

# **SQE Business readiness review report**

**SQE Independent Reviewer – Geoff Coombe**

**March 2021**

## Executive Summary

### About this report

- As the Independent Reviewer for the SQE, I have reviewed progress on preparations for the implementation of the new SQE assessment, with the first sittings of SQE1 in November 2021.
- I have developed this report through a range of work including meetings with stakeholders, reviewing key documents, and observations of activities such as training sessions for assessors.
- This report provides an overview of assurance of the progress to date (March 2021), but it only provides a snapshot of progress on the preparations - new issues or risks can and will emerge. I will be carrying out further reviews and seeking further assurance in the coming months.

### Overall findings

- I have found no significant impediment to continue with plans to 'go live' with the first SQE1 exams in November 2021. My conclusion is that preparations are fit for purpose and plans are in place to deliver high quality, fair, reliable, defensible examinations.
- I consider the overall preparedness as 'good'. For this stage of set up, I would assess most aspects of operational and academic planning as 'excellent', with some areas currently 'satisfactory'.
- Areas where plans are progressing well include:
  - advanced plans for delivery of the SQE1 exams including the booking of the relevant test centres and plans for the creation, formatting, rendering and delivery of the on-screen exams, as well as invigilation.
  - the recruitment of question writers has delivered highly knowledgeable professionals with wide-ranging and relevant experience
  - the observation of SQE1 question writing activities provided for a high degree of assurance. The training of SQE question writers and exam creation processes should support delivery of high quality live SQE1 exams
  - overall the internal quality assurance plans appear fit for purpose
  - there are appropriate processes for customer contact management, and appropriate service performance measures are being put in place.
- I have also been satisfied that in the context of current (March 2021) public health advice and restrictions regarding Covid-19 that the SQE1 exams can take place.

### Areas for improvement

- Although no areas fall below 'satisfactory', there are two main areas I have identified where in particular I will be looking to see progress.
- A thorough design, build and testing process has been followed in developing the SQE website, which will be a single authoritative source for information about the assessment, as well as where candidates will register and book sittings.

- Yet there is still more work to do to make sure the website will fully achieve the [AA standard of accessibility](#). It is unlikely that the standard will be fully achieved before the planned website launch. If that is the case, it is very important the requirement to achieve an AA standard is met at the earliest opportunity.
- Everyone connected with this issue in the SRA and Kaplan shares a strong commitment to achieve the full AA access standard, as quickly as possible.
- Another area I will be monitoring progress closely relates to plans for equality, diversity and inclusion. Kaplan need to progress comprehensive plans to recruit a more diverse group of Kaplan staff, as well as freelancers.
- I am satisfied that the policy, process, and recruitment plans should deliver a high standard of fair and equal provision to all candidates, while maintaining fairness by ensuring consistency in decision making.

### **Next steps**

- Overall preparations are fit for purpose and on track. Section 4 of this document sets out my recommendations and where I will seek further assurance in the coming months.
- A key area I will continue to look at is management of the risks that for SQE1 any question set will demonstrate fair and accurate assessment of functioning legal knowledge, as would be expected of a day one solicitor, and appropriate coverage of the syllabus, as the first exams are collated and finalised.
- In addition to reviewing progress on the SQE website achieving the highest accessibility standards, and progress on recruitment in specific areas, I will also continue to seek assurance that the policy and processes are being delivered as planned, and that the first exam will be fit for purpose.
- The first SQE2 assessment takes place in April 2022. My assurance work on the preparedness for SQE2 will focus on:
  - the quality of the facilities to be used
  - the creation of the assessment tasks
  - arrangements for Welsh speaking candidates
  - the recruitment and training planned for markers and assessors.

## **1. Introduction**

I have found no significant impediment to continue with plans to 'go live' with the first SQE1 exams in November 2021. My conclusion is that plans are in place to ensure that the first exams will be fit for purpose.

