

# **Authorisation and monitoring activity**

**September 2015–August 2016**

## Contents

<b>Introduction and overview of 2015–16</b> .....	<b>3</b>
<b>Executive summary</b> .....	<b>4</b>
<b>The routes to qualification</b> .....	<b>5</b>
Numbers admitted by route.....	5
Providers of legal education and training .....	6
<b>SRA Monitoring</b> .....	<b>7</b>
LPC results by provider.....	8
LPC results by gender .....	10
LPC results by ethnicity .....	11
LPC results by disability.....	12
<b>Annual Course Monitoring Reports – narratives</b> .....	<b>13</b>
CPE results by provider .....	15
CPE results by gender.....	16
CPE results by ethnicity.....	17
CPE results by disability .....	18
<b>Training</b> .....	<b>19</b>
Training contracts registered.....	19
Qualified lawyer transfer scheme results data.....	22
Equivalent means applications.....	23

# Introduction and overview of 2015–16

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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. Education and training requirements are a key regulatory tool to protect consumers of legal services. The purpose of this report is to tell our stakeholders about the outcomes of our quality assurance activity in relation to education and training. Unless otherwise stated, it relates to the period 1 September 2015 to 31 August 2016.
2. We continue to develop a new, national Solicitors Qualifying Examination (SQE). Following extensive consultation, our Board approved proposals to introduce the SQE in April 2017.
3. In June 2017, we consulted on draft regulations for the new route to qualification and proposals for admitting qualified lawyers. In autumn 2017, we consulted on the transition between the current routes to qualification (described in this report) and the new arrangements for the SQE.
4. The SQE will be introduced at earliest in autumn 2020. In the meantime, we continue to monitor education and training requirements under our current regulations (Training Regulations 2014 and Qualified Solicitors Transfer Regulations 2011).

## Executive summary

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5. The vast majority of those who qualify as solicitors will have completed:
- the academic stage of training - Qualifying Law Degree (QLD) or Common Professional Examination (CPE<sup>1</sup>)
  - the vocational stage of training - the Legal Practice Course (LPC), Period of Recognised Training (PRT) and Professional Skills Course (PSC).

This report analyses the information we receive from the legal course providers that we approve or authorise. It also analyses information we hold as a regulator on the routes through which people have been admitted to the profession.

The key findings for this period are:

6. The overall rates for successfully completing the LPC and the CPE remain fairly constant for students. But, once again, there appear to be significant differences in the rates between providers.
7. In addition to the differences in rates between providers, there are significant differences between providers in the proportion of students who achieve pass, commendation or distinction grades.
8. Data indicates that students from ethnic groups other than white 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 of those undertaking PRTs is less comprehensive because 87% of training contracts registered for the period 2015–16 indicated ethnic background as “unknown”.

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<sup>1</sup> The CPE is also known as the Graduate Diploma in Law (GDL). In this report, we refer to it as the CPE throughout.

# 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

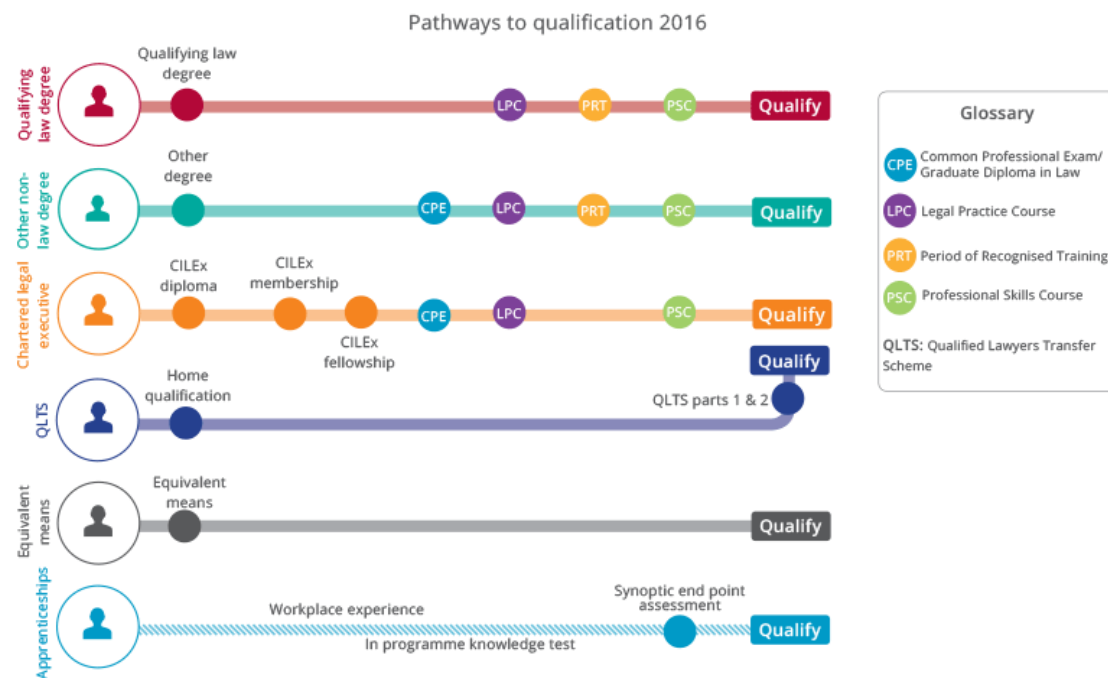


Figure 2: Numbers admitted to the roll by route

Route	Number
LPC	5,519
QLTS <sup>2</sup>	551
Chartered Legal Executive	244
QLTT <sup>3</sup>	32
Other	45
Total	6,391

Key findings from this period are:

- Some 6,391 solicitors were admitted.
- Approximately 86% of those admitted followed the route to qualification as set out in the SRA Training Regulations 2014 (completion of the academic and vocational stages of training).
- The Qualified Lawyer Transfer Test (QLTT) and Qualified Lawyers Transfer Scheme (QLTS) account for just over 9% of those admitted.

