

SOLICITORS REGULATION AUTHORITY
Minutes of the SRA Board meeting
**held on 19 March 2024 at 08.30 at the Hotel du Vin, Magdalen Street, Exeter, EX2
4HY**

Subject to final approval by the SRA Board at its meeting on 14 May 2024

Present: Anna Bradley (Chair) (items 1 to 7)
Claire Bassett (items 1 to 7)
Ann Harrison
Paul Loft
Rob McWilliam
Vikas Shah
Liz Smart
Selina Ullah (for item 8)
Nicola Williams

In attendance: Paul Philip, Aileen Armstrong, Juliet Oliver, Liz Rosser, Patrick
Bolster Alex Magloire, Julie Swan, Dominic Tambling

1 WELCOME AND APOLOGIES

1.1 The Chair welcomed everyone to the meeting. Apologies had been received from Lisa Mayhew.

2 MINUTES OF THE PREVIOUS MEETING ON 23 JANUARY 2024

2.1 The minutes of the meeting on 23 January 2024 were approved as a true and accurate record.

3 MATTERS ARISING AND DECLARATIONS OF INTEREST

3.1 The Board received an update on progress against the planned actions and targets relating to the programme of continuous improvement on investigation and enforcement processes. The Board discussed the suitability of the stretch target to close 70% of investigations within 10 months from assessment noting that progress towards meeting this was not as strong as for our other targets. The Board wanted to understand how close we were to this target and so asked to see the position in relation to 11 or 12 months. There were no other matters arising and all actions due were completed or in hand.

3.2 Interests were as previously declared and available to view on the SRA website. Members would declare any additional particular interest in an individual item if necessary.

4 CHAIR'S UPDATE

4.1 The Chair thanked Board members for their participation in a workshop session the previous afternoon which had included a first look at our business plan and budget for 2024-25 and early consideration of some education and training matters.

- 4.2 The Board was updated on work relating to the SSB Group, a firm which had closed and whose previous clients were being pursued to pay adverse legal costs in relation to their discontinued cavity wall insulation litigation claims. The Board heard that we were looking into the issues and that the Chief Executive had written to other organisations about after the event insurance to understand if there was a wider issue. The Board asked to be kept up to date with developments.
- 4.3 The Board also received an update from the Chair of the Audit and Risk Committee (ARC), Paul Loft, on its recent meeting which had looked at audit arrangements, including those now in place for the Solicitors Indemnity Fund, and presentation of accounts, as well as supplier risks. The Board Chair noted that Paul Loft would now be handing over the chair of ARC to Rob McWilliam and thanked Paul for all that he had done as ARC Chair over a number of years.
- 4.4 Finally, the Chair updated the Board on her engagements since the last Board meeting, including a number of meetings with colleagues at the Law Society and Legal Services Board.

5 REPORT ON THE SECOND FULL YEAR OF THE SOLICITORS QUALIFYING EXAMINATION (SQE)

- 5.1 The Board was asked to consider an update on the second year of the delivery of the Solicitors Qualifying Examination. A number of reports which would be published in early April had been made available to the Board: Kaplan's annual report; the annual report of the Independent Reviewer; our quality assurance report; the responses to a survey on experiences of Qualifying Work Experience (QWE); and an updated Equality Impact Assessment.
- 5.2 The Board was joined by Kaplan's UK and Ireland Chair, Peter Houillon, and its Director of Qualifications, Zoe Robinson, who presented key aspects from its work in delivering the assessment in 2022/23. The Board thanked Kaplan for the constructive relationship that had existed throughout the year and which had contributed a great deal to the successful delivery of the SQE.
- 5.3 Topics covered in discussion included key risks that needed to be monitored in the coming year, including providing assessments for varying numbers of candidates and provision for reasonable adjustments. The Board expressed its disappointment that there was still no spellcheck facility for the assessments and asked Kaplan to explore further with Pearson Vue.
- 5.4 In response to questions from Board members Kaplan set out the plans that were in place to manage significant increases in candidate numbers, including the recruitment of an increasing number of assessors. Kaplan also confirmed that a business continuity plan, regularly reviewed with the SRA, was in place to mitigate the impact of any major incidents. Board members also explored Kaplan's arrangements for maintaining the security and integrity of the assessments.
- 5.5 The Board asked Kaplan about how it collected and responded to candidate feedback. It was noted that positive responses to questions put to candidates were

increasing over time, though the Board suggested that Kaplan should look again at how it might increase the response rate from candidates.

