



Response to the first Solicitors Qualifying Examination 1 (SQE1) assessment results

About us

1. Young Legal Aid Lawyers (YLAL) is a group of lawyers who are committed to practicing in those areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members include students, paralegals, trainee solicitors, pupil barristers and qualified lawyers based throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interest of the vulnerable in society and upholding the rule of law.
2. This is our response to the first Solicitors Qualifying Examination 1 (SQE1) assessment results.

The SQE1

3. The Solicitors Regulatory Authority (SRA) describes the SQE as a single rigorous assessment for all aspiring solicitors consisting of two parts: SQE1, which tests candidates' functioning legal knowledge and SQE2 which tests candidates' practical legal skills.¹
4. SQE1 is made up Functioning Legal Knowledge 1 (FLK1) and Functioning Legal Knowledge 2 (FLK2).

The first SQE1 results

5. 1,073 candidates sat both parts of the first ever SQE1 assessment in November 2021. The results show that just 53% of candidates passed this first sitting of the super exam.

¹ https://sqa.sra.org.uk/docs/default-source/pdfs/reports/sqe1-november-2021-statistical-report.pdf?sfvrsn=8792d39d_2

6. 65% of white candidates passed compared to 44% of Black, Asian and minority ethnic group candidates.²
7. The SQE1 November 2021 Statistical Report breaks down the pass rates by ethnic groups as follows:³
 - a. 43% for Asian/Asian British candidates
 - b. 39% for Black/Black British candidates
 - c. 58% for Mixed / Multiple Ethnic Group candidates
 - d. 41% for Other Ethnic Group candidates
8. These pass rates are based on the responses provided by candidates in the online diversity survey completed ahead of registering for the assessment.

The SRA's response to the first SQE1 results

9. In a statement released on 21 January 2022 the SRA stated that “*all the analysis shows that this assessment is fair, reliable and valid*”.⁴
10. The SQE Independent Reviewer, Geoff Coombe, confirmed that “the initial SQE1 exam appears to have successfully delivered valid fair, reliable and defensible outcomes. Each of the stages of preparation; delivery and processing outcomes for the exam demonstrated significant evidence of good practice. The operational and logistical processes to set up and deliver the exam proved effective.”⁵
11. The Independent Reviewer has also confirmed that the activities in place to prevent potential unfairness “*appear appropriate to assure that all demographic groups are treated fairly and equally in the assessment process*”.⁶
12. Anna Bradley, Chair of the SRA Board, commented “*The results show that there was no significant difference between the performance of candidates on a range of diversity characteristics. There was however the expected difference in performance by ethnicity. White candidates generally performed better than*

² <https://www.sra.org.uk/sra/news/press/results-sqe1-assessment/>

³ https://sqa.sra.org.uk/docs/default-source/pdfs/reports/sqe1-november-2021-statistical-report.pdf?sfvrsn=8792d39d_2

⁴ <https://www.sra.org.uk/sra/news/press/results-sqe1-assessment/>

⁵ <https://www.sra.org.uk/SQE1result-reviewer-report>

⁶ <https://www.sra.org.uk/SQE1result-reviewer-report>

candidates from Black, Asian and minority ethnic groups: 65 per cent of white candidates passed compared to 44 per cent of Black, Asian and minority ethnic groups.”⁷

13. Anna Bradley went on to say “*We anticipated that we would again see the troubling difference in performance for candidates from Black, Asian and minority ethnic groups that has been a longstanding and widespread feature in examinations in the legal and other sectors. We know the reasons will be complex and, as well as ongoing review and analysis, we have appointed Exeter University to carry out in-depth research to better understand the factors driving the attainment gap for these groups in professional assessments, so that we can do everything we can to address the issues.*”⁸

Ethnic group attainment gap

14. YLAL questions how the SRA can describe the SQE1 as “fair, reliable and valid” when the first SQE1 assessment results reveal a problematic ethnic group attainment gap.
15. This ethnic group attainment gap was entirely foreseeable given the SQE initial pilot studies found that white candidates generally performed better than Black, Asian and minority ethnic candidates in Functional Legal Knowledge and skills assessments proposed to form the basis of SQE1.
16. Following the SQE initial pilot studies, the SRA’s Equality, Diversity and Inclusion Risk Assessment, dated May 2020, concluded that there was “no evidence that any of these assessment methods are intrinsically biased or that the outcomes are worse than those seen in the current LPC system”.⁹
17. The SQE was proposed to improve accessibility to and diversity in the legal profession therefore it is not acceptable for the SQE to simply be no worse than the LPC in terms of ethnic and racial bias.
18. YLAL is deeply concerned that the SRA has failed to take effective action to address the ethnic group attainment gap since the SQE initial pilot studies. While

⁷ <https://www.sra.org.uk/sra/news/press/results-sqe1-assessment/>

⁸ <https://www.sra.org.uk/sra/news/press/results-sqe1-assessment/>

⁹ <https://www.sra.org.uk/globalassets/documents/sra/equality-diversity/sqe-edi-risk-assessment-may-2020.pdf?version=49f457>

we welcome that the SRA has commissioned in-depth research to better understand the factors driving the ethnic group attainment gap, we consider this to be too little too late.

19. YLAL is also concerned about the disproportionate impact the prohibitively expensive cost of sitting the SQE exams and undertaking the SQE preparatory courses will have on Black, Asian and minority ethnic aspiring legal aid lawyers.

Conclusion

20. We implore the SRA, as our regulator, to take urgent and decisive action to address the concerning ethnic group attainment gap in SQE assessments.

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21 March 2022

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Solicitors Qualifying Exam