I consider the overall preparedness as 'good'. My assessment varies from 'excellent' in most aspects of operational and academic planning to 'satisfactory', for this stage in the set-up, in aspects such as accessibility of the new website and delivery of plans for equality, diversity and inclusion. Where I have assessed plans as currently satisfactory, the desire to improve is shared by the senior leadership of Kaplan and the Solicitors Regulation Authority (SRA) and credible and comprehensive plans and risk management are in place to deliver further in the coming months.

Setting up a brand new, national, professional exam which is a key constituent part of solicitor qualification is a significant and complex undertaking. It comes after six years of consultation, two years of piloting, very significant stakeholder engagement activity and LSB approval. It is inevitable that as the set-up phase is rolled out some features will be improved over the coming months. This report provides an overview of assurance of the progress to date, by March 2021, and is aimed to support the joint 'go live' decision scheduled for spring 2021 between Kaplan and the SRA.

The planning for creation of the first live SQE exams happens against a background of unprecedented challenge, with the world wrestling with the Covid-19 pandemic. At the time of writing the plans in place should allow successful delivery of the exams whether social distancing, and other current public health expectations and restrictions, are needed or not by November 2021. The planning supports delivery within the current context (March 2021), so, unless Covid-19 related public health restrictions become more severe, SQE1 exams should be delivered effectively in November 2021.

Key observations and recommendations are italicised and summarised at the end of this report.

## **2. SQE1 preparedness**

### **2.1 Methodology and evidence for review**

This report aims to offer assurance that the preparations for the forthcoming first SQE1 exams are on track to deliver high quality, fair, reliable, defensible examinations which will command public confidence and provide a robust and critical pre-requisite for solicitor qualification. It is a summary of interpreting the evidence currently available. Most of what was reviewed and observed is a work in progress as the detailed preparations for first SQE1 exams in November 2021 progress. A high-level overview of preparations for the later first SQE2 exams is also provided, these preparations will be subject to a more detailed report later in 2021.

This report provides a snapshot of progress by March 2021, new issues or risks can and will emerge, this report provides a view on status and opinions about readiness.

This review has been completed through access to the following sources of evidence (due to Covid-19 restrictions all meetings took place online):

- draft process documentation
- draft policy documentation
- documents commissioned by Kaplan (produced by Kaplan or specialist third parties commissioned by Kaplan) to assist with their preparations e.g. web accessibility
- high level operational plans
- Kaplan's risk, issues, actions, lessons learned and decisions log
- observation of online training events
- several online meetings and one to one interviews and discussions with Kaplan and SRA staff, including a full day review with a wide range of Kaplan staff (27 January 2021)
- online meetings with some key stakeholders.

## **2.2 SQE1 recruitment and training of SQE1 question writers and creation of exams**

The draft process SQE1 exam creation documents produced by Kaplan were reviewed. Colleagues at the SRA offered review comments on these draft process documents, which I added to. Overall, they represented suitable detail and assurance that the processes, if consistently followed, would lead to reliable, accurate and fair SQE1 exams.

There were occasions where these draft documents did not contain all the details of the quality control and assurance measures that are adopted in practice. This was because what happened in practice, when observed directly, demonstrated additional measures which were not described in the draft process documentation. In making these observations Kaplan amended the draft process documents to capture more detail. The revised versions provide sufficient assurance that, if consistently followed, the SQE1 exam creation processes should deliver high quality outcomes in the first live SQE1 exams.

On 12-14 January 2021, I observed the SQE1 training and writing online event for question writers creating criminal law questions. This event provided significant assurance that the process as described was followed. It also demonstrated the recruitment of question writers had delivered highly knowledgeable professionals with wide-ranging and significant experience of this legal context. The writers involved had a variety of professional backgrounds and an impressive array of experience as well as all being practising solicitors (as is the norm for all question writers).

Each day started with question writers receiving training on how to approach the task of writing good questions, single best answers, and incorrect answers (distractors). The training reinforced a range of important principles which enable high quality single best answer multiple choice questions and optional answers to be created.

This training is underpinned by what is considered best practice in the academic literature associated with this type of objective assessment. This included important information about how to use concise and standard English, avoiding unnecessary jargon and slang which might not be easily understood, especially if the candidate has English as a second language, and avoiding gender, ideological, racial, ethnic or other

biases. The advice for question writers to consider starting with the domain to be tested and then create the answer before turning attention to writing the question stem is a method which is often considered best practice in academic research.

