These numbers indicate comparable performance in the CPE/GDL by gender.

38. Of this cohort, 39% of candidates were male and 61% female.

39. The successful completion rate for male candidates was 59% and for female candidates 61%.

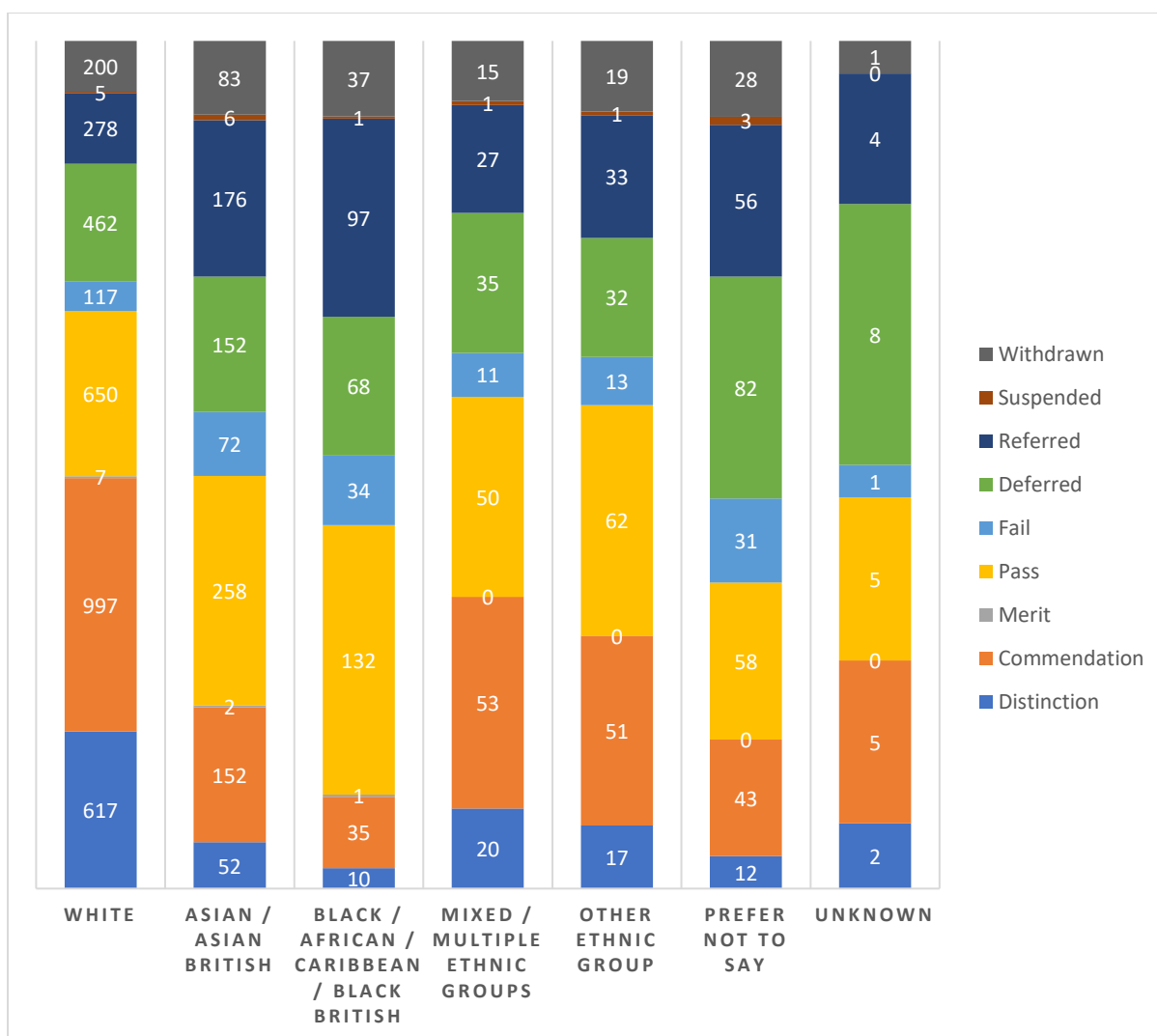
Figure 8: GDL performance by gender



## Results by ethnicity

40. Figure 9 shows breakdown of CPE completion rates by ethnicity. As with the LPC, these numbers appear to indicate that students from ethnic groups other than white are less likely to pass the CPE/GDL and are more likely to fail or be deferred or referred.
41. White students form approximately 61% of the cohort and have a successful completion rate of 68%. Asian/Asian British students account for 17% of the cohort and have a successful completion rate of 49%. Black (African/Caribbean/Black British) form 8% of the cohort and the successful completion rate is 43%. In addition, where white students are successful, they are much more likely to be awarded commendations or distinctions.

