

“Clarification points from the SRA”, received 30/3/10

1. Confirmation that the character and suitability assessments are currently required for domestic and QLTT applicants

We can confirm this is the case. Character and suitability checks are carried out when applicants apply for their certificate of eligibility and on admission. This is mirrored in the domestic route with character and suitability checks carried out at the student enrolment stage and on admission.

2. Provision of the current work/thinking that the SRA has done with regard to its monitoring of the proposed QLTS

Most of this detail is set out in our Action Plan at Annex 3 of the Equality Impact Assessment. For completeness, this is set out below.

| Action required | How? | Time scale |
|---|---|--|
| Assess the impact of the detailed arrangements made under the new scheme, in particular the assessments and English language requirement and in particular in relation to disability. | Through further EIA and monitoring English language requirement | 1 year after implementation [January 2012] |
| Further consider the position of Bar Professional Training Course graduates | By mapping the Bar Professional Training Course against the Legal Practice Course to identify areas for exemption | February-May 2010 |
| Address need for collecting improved data on admissions in future (e.g. jurisdiction from which they came and reason for not being admitted) | Through SRA's Enabling Programme and liaison with operational teams | Ongoing |
| Ensure that assessment providers collect and monitor equality data and provide this to the SRA | Through procurement process and quality assurance systems | |
| Ensure that we better understand the needs of those wishing to transfer and those who are or have already transferred | By regular engagement with representative groups, lawyers seeking to transfer and solicitors admitted through the transfer route and seeking feedback through questionnaires and or a surveys | Ongoing |

| Action required | How? | Time scale |
|--|---|--|
| Ensure that equality data is collected about applicants who fail the assessments as well as those who pass in the new scheme | Through data collected by assessment body | Part of tender/monitoring process – 2010 |
| Ensure that assessment organisations take into account time and cost considerations when developing assessments | Through validation process | Part of tender/monitoring process – 2010 |
| Ensure assessments are marked objectively, fairly and consistently | Through the procurement process and implementation of quality assurance process | Part of tender/monitoring process – 2010 |
| Monitor the take up of the new arrangements | By monitoring the number of applicants, monitoring the number of Registered Foreign or European Lawyers, and analysing impact of Recognised Jurisdiction approach | From September 2010 |
| Ensure that the process adopted for English language testing is fair, objective and that coaching courses and testing centres are available in a large number of jurisdictions | By agreeing transparent criteria for approval of English language providers | March 2010 |

The additional monitoring requirements in relation to the assessment provider are:

- Must have in place quality procedures to ensure that assessment functions are quality assured and continually improved
- Meetings with SRA representatives on frequent basis in development phase prior to the first round of assessments
- Assessment Board minutes must be sent to the SRA within 10 working days of a board meeting. The tender document sets out the minimum information which the assessment organisation must provide¹. As mentioned previously, we will review this information after each Assessment Board.

¹ Names of those attending the board and those who sent apologies; ratification of assessment results, analysis of standard of the paper; analysis of candidates' results with information about the pass and fail rates; analysis of pass and fail rates by gender, age, ethnicity and disability; information about reasonable adjustments requested and the assessment organisation's responses; views of moderators and external examiners; report of any incidents which may have affected the conduct of the assessments; identification of any areas for improvement and any follow-up actions.

- Quality and standard of assessments assessed during visits to the provider by external examiners appointed by the SRA. External examiners will be required to submit an annual, factual and evaluative report.
 - The Assessment Provider must submit an annual, factual and evaluative. The tender document sets out the minimum information which the assessment organisation must provide².
 - The SRA can visit to review the provision of assessments where there is evidence that the quality and/or standards of assessment are at risk.
 - There will also be annual review meetings during the first three years of appointment.
 - We have said that they must have the following administrative arrangements in place which will enable the AP and the SRA to monitor candidates:
 - Dedicated registration and tracking systems
 - Systems to monitor equality and diversity and compliance with the organisation's non-discrimination policy
 - Records of those applying to sit the assessments, those who actually sit the arrangements, and success and failure rates
3. Confirmation that the QLTS proposal has met all applicable EU directives etc

The QLTS Regulations were sent to Carol Rowlands at the Qualification Reform Division at the Department for Innovation and Skills, who has particular responsibility for the implementation of Directive 2005/36. She consulted her lawyers and we incorporated all of her comments.

The arrangements in relation to Directive 98/5 in the QLTS Regulations remain unchanged from those in the current regulations.

4. Clarification regarding whether or not the Assessment Provider has the ability to control the number of QLTS applicants it processes

As part of the tender process, the assessment provider must demonstrate that it is "able to consistently undertake assessments on behalf of the SRA". The SRA will not restrict the capacity of the assessment provider to set assessments. Assessments will therefore be run to meet market demands.

We have not had a problem with commercial providers ensuring there is sufficient places in the past as the provider has a commercial interest in providing as many places as possible. Our main concern would be to ensure that the quality is assured regardless of the numbers being assessed.

² The current draft requires the following information: number of candidates registered for each assessment and numbers who sat the assessments, locations and dates of assessments, pass and fail rates for each date and location, analysis of pass and fail rates by gender, age, ethnicity and disability; information about reasonable adjustments requested and made during the year; candidates' complaints, feedback and assessment appeals; any changes in the Assessment Organisation's resourcing (including facilities, locations and staffing) of the QLTS.

5. Clarification regarding whether or not Outcomes B and D will be tested

The 2008 consultation paper stated that:

“all eligible applicants will have demonstrated that they have the intellectual, analytical and problem-solving skills at the appropriate level because, to be eligible, they will need to have a qualification at the level of an [bachelors] degree or higher. We expect that all qualified lawyers will have already demonstrated the skills of personal development and work management that we require solicitors to have at the point of admission.”

Therefore we will not be testing Outcomes B or E.