## Providers of legal education and training

12. Providers ranged from universities that offer only the QLD to those who offer a full range of pre and post-qualification courses. In 2015–16, all pre-qualification education took place in providers that are also subject to regulation by the Quality Assurance Agency for Higher Education (QAA). The PRT takes place in firms and organisations that we authorise to provide training. Two university providers offer their courses across a number of locations. Six universities offer a programme that combines the QLD and the LPC (the exempting degree).

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<sup>2</sup> The QLTT and QLTS assessments represent the qualification route taken by barristers of England and Wales and lawyers qualified in other jurisdictions who wish to qualify as solicitors of England and Wales.<sup>2</sup>

<sup>3</sup> 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 required to be a solicitor. Candidates who have completed the QLTT may still apply for admission, however, as there may be a significant delay between passing the assessment and applying for admission.

## SRA Monitoring

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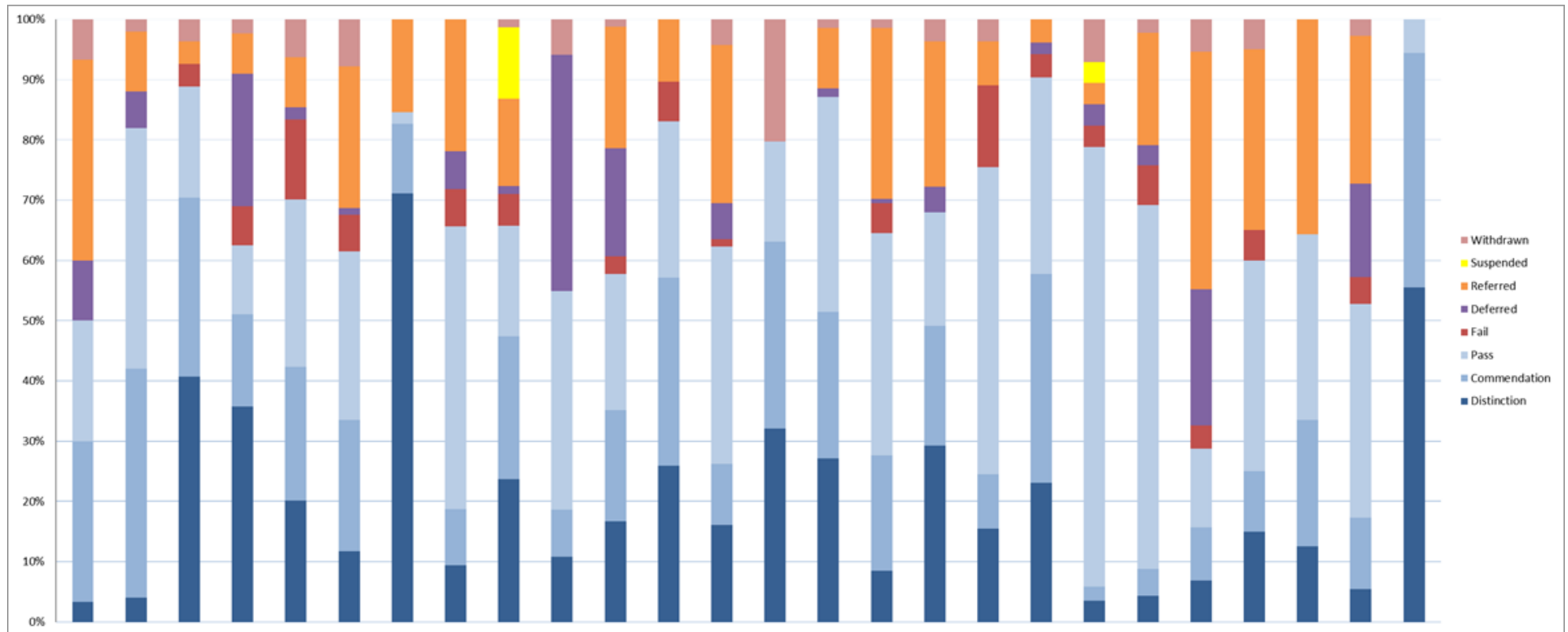
13. We focus on the two professional qualifications within the framework when monitoring the quality and standards of education and training. These are the CPE (for which the academic award is often a post-graduate diploma in law, the GDL) and the LPC. For the CPE and the LPC, our monitoring involves initial approval (CPE) or authorisation (LPC) and we ask each provider to submit an annual course monitoring report. Under the SRA Training Regulations 2014, we approve CPE course providers and authorise LPC providers to deliver the respective programmes. Our main quality assurance mechanism is to ask providers to submit data and narrative reports (collectively called the Annual Course Monitoring Report). Where the Annual Course Monitoring Report discloses issues, we have the power to make a monitoring visit to a provider.
14. These annual course monitoring reports, which are analysed below, indicate that, overall, 6,961 (65% of enrolled students) successfully completed the LPC and 3.22% failed the LPC in this period. The remaining students were either withdrawn or suspended, or were referred or deferred from their assessments.<sup>4</sup>

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<sup>4</sup> In this context "referred" means students who have failed one or more assessments and may re-sit, and "deferred" means students who have postponed their assessments (eg because of exceptional circumstances such as illness or bereavement).