The training of question writers that I observed was comprehensive and well-staged to enable knowledge to be built upon as confidence and experience of the writers grew. This production of SQE1 questions continues with experienced academic staff within Kaplan reviewing, editing, and proofing the draft question generated by writers.

In terms of creating the question bank for potential SQE1 questions, by the end of January 2021, the bank contained sufficient questions mapped across functioning legal knowledge sections 1 and 2, further questions were being edited and additional questions were being commissioned. Given the SQE1 exams require 360 high quality questions, the number of items appear healthy for the immediate needs of the November 2021 exams, sufficient to cope with risks associated with exam production which might require substantial additional items to be available. It is understood the commissioning of additional questions will continue throughout time, meaning the question bank will grow further over the coming months, as it needs to, to prepare for when several SQE1 exams are required each year.

I received assurance that the coverage of these questions would meet the requirements of the assessment specification and blueprint and there was no evidence that questions would be, or become, predictable, while ensuring syllabus coverage over time. Part of this assurance came from descriptions of how certain specialist aspects of functioning legal knowledge, where the question bank needed adding to, were being targeted when recruiting new question writers.

After observing the criminal law question writing event, I had the opportunity to discuss the recruitment and training of new (those in addition to Kaplan staff transitioning from Qualified Lawyers Transfer Scheme (QLTS) to SQE) academic staff. A key element in the production of SQE assessments are academic staff within Kaplan who take accountability for editing and signing off all assessment tasks created by question writers, a vital role in ensuring the coherence, quality, fairness, and consistency of the questions presented to candidates. I have requested further information about the nature of the induction and training for these key staff. At the time of producing this report this will be followed up during spring 2021. The SRA also plan to seek further assurance by sampling questions in the next few months using subject matter experts.

Overall, the observation of SQE1 question writing activities provided for a high degree of assurance. Kaplan appear to have a good process to: create SQE1 exams and manage risks that any question set can demonstrate fair and accurate assessment of functioning legal knowledge, as would be expected of a day one solicitor, and ensure appropriate coverage of the syllabus. For the November 2021 SQE1 exams, further work is being undertaken to collate and finalise these exams and I intend to carry out additional assurance as this takes place.

## 2.3 Candidate information and services

One of the key aspects of preparedness for candidate information and service is the development of relevant policy and processes, the website and helpdesk functions. I have reviewed and offered comments on the draft policy and processes for: reasonable adjustments, complaints, mitigating circumstances.

A brand new SQE website has been created and it has been subject to the wide range of tests that would be expected prior to launch. These include: accessibility, usability, penetration, mobile device compatibility, security, load, and sustainability tests. Kaplan and the SRA have worked hard to simulate user (candidate) journeys through the website using people recruited who, as far as possible, were able to simulate the variety of backgrounds that candidates might present. A thorough design, build and testing process appears to have been followed.

Kaplan has used specialist third parties to provide support to review and research their progress in creating the new website. In addition, to functionality reviews in test environments, Kaplan have commissioned a detailed and thorough accessibility report. This report summarises the simulated use of the test website by users with protected characteristics, with a focus on ensuring all groups, including those with disabilities, can navigate the site effectively and it is usable and understandable.

The report has recommended a number of improvements if the site is to achieve the AA access standard expected (which is the internationally recognised standard, or conformance level, many websites are expected to meet eg UK Government public facing websites and is a contractual requirement of the SRA on Kaplan). There was, at the time of writing this report in March 2021, still progress to be made to achieve the AA standard. It is unlikely this standard will be fully achieved before the planned go live launch. Therefore, the SRA and Kaplan have prioritised all 'must have' features which will most aid accessibility and it is intended these must, ideally, be completed, tested and signed off prior to go live. At the time of completing the report this work is due to be completed by late April.