Figure 9: GDL performance by ethnicity

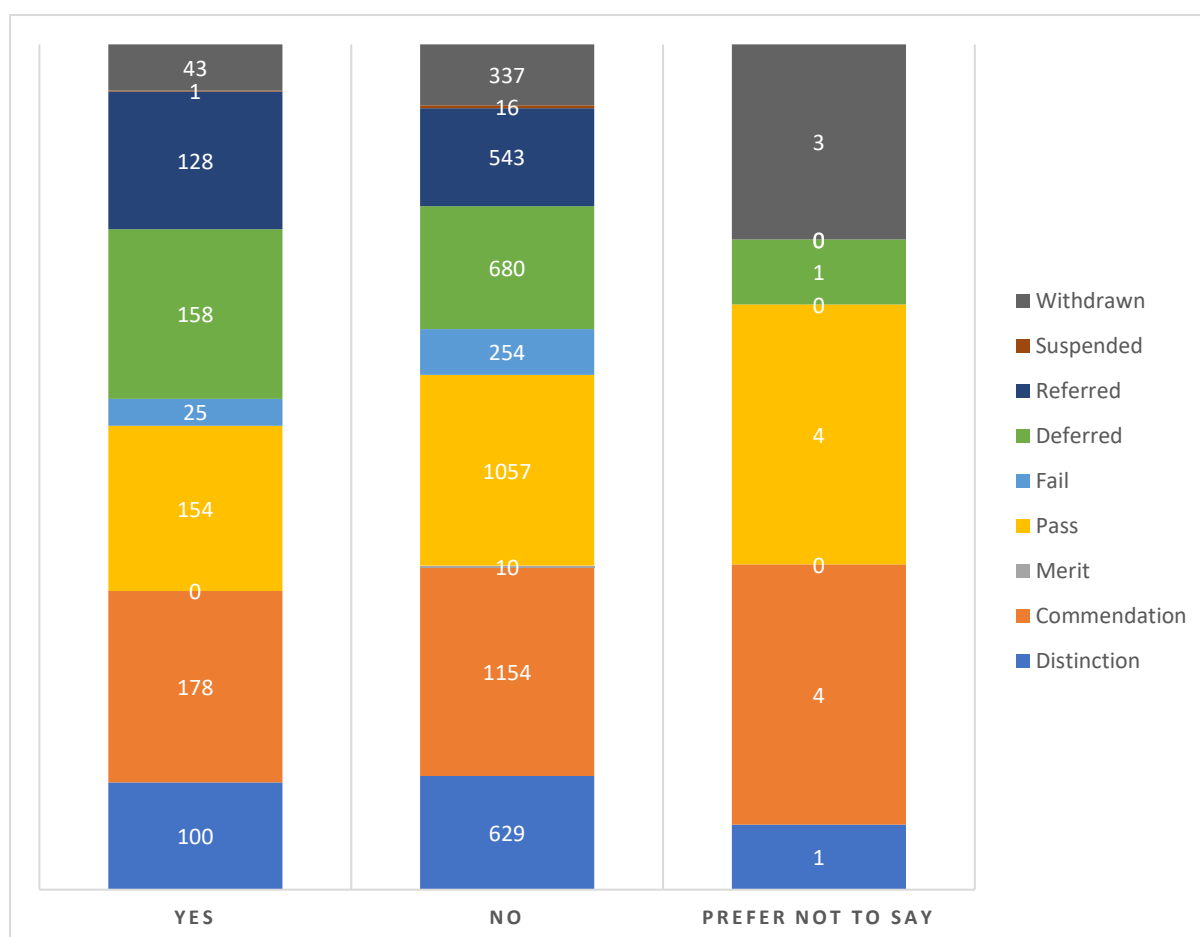


## Results by disability

42. In this cohort of students, 14% declared a disability (although this is unlikely to reflect the proportion of students having special arrangements for learning and assessment).