## LPC results by provider

Figure 3: LPC results by provider. Each column represents an individual provider.



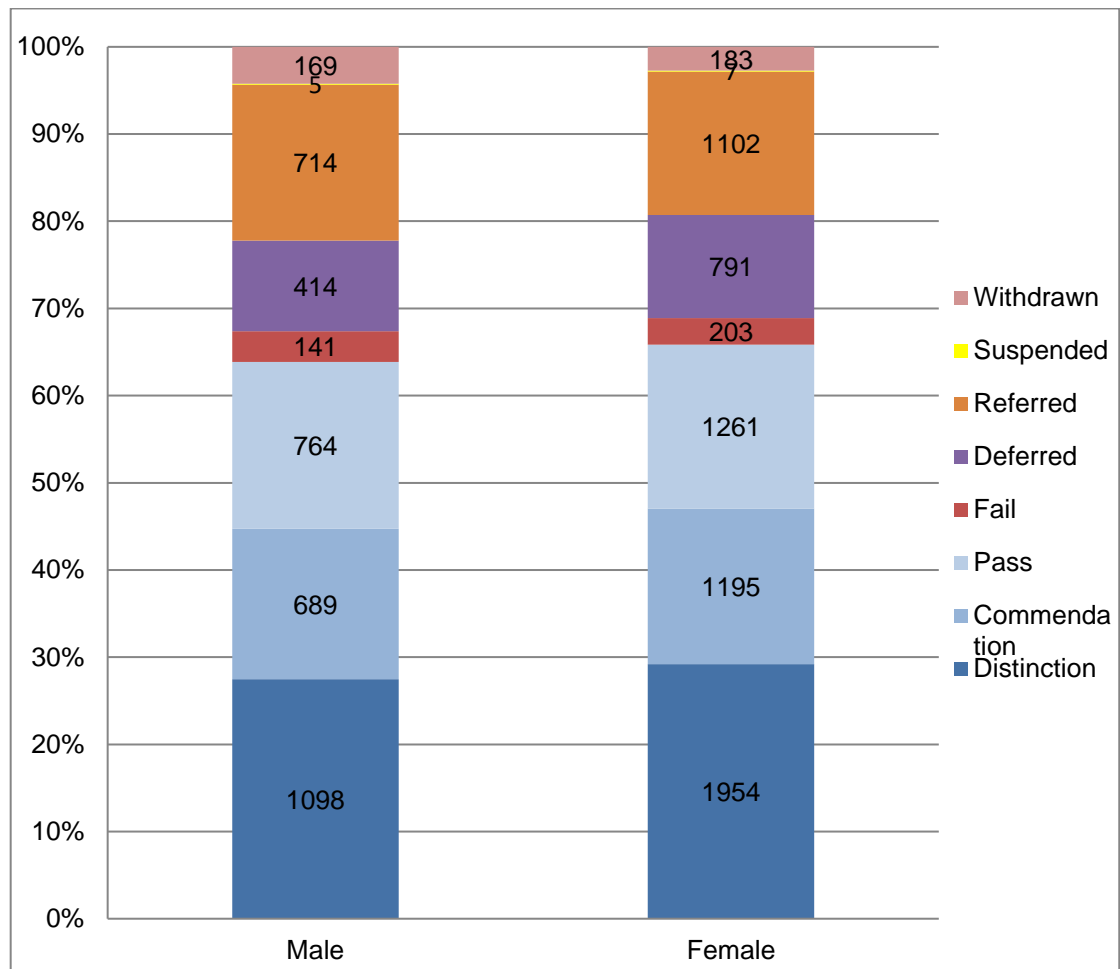


15. Successful completion rates by provider vary from below 30% to 100%. In addition to variation in completion rates, there is significant variation between providers in terms of the proportion of students obtaining pass, commendation and distinction grades.
  
16. It is unclear what the reasons are for such a wide disparity in performance. There are very large differences in the size of the different providers. Groups range from 18 to many thousands of students, spread over different centres. Eight providers had fewer than 50 students. The largest providers, BPP University and the University of Law, offer the LPC across different locations. Between them, they shared 78% (8,332) of the total number of students enrolled to take assessments (76% in 2014/15). 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. These are some of the reasons why we are introducing the SQE.