- 5.6 The Board also noted that its Audit and Risk Committee had been considering supplier risk and given the scale of our relationship with Kaplan, further assurance that Kaplan and its test centre provider were keeping risks under review was sought. The Board also noted the intention to conduct an audit of the operation of the Kaplan contract now that arrangements had been up and running for a couple of years.
- 5.7 The Board thanked Kaplan for its time and work and looked forward to a continued close working relationship.
- 5.8 The Board also considered the SQE fees for 2024/25. It was noted that, in addition to the annual increase to reflect inflation, fees were due to increase from 2024/2025 to cover additional costs of delivering the assessments in Welsh. The Board considered feedback suggesting that the delivery of SQE courses taught in Welsh would stimulate demand for assessments in Welsh. But unless and until such provision was available, very few candidates were likely to make this assessment choice.
- 5.9 The Board considered the most efficient and proportionate way to fulfil the commitment to make both SQE1 and SQE2 available in Welsh as translation and provision in two languages increases costs. It concluded that, given that candidate numbers were likely to be very low, in order to contain costs and therefore limit the fee increase, candidates should give notice of their wish to be assessed in Welsh. The Board noted that this was also done in other testing environments. This would avoid unnecessary translation of the assessments and unnecessary costs. It also decided that only two of the four annual SQE2 sittings should be available in Welsh. It would keep this position under review. The fees for 2024/25 would, therefore, be £1,888 for SQE1 and £2,902 for SQE2.

6 REQUIREMENTS ON QUALIFIED LAWYERS SEEKING ADMISSION AS A SOLICITOR IN ENGLAND AND WALES: POST CONSULTATION RECOMMENDATIONS

- 6.1 The Board was asked to consider recommendations following two consultations which had run between December 2023 and January 2024 on requirements for qualified lawyers seeking admission as a solicitor in England and Wales.
- 6.2 The first consultation had put forward several proposed changes to how we assure English or Welsh language proficiency for qualified lawyers when they receive an exemption from SQE2. We had received 20 responses to this consultation and the recommendation was to proceed with the proposed changes with one exception.
- 6.3 We had sought views on a proposal to accept test certificates that test providers considered to be valid at the time they were submitted. After analysing the responses to the consultation and gathering more evidence including about how second language ability can decline over time if the language is not used, the recommendation was instead to accept certificates that were issued no more than three years previously.

- 6.4 The second consultation proposed a rule change that would prevent qualified lawyers from being granted an exemption from parts of the SQE that they had previously attempted and failed. We had received six responses to this consultation, and most agreed with our proposed rule change and we therefore recommended that we proceed as proposed.
- 6.5 The Board agreed, subject to approval from the Legal Services Board for recommendations a) to c):
- a) that we proceed with all the proposed changes in the language proficiency consultation, except for the proposal to remove our current two-year expiry of language certificates.
 - b) that we change our regulations to accept a Secure English Language Test (SELT) certificate, or the equivalent for those wishing to demonstrate proficiency in Welsh, that is no more than three, rather than no more than two years' old.
 - c) that we proceed with the proposed rule change in the consultation on SQE exemptions, which would mean qualified lawyers can no longer receive an exemption from parts of the SQE they have previously attempted and failed.
 - d) to approve the proposed changes to the Authorisation of Individual Regulations and the Principles for Qualified lawyers combining proposed changes for both consultations

NB: the annexes to this paper will be published as part of the consultation response in April 2024.

7 REVIEW OF MEETING AND ANY OTHER BUSINESS

- 7.1 In reviewing the meeting Board members reported that discussion at the stakeholder dinner the previous evening on our consumer protection review had been lively and informative. Board members also said that they had found it helpful to have a strong focus on one subject – in this case education and training – over the course of the two days of the meeting, and that that model might usefully be repeated if appropriate.
- 7.2 Some Board members had attended our event for in-house solicitors the previous week and feedback had been very positive and thanked staff involved for their work. The Board also agreed that it would be helpful to have regular updates on events that Board members had attended between meetings. An updated list of upcoming events should also be circulated
- 7.3 The Chair thanked the Board and Executive for their contributions. The next meeting would be held on 14 May 2024 on Teams.

8 RECRUITMENT OF A NEW BOARD CHAIR

NB: members of the Executive (other than the Board Secretary) were not present for this discussion.

- 8.1 The Board was asked to consider the process for the appointment of a new Board Chair to take up post in January 2025 as Anna Bradley would have served a full six year term at the end of 2024.
- 8.2 The Senior Independent Director reported that she had spoken to some stakeholders, including the Chair of the Legal Services Board, about draft selection criteria, as well as Odgers Berndtson which was supporting the recruitment. The Board discussed the various points that had been made and agreed some changes to the draft criteria.
- 8.3 The Board also discussed and agreed the membership of the appointment panel and noted the recruitment timetable, including that the recruitment would be launched in early April.

NB: the paper for this item will not be published because it includes legal or other professional advice on sensitive or confidential matters.