43. The successful completion rate for students declaring a disability was 55% in comparison with 61% for students who did not declare a disability. Students declaring a disability have higher rates of withdrawal from the course, referral for resit and deferral of assessment.

Figure 10: GDL performance by disability



# Training

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## Periods of recognised training

44. The final stage of qualification pathway is a PRT (trainees will also need to undertake the PSC). Training will take place in a firm or organisation approved by us to take trainees and, if carried out on a full-time basis, will usually be for a period of two years Full Time Equivalent (FTE).
45. The tables in figure 14 provide details of the number of training contracts registered with us in the last three periods: 2015/16, 2016/17 and 2017/18.
46. Percentages are based on the total known population. There is a very high number of unknowns for ethnicity, as we do not collect EDI data routinely on students. Where the ethnicity is known, it is likely that the individual has now been admitted (and entered their data via their mySRA profile) or they were previously known to us for another reason.
47. Data for previous years has also been refreshed, so there may be some changes when compared to previously provided data.

Figure 11: PRT age band breakdown

Age band	2015/16		2016/17		2017/18	
	Number	Proportion	Number	Proportion	Number	Proportion
18–21	52	0.9%	39	0.7%	43	0.7%
22–25	3,422	57.7%	3,400	57.3%	3422	57.2%
26–30	1,821	30.7%	1,891	31.9%	1827	30.5%
31–35	377	6.4%	320	5.4%	389	6.5%
36–40	144	2.4%	142	2.4%	150	2/5%
41–45	62	1.0%	70	1.2%	84	1.4%
46–50	33	0.6%	45	0.8%	36	0.6%
51–55	13	0.2%	9	0.2%	24	0.4%
56–60	3	0.1%	10	0.2%	6	0.1%
61+	1	0.0%	4	0.1%	1	0.0%
Unknown	1	0.0%	1	0.0%	3	0.1%
<b>Total</b>	<b>5,929</b>	<b>100%</b>	<b>5,931</b>	<b>100%</b>	<b>5,985</b>	<b>100%</b>



Figure 12: PRT ethnicity breakdown

Ethnicity	2015/16	2016/17	2017/18
<b>BAME*</b>	343	255	168
Asian	227	167	105
Black	48	46	38
Chinese	14	9	6
Mixed	42	19	8
Other	12	14	11
White	451	244	165
Unknown	5,137	5,432	5,652
<b>Total</b>	<b>5,931</b>	<b>5,931</b>	<b>5,985</b>

\*Note: the BAME figure is the sum-total of all the relevant groups (i.e. Asian, Black, Chinese, Mixed, Other)

48. Our information in respect of the ethnicity of those in PRTs is incomplete because of the large numbers where ethnicity is recorded as “unknown”.

Figure 13: PRT disability breakdown

Disability	2015/16	2016/17	2017/18
Physical	2	0	0
Mental	0	0	0
Learning	3	3	3
Sensory	0	0	0
Hearing	2	0	0
Visual	0	0	0
Long standing illness	1	1	1
Other	0	0	
Not specified	6	5	0
<b>Total declaring disability</b>	<b>14</b>	<b>9</b>	<b>4</b>

49. Numbers declaring a disability are very low and do not reflect numbers declaring a disability on the CPE or LPC.

Figure 14: PRT Gender breakdown

Gender	2015/16	2016/17	2017/18
Female	3,699	3,777	3,865
Male	2,232	2,154	2,120
<b>Total</b>	<b>5,931</b>	<b>5,931</b>	<b>5,985</b>

50. This data indicates that firms and organisations are recruiting more female than male trainees.

## Qualified lawyer transfer scheme results data

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51. Individuals may qualify through this route if they are a qualified lawyer in a jurisdiction that we recognise and complete the QLTS assessments, or if they are a barrister of England and Wales. The QLTS assesses an individual's competence by way of multiple-choice testing (MCT) of legal knowledge and skills-based assessments, called objective structured clinical examination (OSCE). Candidates must pass the MCT (stage 1) before being able to progress to the OSCE (stage 2). The assessments are operated by Kaplan and the MCT assessment is offered at multiple centres around the world. The OSCE assessments take place in London.
52. Between 1 January 2018 and 1 December 2018, 1,677 candidates attempted the MCT assessment and 842 candidates attempted the OSCE.
53. The pass rates in percentages from the total number of candidates achieved by candidates in different groups are set out in figure 15.