## LPC results by gender

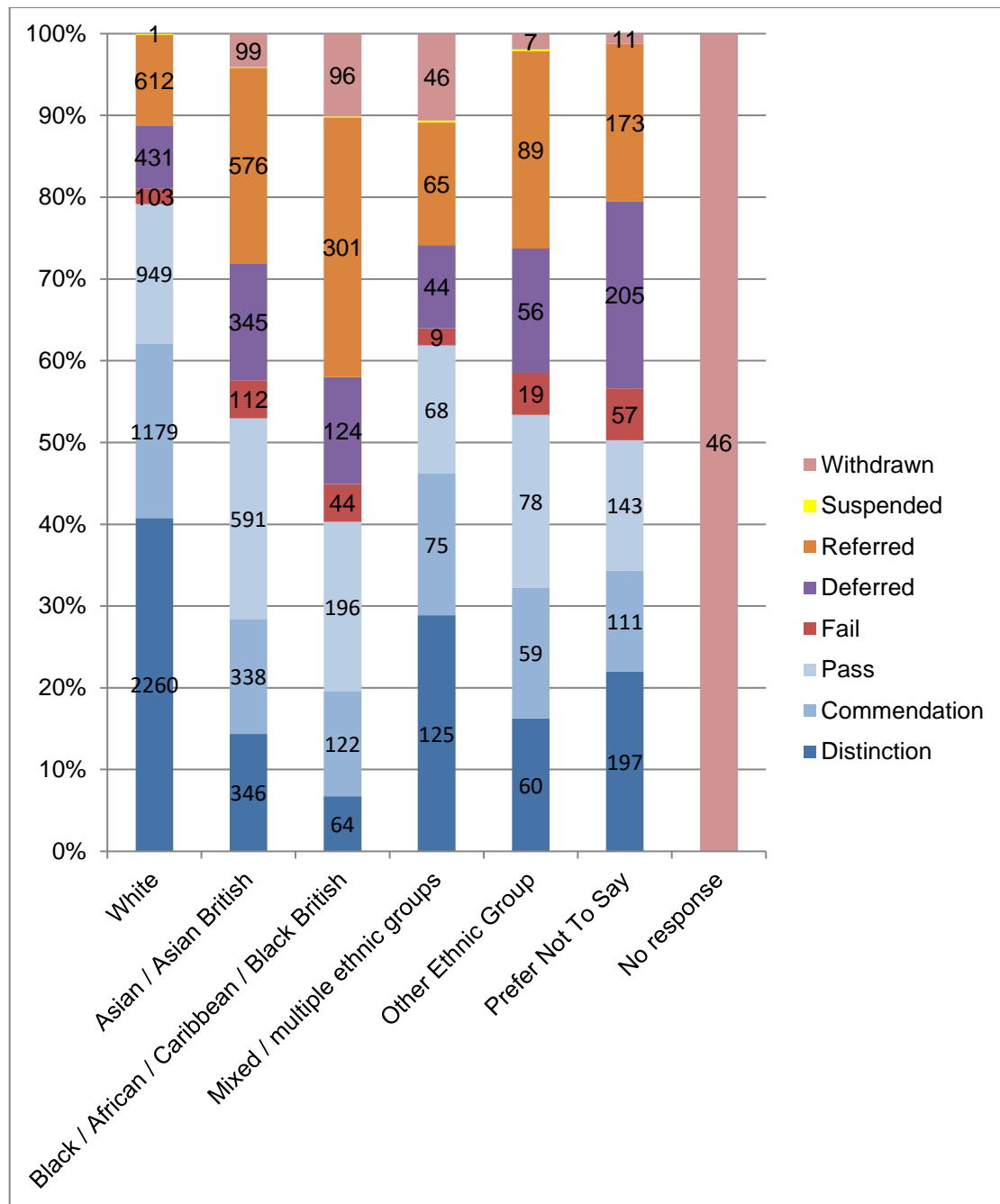
17. Some 63% of students in this cohort were female and 37% were male. There is little difference in performance on the LPC by gender – more than 60% of both male and female candidates successfully completed the LPC. Female students achieved a higher proportion of distinctions but similar rates of both pass and commendation grades.

Figure 4: LPC Results by gender



# LPC results by ethnicity

Figure 5: LPC results by ethnicity

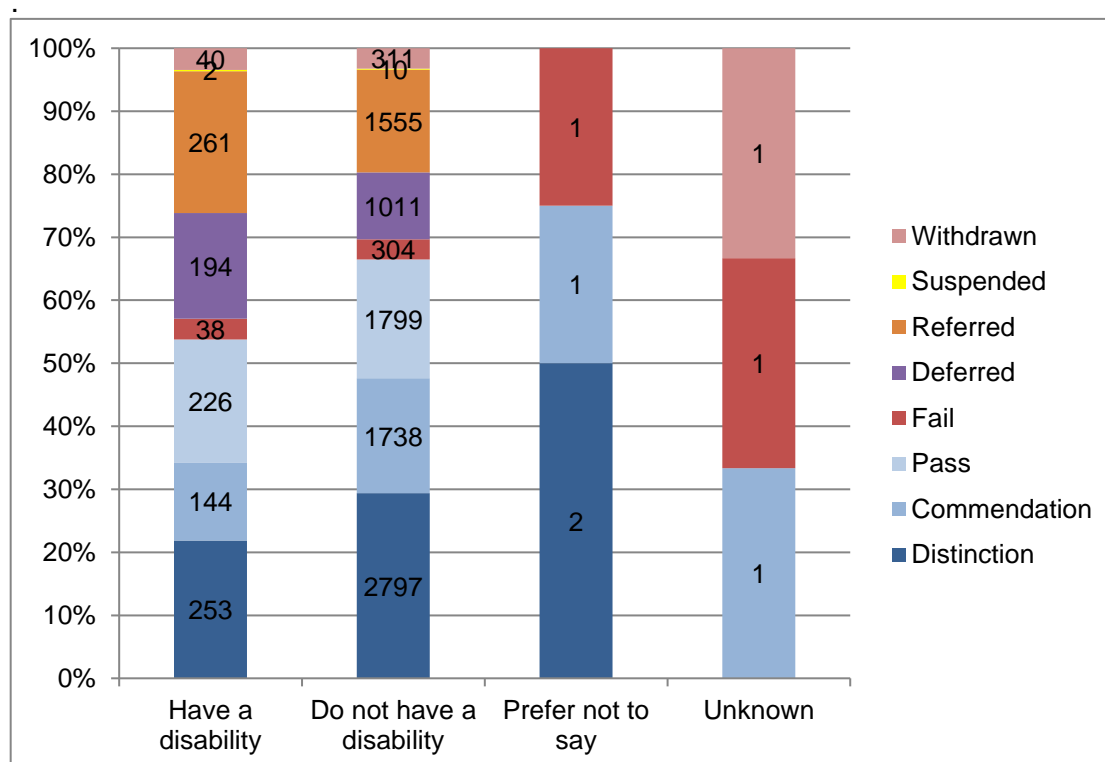


18. 22% of students identified themselves as Asian/Asian British, approximately 9% as Black/African/Caribbean/Black British and approximately 4% as mixed/multiple ethnic groups.
19. The table indicates that students from these ethnic backgrounds are less likely to pass the LPC and are more likely to fail or be referred or deferred in their assessments. Almost 80% of white students successfully completed the LPC in

the period in comparison with approximately 52% of Asian/Asian British students and 40% of black students. The table indicates both higher “fail” rates among these groups, but also significantly higher rates of both referral and deferral.