It is important that when the SRA and Kaplan make the don't go/go live decision that they understand the risks that some of the 'must have' improvements may fail testing, which will require the website to be launched with more accessibility defects or delay the website go live. Such challenges are not unusual when a brand-new and complex website is being created, and everyone connected with this issue in the SRA and Kaplan shares a strong commitment to achieve the full AA access standard, as quickly as possible.

It is intended that the website will have an accessibility statement which will confirm what the site can support now, and what improvements will be made to provide additional support. It is very important that these additional measures continue to be a focus so that the next version of the website released demonstrates further progress to accessibility access so that all candidates, whether disabled or not, have fair and equal access to the website. It is very important the requirement to achieve an AA standard is met at the earliest opportunity. The desire to do so appeared to be a key priority for all the relevant Kaplan technical and senior staff that I spoke to and a detailed plan to achieve this is being created.

Kaplan have appointed an experienced senior leader to oversee the set-up of the customer support helpdesk for SQE. This helpdesk will manage all customer interactions, most contact will be self-service via the website. In addition to the website, phone, social media, and email channels will be also available. Kaplan appear to have planned appropriate processes for customer contact management, and to be putting appropriate service performance measures in place.

The training programme for on-boarding new staff to the helpdesk also appears to be thorough and comprehensive, including the opportunity for the first staff appointed to gain relevant experience in the QLTS context as the last sessions of QLTS exams take place. The training is designed to include coverage of how to react to business continuity scenarios and other potential high impact issues that can arise while preparing for and operating the SQE exams.

As with all aspects of the exam administration, logistics and operations Kaplan is responsible for running these exams as the appointed contractor for the SRA. While the website is clearly SRA branded, it is important that candidates understand that Kaplan is the examinations service provider and it is with Kaplan that all contact is made, from my observation of the test website this could be made clearer.

A key aspect of preparedness is the provision of reasonable adjustment services for candidates with a disability or condition, to enable them to be given fair access to the SQE. The SRA are committed to making sure that a candidate is not disadvantaged by reason of a disability in demonstrating their competence and will make reasonable adjustments to methods of assessment for candidates with a disability (within the meaning of the Equality Act 2010) to achieve this.

The SRA also plan to consider reasonable requests to accommodate candidates with other condition(s), which impact on a candidate's ability to undertake the SQE. All such requests for accommodations will be considered in Kaplan's reasonable discretion and on a case by case basis. Creating a consistent and defensible reasonable adjustment process is challenging, expectations of what is reasonable can change over time, particularly as technology advances, so while it is important to be consistent over time, it is also right that changes which may enable wider access are reviewed regularly. The published policy commits to an annual review of policy.

Kaplan are setting up an Equality and Quality team who will deliver the process for reasonable adjustments. It is important to pool knowledge in a single team because individual candidate circumstances can present complex issues when deciding if a candidate should be given a reasonable adjustment and in defining what is 'reasonable' and the most appropriate solution. Over time the team should be able to build up anonymised case histories of common requests to enable consistency in decision making. The SRA and Kaplan have worked closely together to define the reasonable adjustments policy and process, both parties understanding the sensitivity of putting in place fair, equal and defensible arrangements. They have also consulted with relevant stakeholder groups, who have expertise in this area.



At the time of writing Kaplan are recruiting for the Head of Equality and Quality, who will be a solicitor and should have a good knowledge of the Equality Act. In addition, an Equality Manager and a Quality Manager role will support the Head of. I am satisfied that the policy, process, and recruitment plans should deliver a high standard of fair and equal provision to candidates that need it, while also maintaining fairness by ensuring consistency in decision making. The intended provision of various types of reasonable adjustment (to suit different needs) appears comprehensive and compares very well with other professional examination contexts.

Everyone I interviewed understands this is a key aspect of the set-up of the SQE and I shall be monitoring further that the good intentions are delivered, as applications for reasonable adjustments are submitted by the first live candidates. Within the equality team there will be case officers who will: deal individually with candidates, offering them one-to-one confidential support, dedicated email addresses for correspondence and agree what reasonable adjustment to put in place once signed off by the Equality Manager (to enable consistency and high standards). In the coming months, in the lead up to the first live exams, I will be reviewing the progress in appointing this team and will sample reasonable adjustment cases to seek assurance that the policy, process and intentions are delivered as planned.

