



Response to the Solicitors Regulation Authority (SRA) Consultation on the SQE1 Pilot

About us

1. Young Legal Aid Lawyers (YLAL) is a group of lawyers who are committed to practising 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 junior lawyers based throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interests of the vulnerable in society and upholding the rule of law.
2. This is our response to the Solicitors Regulation Authority (SRA) Consultation on the SQE1 Pilot. This consultation concerns a number of issues, including the removal of Legal Aid subjects, training, social mobility and accessibility.

Removal of legal aid subjects

3. YLAL is concerned that the streamlining of comprehensive legal knowledge previously taught via a qualifying law degree and the more specialised knowledge on individual areas of law taught within the legal practice course effectively removes many areas of law, which either are or were traditionally, funded by legal aid.
4. By reducing the knowledge requirements of the SQE to only the core modules, the traditionally legal aid areas of practice are removed from scope.
5. We note that some elements of the LPC knowledge based training have been incorporated into SQE1 – for example, business law and practice and property law and practice. However, YLAL is concerned that key areas of social welfare law do not appear. Previous LPC courses have consistently included modules on advanced criminal litigation, employment, family, housing, immigration and personal injury and clinical negligence. If the sub-contracting of commercial leases should be on the curriculum, why not social housing?
6. The failure to include these areas of law on the syllabus for SQE will exacerbate the existing sustainability crisis in publicly funded work. Social justice lawyers will not be equipped with the skills and knowledge that are necessary to enter into these areas of law. Inevitably, interest in these areas will decrease if students are not provided with opportunities to study these areas of law.
7. YLAL is pleased to note that eligibility for legal aid in criminal and civil proceedings is included as a funding option of which SQE1 examinees must be aware. But this is simply not sufficient to train future generations of legal aid lawyers.

8. YLAL believes that legally aided work should be treated as a core area of which all solicitors should have knowledge, regardless of their eventual area of specialism. It is important for all solicitors, whether they will end up acting for a claimant or a respondent, to understand how the right to legal aid, and the provision of legal aid, fits within the context of our legal system as a whole. The provision of equal access to our justice system regardless of means is a fundamental tenet of the rule of law and an awareness of this creates a better all-round practice.
9. The failure to include these traditionally legal aid subjects will result in a whole generation of lawyers who have not been given the opportunity to study in these essential areas of practice. Those commencing their careers in legal practice will not have the requisite knowledge to start work in these areas. Thus, the onus of providing training previously gained through the process of completing a qualifying law degree and LPC will be shifted to the firms themselves.

Training

10. Legal aid firms do not have the same resources to invest in formal training as larger, more corporate and non-legal aid firms. Thus, the introduction of the SQE will have a disproportionate impact upon smaller firms and those undertaking predominantly legally aided work.
11. This will lead to more disparity between the levels of training provided, due to cost issues. It risks leading to a two-tier system, with corporate firms who are able to buy in specialist trainers in niche areas of law on the one hand, and legal aid firms who are unable to do so, on the other.
12. There will be no solicitors passing the SQE with the requisite legal knowledge in these areas of legal aid, and the issues caused by advice deserts and an ageing profession will be further aggravated. Currently, the average age of criminal duty solicitors across England and Wales is 47¹, and more than half of local authorities in England and Wales do not provide housing legal aid services². The legal aid system is already in crisis. The current system of legal aid is already unsustainable. SQE will add additional pressure to already over-stretched firms.

Social mobility

13. SQE has the potential to create an insurmountable hurdle for those from lower socio-economic backgrounds from being able to access a career in the legal profession. Without any basic knowledge of legally aided areas, it will become more difficult for those starting out in the profession to obtain the experience they need in order to obtain paid work.
14. This will lead to it being more necessary to undertake unpaid work experience, which automatically prevents vast swathes of the population from participating. YLAL discussed this in detail in our Social Mobility Report 2018³. 13.5% of

¹ The Law Society, '[Criminal duty solicitors: a looming crisis](#)', 2018.

² The Law Society, '[End legal aid advice deserts](#)', 2019

³ Young Legal Aid Lawyers, '[Social Mobility in a Time of Austerity](#)', 2018.

respondents described unpaid work experience as a significant barrier to entry into the profession and this is only likely to increase with the introduction of the SQE.

15. YLAL is concerned about the impact of SQE upon social mobility and access to the profession. YLAL is concerned regarding the funding of the SQE preparation courses. Whilst large commercial law firms will inevitably provide sponsorship for their future lawyers, high street and legal aid firms are unlikely to be able to offer the same. This introduces another postgraduate qualification for which student finance may not be available. This restricts training to those with independent means, or requires students to take out large, high interest, education loans which will be almost impossible to repay on a legal aid salary without financial support from elsewhere.

Accessibility

16. YLAL would like to express its concern regarding the format of the SQE exam. We encourage the SRA to detail what reasonable adjustments can be made for disabled students. We consider that the requirement to answer a large number of MCQs could put disabled students at a significant disadvantage, even with the provision of reasonable adjustments.

Conclusion

17. YLAL implores the SRA, as our regulator, to consider the wider implications of SQE – in respect of social mobility, social justice law, and legal aid as a fundamental principle of our justice system – as part of both the analysis and development of the SQE1 specification; and the SQE as a whole.
18. We note that the SRA's regulatory objectives include improving access to justice and encouraging an independent, strong, diverse and effective legal profession⁴. We ask that the SRA keeps these objectives in mind when considering this response, its approach to the SQE and the impact of the SQE on future generations of legal aid lawyers and therefore the ability of the public to access justice.

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⁴ Section 1 of the Legal Services Act 2007