## LPC results by disability

Figure 6: LPC results by disability



20. Figure 6 illustrates comparative performance on the LPC of students with disabilities. Approximately 11% of students identified themselves as having a disability, compared with 11% last year. The responsibility for making reasonable adjustments for students with disabilities is a matter for the LPC provider, although in some cases it may seek guidance from us as to whether the proposals for reasonable adjustments are acceptable.
21. The table also shows that students who have disabilities are more likely than their colleagues who do not have disabilities to be referred or deferred in their assessments. However, by the time they have completed all assessments, there is little difference between the two groups in terms of the failure rate, which appears to be similar for both groups.

# Annual Course Monitoring Reports – narratives

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22. All LPC providers must provide us with a narrative annual report on the 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 examiner 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. For 2015-16, providers are not required to provide the full external examiners' reports to us.
23. Although we prescribe a template for the narrative report, there are nevertheless differences in the amount of information provided by different providers.
24. The external examiners were 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.
25. Some areas of concern identified were:
  - volume of reading for students
  - lower than expected performance
  - administrative errors
  - communication issues.
26. Some providers commented on the difficulty of recruiting students and falling numbers. The LPC programme has been withdrawn for 2016 at the University of Hertfordshire. The university made this decision due to the forthcoming introduction of the SQE and a decision to incorporate the LPC stage 1 outcomes into its undergraduate degree programme.<sup>5</sup>
27. At one institution, we identified from the narrative report that overall mark uplifts had been applied to assessment results for two of the three core modules. The justification for this step was that the results were inconsistent with previous years' performance and also with performance in the third core module. We

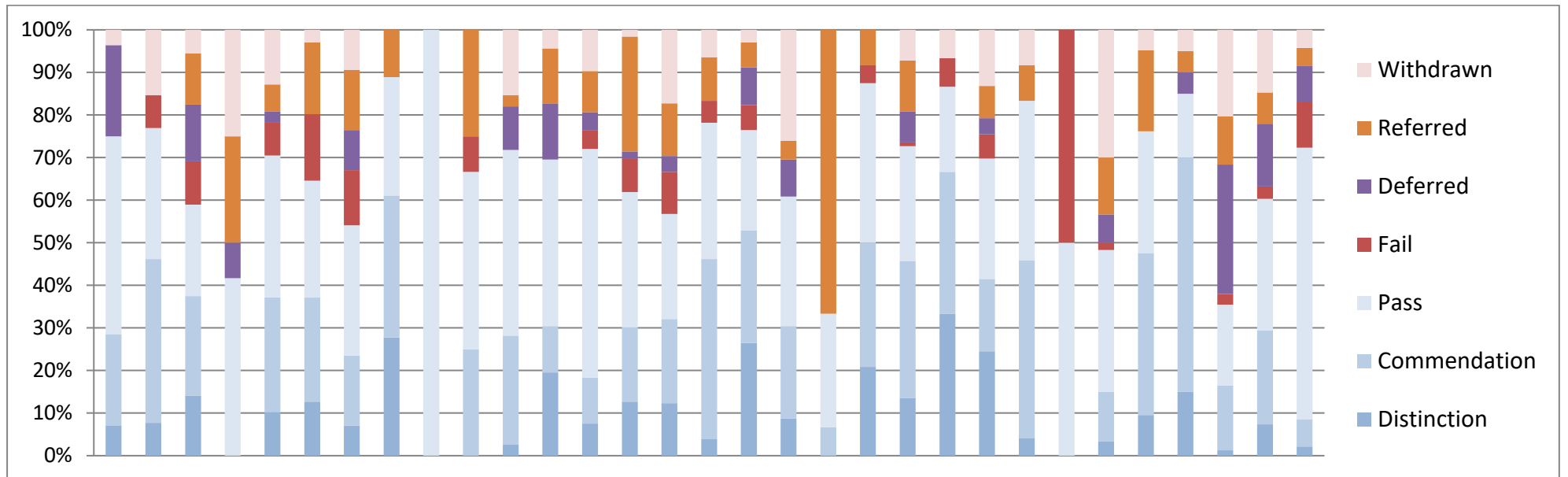
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<sup>5</sup> The University has since indicated its intention to re-introduce the LPC from September 2018.

investigated this extensively with the provider concerned and are satisfied that there was no risk to LPC standards in this instance. However, it is regrettable that overall mark uplifts were necessary. Providers are reminded that, where mark adjustments are necessary, they should be made following prior consultation with external examiners and based on clear statistical evidence.

