The University Of Sheffield.

School Of Law.

Dr Helen Philips
Interim Chair of the Legal Services Board
One Kemble Street
London
WC2B 4AN

Andrew Callaghan
Director of the Centre for Professional Legal Education

Bartolomé House
Winter Street
Sheffield
S3 7ND

Telephone: 0114 222 6738
Fax: 0114 222 6832
Email: ajcallaghan@sheffield.ac.uk

14 March 2018

Dear Dr Philips

The SRA's Application for Approval of the SQE

I am writing in relation to The SRA's Application for Approval of the SQE.

I have seen a number of the submissions that have recently been made by interested parties who oppose the application. They mostly make pretty similar points. I support that opposition. I think that the matter is particularly well put in a submission sent to you by Melissa Hardee on 20 February and I am supportive of the law degree (or GDL); LPC; training contract remaining as the 'main' route to qualification.

I see little point in repeating what others have said so I will confine myself to a few core points;

1. When this process began, it seemed to be largely about improving access to the profession. That seems to have completely disappeared as a driver for the current proposals. The SQE will not improve access to the profession. The view of most of us (though not the SRA) is that it is likely to increase the cost (partly through the cost of the SQE tests and partly because many will pay for courses to prepare them for those tests), and it is therefore likely to reduce access to the profession.
2. The SRA make a point about the varying standards of law degrees. So long as everyone who has a law degree or GDL has crossed a minimum threshold, then that should be sufficient for the profession. It is accepted that a law degree from University A is 'worth' more than one from University B; the profession understands this. The same goes for degrees in Chemistry, History and English and it is not considered to be a problem. Indeed, many would say that the hierarchies that it creates are an important element of our university system.
   The market is mature and well understood by both students and employers. In short, the fact that a law degree from University A is 'worth' more than one from University B is simply not an issue. It is however, a shame that the SRA distanced itself from quality aspects of the law degree and GDL a few years ago by dismantling the JASB and replacing it with a system of self-certification.
3. I agree that standards vary between different Legal Practice Courses, and that the public and the profession reasonably expect a uniformity of standard here. But the issue is one of the SRA's

making. They took away the quality control mechanism which was provided by the regime of monitoring visits, and they subsequently stopped appointing external examiners, leaving LPC providers to appoint their own externals with weaker powers. But the solution to this is reasonably straightforward; to have centrally set assessments for the Legal Practice Course.

4. The SRA seem to have got themselves into a pickle as the SQE has already been adopted for the apprenticeship route to qualifying. I am uncertain as to whether or not the non-adoption of the current proposals would necessitate a reconsideration of the apprenticeship arrangements (possibly not), but even if that were the case, that should not be a reason for allowing a very small tail to wag a far larger dog.
5. The SQE assessment specification (the most recent version is from June of last year and is still described as being a draft) indicates that one needs to know very little law to qualify. One need never have even read a law report. In explaining what they mean by 'functioning legal knowledge' (page 12 of the June 2017 draft) the SRA say candidates are not required to recall case names or cite statutory authority except where specified. Only two cases are specified; Rylands v Fletcher and Jervis v Harris.
6. It is extraordinary that there has not been a pilot project. We have not even seen sample assessments. How can you be asked to approve a scheme that has not been fully presented to you?

There is a lot more that I could say, but I am anxious to keep this short so as not to lose the main thrust of what I am trying to get across.

Please do not hesitate to contact me if you feel that I can be of any assistance.

Yours sincerely

Andrew Callaghan
Director of the Centre for Professional Legal Education