Figure 15: QLTS results data and percentage pass rates (calendar year 2018)

Gender				
Assessment	Number of Candidates	Male	Female	Not stated
MCT	1,677	51.0% (770)	47.6% (895)	12
OSCE	842	70.1% (375)	76.2% (453)	14
Ethnic Group				
Assessment	Number of Candidates	BAME	White	Not stated
MCT	1,677	40.3% (857)	60.2% (598)	55.9% (222)
OSCE	842	68.1% (357)	79.4% (360)	68.8% (125)
First language English				
Assessment	Number of Candidates	Yes	No	Not stated
MCT	1,677	59.0% (774)	41.2% (903)	0
OSCE	842	79.5% (434)	66.2% (408)	0
Candidates declaring a Disability				
Assessment	Number of Candidates	Yes	No	Not stated
MCT	1,167	43.8% (16)	49.5% (1,661)	0
OSCE	842	67.6% (34)	73.3% (808)	0

54. Candidates from 91 jurisdictions took assessments (either the MCT or the OSCE) in 2018. We currently recognise more than 170 jurisdictions, which include, as separate jurisdictions, the states of America and territories of Canada.
55. Some 51% of male candidates and 47.6% of female candidates who presented for stage 1 MCT assessment in this period were successful and eligible to progress to stage 2.
56. The pass rate for the OSCE was 70.1% for male candidates and 76.2% for female candidates.
57. Pass rates by gender, ethnicity and first language are shown in figure 15.

58. The results indicate that the pass rate on the MCT for white students is 60.2%. For black and minority ethnic students it is 40.3% (a difference of 19.9%). We also have information about the first language of candidates. The pass rate on the MCT for students for whom English is their first language is 59%, whereas for those for whom English is not their first language the pass rate is 41.2 %.
59. Once students have passed the MCT, however, the discrepancy in performance by ethnic group/first language reduces in the OSCE. The pass rate is 79.4% for white students, 68.1% for black and minority ethnic students (a difference of 11.3%). The pass rate in the OSCE is 79.5% for those whose first language is English and 66.2% for those whose first language is not English.

## Equivalent means applications

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60. Since the introduction of the SRA Training Regulations 2014, applicants have been able to meet the academic or vocational requirements of training by an equivalent means application.
61. We may recognise previous learning and grant exemptions where:
- the level, standard, volume and content of previous learning is equivalent to all or part of a particular stage of education and training
  - there is relevant, sufficient and adequate evidence of this learning

We may also grant exemptions based on work-based experience and the achievement derived from that experience. This is because we recognise the achievement of learning and the subsequent outcomes, not the evidence that an applicant has had experience of doing something.

62. Although numbers are still relatively low, they have been steadily increasing. Decisions are made following our assessment of applicants' workplace experience and/or qualifications, considering them equivalent to the relevant academic or vocational stage requirement.
63. Figure 16 shows the number of equivalent means applications for the period from 1 July 2014 to 30 August 2019.
64. The equivalent means application will continue to be available during the transition period following the introduction of the SQE.

Figure 16: Number of equivalent means applications July 2014–August 2018

Equivalent means applications 01.07.2014 to 16.08.19	Received	Granted	Refused	Withdrawn	Work in progress
<b>CPE</b>	259	135	74	41	9
<b>CPE for non-graduates</b>	67	48	5	12	2
<b>LPC</b>	46	18	9	17	2
<b>PRT</b>	453	309	44	69	31
<b>PSC</b>	22	7	1	14	0
<b>Morgenbesser</b>	17	4 partially granted <sup>3</sup>	4	9	0

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<sup>3</sup> Two granted equivalence to the academic stage only and 2 granted equivalence to academic stage and the LPC only