## CPE results by provider

Figure 7: CPE results by provider. Each column represents an individual provider



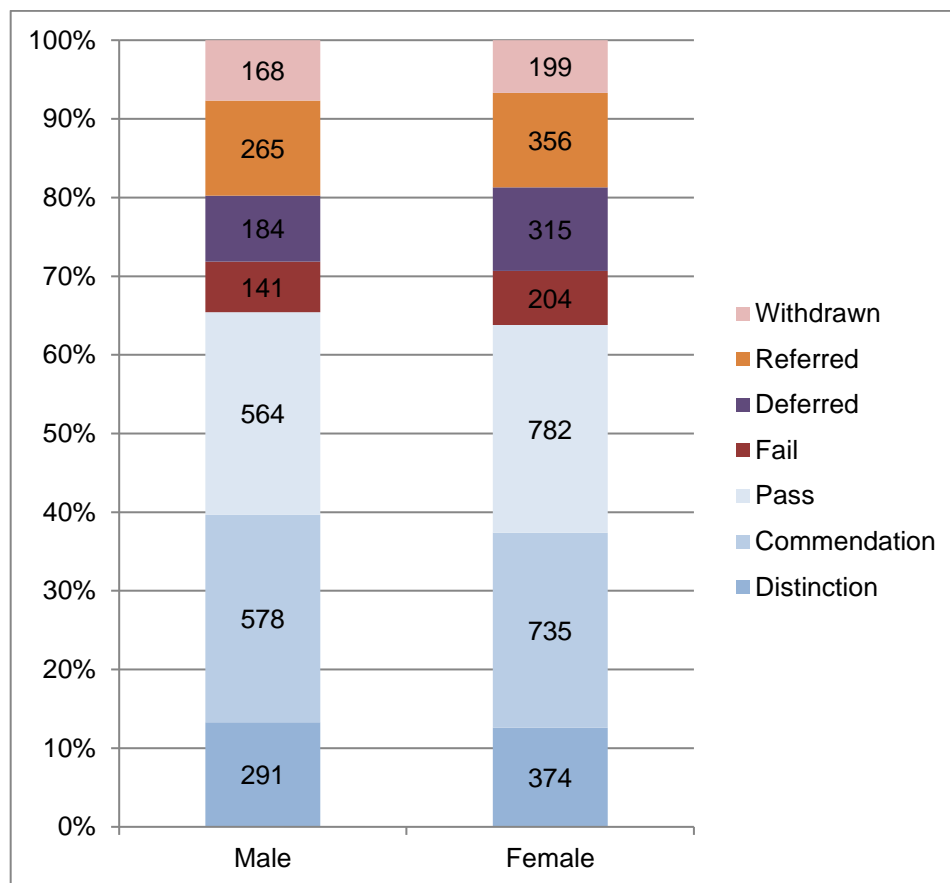
28. Figure 7 shows CPE results. The total number of students who were enrolled and eligible to sit assessments which would enable them to complete the CPE was 4,566 (compared with 4,455 in the previous academic year). This includes full-time students enrolling for the first time in September 2014 (or later), part-time students in their second year of study and students who had referred or deferred assessment attempts. CPE assessment rules permit three attempts at each assessment. Figure 10 indicates overall outcomes for the CPE/. The overall completion rate in 2014–15 was 72%, which is similar to the previous year.
29. As with the LPC, the CPE is offered by a range of providers, all of which are also subject to regulation by QAA. The size of the student cohort varies 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, they account for approximately 67% of student recruitment. The smallest three providers recruited only four, seven and nine students.
30. Rates of successful completion of the CPE by provider shown in figure 7 also vary significantly, from less than 45% 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 proportion of students who obtain a pass, commendation or distinction grade. 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.
31. 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.

## CPE results by gender

32. Figure 8 provides a breakdown of CPE completion rates by gender. These numbers indicate largely consistent performance in the CPE by gender.
33. Of this group, 42% of candidates were male and 58% female.
34. The successful completion rate for male candidates was 65% and for female candidates 64%. The overall successful completion rate was approximately 64%.



