

# Changes to the SRA's education and training regulations

A response by  
The Chartered Institute of Legal Executives

17 November 2014



## For further details

Should you require any further information, please contact;

Vicky Purtil  
Head of Qualifications  
[vpurtil@cilex.org.uk](mailto:vpurtil@cilex.org.uk)  
01234 845761

November 2014

## **Introduction**

1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 22,000 members, which includes approximately 7,500 fully qualified Chartered Legal Executive lawyers.
2. This response considers the proposed changes to be made to the SRA's education and training regulations in Phase 3 of Red Tape initiative and it considers each of the proposals separately below.

### **Proposal 1: to include the Welsh language in education and training outcomes**

3. The proposed change amends the current education and training regulations from the requirement to have achieved an appropriate standard of written and spoken English prior to qualification as a solicitor, to include the requirement to have achieved an appropriate standard of written and spoken English or Welsh prior to qualification as a solicitor. The proposal is designed to ensure that Welsh-only speakers are not treated less favourably than English-only speakers.

### **Question 1: Do you foresee any impacts on our proposal?**

4. CILEx welcomes this proposal and cannot foresee any negative impacts from it. The proposal is likely to have a positive impact, ensuring that Welsh-only speakers are not disadvantaged by the SRA's education and training regulations.

### **Proposal 2: to remove the requirement for a lawyer who is qualified in a jurisdiction outside the UK to obtain a certificate of eligibility to undertake QLTS assessments**

5. The SRA currently requires candidates proposing to sit the QLTS to establish their eligibility to take the test, through making an application for a Certificate of Eligibility. Before the certificate is issued, the SRA confirms the character and suitability of the prospective candidate (this is retested at admission should the candidate be successful in the QLTS), checks the English language skills of the prospective candidate and sets a 5 year time limit on sitting the assessments, with a maximum number of resits on each element limited to 3 sittings in any 5 year period.
  
6. The SRA is proposing to remove the requirement to issue a Certificate of Eligibility prior to attempting the QLTS and therefore will be removing each of the checks set out above.

**Question 2: Do you agree with the proposal that we no longer require a check on character and suitability as a requirement to sit the assessment, provided that we retain a check at admission and we provide an opportunity to candidates to seek an early assessment if they wish?**

7. The proposal to remove the requirement to meet the character and suitability test twice (both for the Certificate of Eligibility and at the point of admission) seems to be reasonable, particularly as there is an option for candidates to apply for early assessment, provided it is made clear to candidates that should they be unable to meet the character and suitability test at the point of admission, they would be unable to be admitted to the roll.
  
8. Some statistics have been presented relating to the refusal of admission following the issue of a Certificate of Eligibility (paragraph 11 of the consultation document). However, it would be helpful to know how many candidates were refused a Certificate of Eligibility owing to failing their character and suitability test as these prospective candidates are those most likely to be affected by this change.

**Question 3: Do you agree that in order to achieve parity between European candidates and international candidates we should rely on the QLTS assessment as a means of ensuring that an appropriate level of English language skills has been achieved?**

9. The QLTS will test the level of written and spoken English and therefore can act as an appropriate measure of English language skills. However, the requirement for a Certificate of Eligibility meant that this standard was tested prior to the candidate expending a significant amount of money on the QLTS. The consultation indicates that guidance will be provided as to the standard of English expected from the candidates. This guidance must be sufficiently clear and detailed to enable prospective candidates to be able to make a judgement as to whether their level of English meets the required standard.

10. In addition, where a candidate has failed the QLTS because they have not met the required minimum level of English language skills, it may be beneficial to the candidate to receive feedback.

**Question 4: Do you agree that we should remove the 5 year restriction on completing the entire suite of QLTS assessments?**

11. CILEx agrees that once a candidate has evidenced sufficient knowledge, skills and competence to meet the required standard set by a QLTS element, this element of the test should be 'banked' and should the candidate fail a separate element, they should not be required to retake an element which has already been banked. This prevents duplicate assessment of the same knowledge and skills which would lead to over-assessment within the qualification. Therefore, CILEx supports the proposal to remove the 5 year restriction from the requirements for completing the QLTS.

**Question 5: Do you agree that we should no longer restrict applicants to a maximum of 3 assessment attempts?**

12. For the reasons set out at paragraph 11, CILEx supports the proposed change.

**Question 6: Are there adverse impacts or risks to the public interest in removing these requirements that we have not identified?**

13. No adverse impacts or risks to the public interest identified.

**Proposal 3: to remove the requirement on individual solicitors to undertake the Management Course Stage 1.**

14. This proposal suggests that the compulsory requirement to undertake the Management Skills Course stage 1, which must be completed within 3 years of qualification, be removed, on the basis that the skills outlined are too high level to have practical application for solicitors intending to establish their own practice and that it is too early in the career of a solicitor intending to progress to a management position.

15. The SRA proposes that this training need, if required, could be met either through training provided by the employer, or through the identification of a training need using the new CPD requirements for solicitors.

**Question 7: Do you foresee any impacts, positive or negative from the proposal to remove the requirement to undertake the Management Course Stage 1.**

16. The proposed removal of compulsory training, which provides skills that will not be utilised by all those required to undertake it, will provide more freedom and flexibility to choose training requirements best suited to the needs of each individual and therefore the change is likely to have a positive impact. This is because it will save the costs involved in undertaking training which may be unnecessary and enables individuals who would like to develop management skills to identify appropriate training to meet their needs.