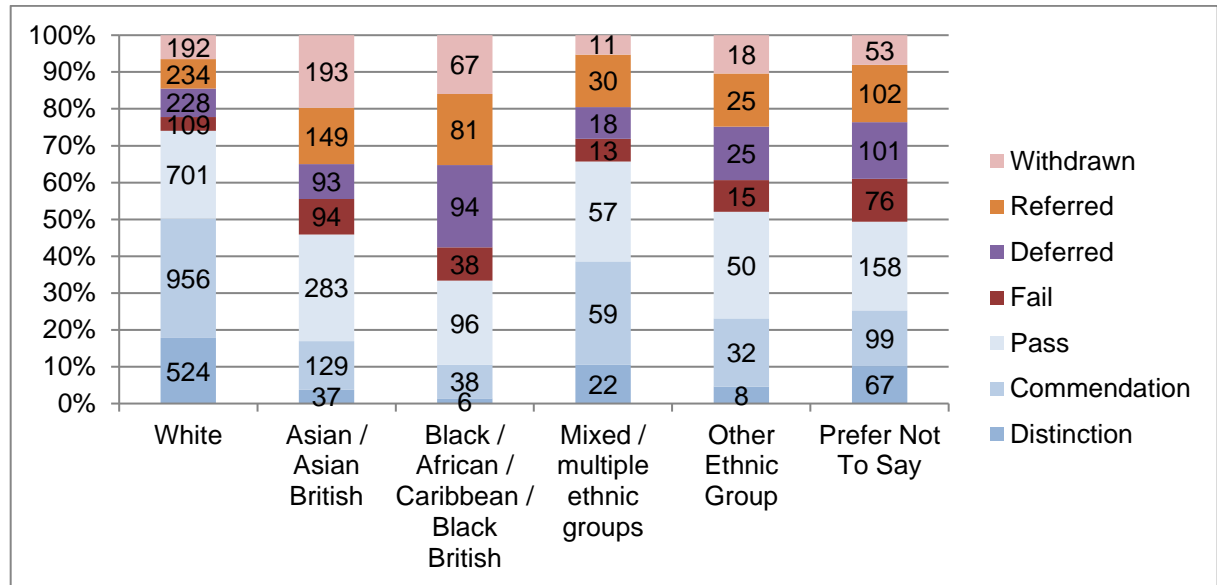
Figure 8: CPE performance by gender



## CPE results by ethnicity

35. Figure 9 shows breakdown of CPE completion rates by ethnicity. As with the LPC, these numbers indicate that students from ethnic groups other than white are less likely to pass the CPE. The numbers also suggest that these groups are more likely to fail or be deferred or referred. The findings appear similar to those evident from the ethnicity analysis of the LPC.
36. White students form approximately 57% of CPE students and have a successful completion rate of 74%. Asian/Asian British students account for 19% of students and have a successful completion rate of 46%. Black (African/Caribbean/Black British) form 8% of students and the successful completion rate is 33%. In addition, where white students are successful, they are much more likely to be awarded commendations or distinctions.

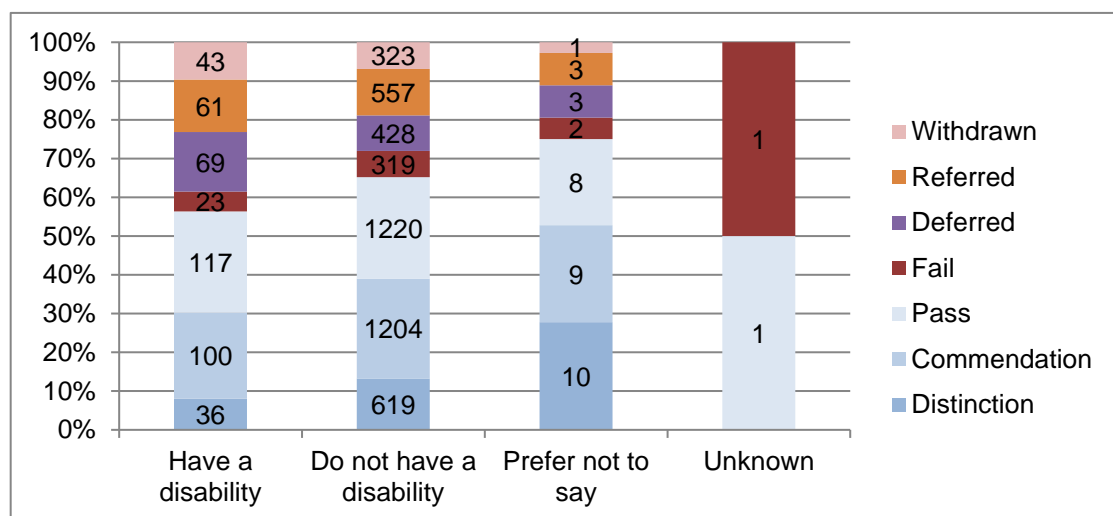
Figure 9: CPE performance by ethnicity



## CPE results by disability

37. Some 9% of students on the CPE declared a disability.
38. The successful completion rate for students declaring a disability was 56% in comparison with 65% for students who did not declare a disability. Students declaring a disability have higher rates of withdrawal from the course, referral for re-sit and deferral of assessment.

Figure 10: CPE performance by disability



# Training

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## Training contracts registered

39. The final stage of the qualification pathway is the requirement to complete a PRT (when trainees will also undertake the PSC). Training will take place in a firm or organisation that we have approved to take in trainees. If the training is carried out on a full-time basis, it will usually be for a period of two years.
40. The tables in figure 14 provide details of the number of training contracts registered with us in the last two periods, 2014/15 and 2015/16.

Figure 11: PRT age breakdown

Age band	2014/15		2015/16	
18–21	31	5%	50	0.8%
22–25	3279	56%	3400	58%
26–30	1893	32%	1813	31%
31–35	368	6%	379	6%
36–40	119	2%	142	2%
41–45	77	1%	62	1%
46–50	37	0.6%	34	0.6%
51–55	20	0.3%	12	0.2%
56–60	5	<0.1%	3	<0.1%
51+	1	<0.1%	1	<0.1%
Not provided	1	<0.1%	13	<0.1%
<b>Total</b>	<b>5831</b>	Figures do not total 100% due to rounding	<b>5909</b>	Figures do not total 100% due to rounding

Figure 12: PRT ethnicity breakdown

Ethnicity	2014/15		2015/16	
Asian	343	6%	228	4%
Black	77	1.3%	47	0.8%
Chinese	21	0.4%	14	0.2%
Mixed	49	0.8%	42	0.7%
White	832	14%	451	8%
Other	24	0.4%	12	0.2%
Unknown	4494	77%	5115	87%
<b>Total</b>	<b>5831</b>	<b>Figures do not total 100% due to rounding</b>	<b>5909</b>	<b>Figures do not total 100% due to rounding</b>

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

Figure 13: PRT Disability breakdown

<b>Disability</b>	<b>2014/15</b>	<b>2015/16</b>
Physical	<b>0</b>	<b>2</b>
Mental	<b>0</b>	<b>0</b>
Learning	<b>4</b>	<b>3</b>
Sensory	<b>0</b>	<b>0</b>
Hearing	<b>1</b>	<b>2</b>
Visual	<b>1</b>	<b>0</b>
Long-standing illness	<b>2</b>	<b>1</b>
Other	<b>2</b>	<b>0</b>
<b>Total</b>	<b>10</b>	<b>8</b>

Figure 14: PRT Gender breakdown

<b>Gender</b>	<b>2014/15</b>		<b>2015/16</b>	
Female	3,669	63%	3,685	62%
Male	2,162	37%	2,224	38%

41. This data indicates that firms and organisations are recruiting more female than male trainees. This does roughly correlate to the proportion of students undertaking the LPC in 2015–16, which was 63% female and 37% male. (Those being recruited as trainees in this period are likely to have completed the LPC in previous years.)
42. However, we have an incomplete picture of the ethnicity of trainees: a high percentage of trainees registering with us did not disclose their ethnicity. Figure 12 indicates that for 87% of trainees their ethnicity is recorded as ‘unknown’. This is a gap in our understanding of our trainee solicitor population and the progression of students from university into workplace learning.

43. The number of LPC graduates who disclosed a disability and who secured a training contract in these periods is less than 1% of the total number of trainees registered in each period. Figure 8 shows that in 2015/6, 11% of LPC graduates had disclosed a disability. Although the trainees captured in the numbers in figure 14 will be a different group of students from those captured in figure 8, the numbers indicate one of two things. Either students with disabilities are less successful in obtaining training contracts than those who do not have a disability, or they do not disclose their disability when starting a PRT.

## Qualified lawyer transfer scheme results data

Figure 15: QLTS results data (calendar year 2016)

Assessment	Number of candidates attempting whole assessment	Pass rate in percentages from relevant total number (N) of candidates									
		Gender			Ethnic group			First Language English		Candidates declaring a disability	
		M	F	NS <sup>6</sup>	BME	White	NS	Yes	No	Yes	No
<b>MCT<sup>7</sup></b>	1,472	55.6% (700)	56.8% (759)	13	44.4% (601)	65.2% (653)	218	62.6% (716)	50.3% (756)	53.8% (13)	56.3% (1,459)
<b>OSCE<sup>8</sup></b>	755	70.8% (367)	70.5% (380)	8	59.5% (257)	75.7% (382)	116	79.6% (416)	59.9% (339)	68.8% (16)	70.8% (739)

44. Some 551 barristers and lawyers qualified via this route. Eligibility to seek admission via QLTS requires an individual to be a qualified lawyer in a jurisdiction that we recognise and to complete the QLTS assessments. The QLTS assessments test an individual's competence to be a solicitor by way of multiple choice testing (MCT) of legal knowledge, and skills-based

<sup>6</sup> Not stated (NS)

<sup>7</sup> Multiple choice testing (MCT)

<sup>8</sup> Objective structured clinical examination (OSCE)

assessments, called objective structured clinical examination (OSCE). Candidates must pass the MCT (stage 1) before being able to progress to the OSCE (stage 2).

45. The information in figure 15 is for the period January 2016 to December 2016. Candidates from 84 jurisdictions undertook a QLTS assessment in 2016. We currently recognise more than 170 jurisdictions, which include, as separate jurisdictions, the states of America and territories of Canada. Some 55.6% of male candidates and 56.8% of female candidates who presented for stage 1 MCT assessment in this period were successful and eligible to progress to stage 2. The pass rate for the OSCE was 70.8% for male candidates and 70.5% for female candidates. Pass rates by gender, ethnicity and first language are shown in figure 15. Fewer than 20 candidates disclosed a disability.
46. The results indicate that the pass rate on the MCT for white students is 65.2%, whereas for black and minority ethnic students it is 44.4% (a difference of 20.8%). Kaplan QLTS also record information about the first language of candidates. The pass rate on the MCT for students for whom English is their first language is 62.6%, whereas for those for do not have English as a first language the pass rate is 50.3%. While this does demonstrate differences in performance by declared ethnicity, the difference is much lower than on the LPC.
47. Once students have passed the MCT, however, the discrepancy in performance by ethnic group reduces in the OSCE. The pass rate is 75.7% for white students, 59.5% for black and minority ethnic students (a difference of 16.2%). The pass rate in the OSCE is 79.6% for those whose first language is English and 59.9% for those whose first language is not English.

## Equivalent means applications

48. Since the introduction of the SRA Training Regulations 2014, it has been possible for applicants to satisfy any of the requirements of the academic or vocational stages of training by way of an equivalent means application.
49. The Training Regulations provide that an applicant can ask us to recognise that they have met the requirements of either the academic or the vocational stage of training by “equivalent means”.
50. We may recognise prior learning and grant exemptions where:
  - the level, standard, volume and content of prior learning achieved is equivalent to all or part of a stage of education and training
  - there is relevant, sufficient and adequate evidence of such achievement.

51. We may also grant exemptions based on prior experiential learning. The key principle here is that we will recognise the achievement of learning and outcomes and not simply evidence that an applicant has had experience of doing something.
52. Although numbers are still relatively low, they have been steadily increasing. Figure 16 shows that we have now recognised 149 individuals' workplace experience and/or other qualifications as equivalent to a formal training contract.
53. Figure 16 shows the number of equivalent means applications for the period from 1 July 2014 to 30 June 2017. Following a successful equivalent means application, an individual may apply to us for admission as a solicitor in the normal way.

Figure 16: Number of equivalent means applications July 2014–June 2017

<b>Applications from 1 July 2014 to 30 June 2017</b>	<b>Received</b>	<b>Granted</b>	<b>Refused</b>	<b>Withdrawn</b>	<b>Work in progress</b>
CPE	165	85	43	29	8
CPE for non-graduates	50	34	5	10	1
LPC	23	10 in total: 1 Stage 1 5 Stage 2 4 Stages 1 and 2	3	6	4
PRT	243	149	28	36	30
PSC	14	4	1	7	2
Morgenbesser	11	2 (equivalence to academic stage only)	3	4	2