## **2.4 SQE1 exam logistical planning**

Kaplan's operational team have advanced plans for the delivery of the SQE1 exams, including the booking of the relevant test centres and plans for the creation, formatting, rendering and delivery of the on-screen exams, as well as invigilation. They have plans in place to meet likely capacity demands and have forecast ranges for the likely number of candidates for the first sitting. A good deal of the experience that Kaplan have gained by running the QLTS exams is relevant to the operational planning for SQE, especially SQE1 given the similar nature of the assessment regime.

I have been satisfied that in the context of current (March 2021) public health advice and restrictions regarding Covid-19 that the SQE1 exams can take place in November 2021. Provision and planning enable exams to take place in a socially distanced manner and test centres will have enhanced cleaning and other sanitization measures in place.

The SRA have a comprehensive set of delivery expectations, which includes performance targets, delivery standards and contractual requirements. These are being properly managed and are subject to regular and high-quality monitoring and reviews both within Kaplan, and across the SRA and Kaplan.

Plans for 'Angoff' standards setting activities for SQE1 and the set-up of the first Assessment Board appear appropriate.

## **2.5 Overarching planning, governance and risk and issue management**

A thorough risks, issues, lessons learned, actions and decisions log is being maintained by Kaplan. This document forms part of joint review activities between the SRA and Kaplan.

Key staff at the SRA, with detailed knowledge of the outcomes expected and the requirements in the contract with Kaplan, have been fully immersed in the review of the draft policies and processes as they have been documented by Kaplan. I have sampled a number of these draft documents based on where I believe the key risk areas are. This has allowed me to offer review comments which have, along with the full SRA review, enabled the process documents to provide clarity of Kaplan's operational processing intentions. This has enabled a collegiate approach which, despite being resource intensive for both parties, appears to have enabled appropriate policy and process documentation to be created. It has also enabled expectations of both the SRA and Kaplan in delivering the contract and exam services to be thoroughly reviewed, resulting in a better joint understanding of expected delivery outcomes. I believe that the quality of documentation, once through the sign off stage, is appropriate for the work being planned, provided (at least annual) continuous improvement and review happens, as is planned.

The SRA have contract performance targets, regular review meetings with Kaplan (at least monthly) and dedicated staff to oversee the successful delivery of the contract. A series of regular, planned and, if necessary, ad hoc, operational, and strategic governance activities and meetings take place. The working relationship between the two organisations has demonstrated healthy, honest, conversations, with the leaders of both organisations encouraging a culture of transparency and openness across teams. Such a culture is imperative in a high-stakes examination delivery context and I will continue to encourage and support this culture with my work as the Independent Reviewer.

Kaplan are planning for an internal quality assurance and audit regime which places greater emphasis on the operational process which pose the greatest risks. I have reviewed the draft quality assurance policy and process and subsequently met with the relevant senior managers in the SRA and Kaplan. The plan is to have an annual internal assurance plan operational by August 2021, with the Head of Quality Assurance taking overall responsibility for its creation, delivery, and review.

Clearly there are internal quality assurance and audit activities which need to happen prior to August 2021 such as preparations for the first live SQE1 exam. I have been assured the Kaplan SQE senior leadership team will decide what activities will be needed in the interim, with the opportunity for the SRA and Independent Reviewer to review. Overall internal quality assurance plans appear fit for purpose. I intend to meet with the Head of Quality Assurance, periodically, to review findings and next steps and assure myself that the delivery of the plan is rigorous and targets the most important areas of risk to the delivery of SQE.

## **2.6 Equality, diversity and inclusion (EDI)**

Everyone I interviewed at Kaplan and the SRA involved in the preparations for creating the first live SQE exams understands the importance to deliver an EDI strategy which meaningfully addresses the risks and issues of candidates with protected characteristics not having fair and equal access. Kaplan are aware they require further progress to be made during the ongoing set up phase for SQE.

This progress includes plans to recruit a more diverse group of Kaplan staff as well as freelancers commissioned to write assessment tasks and act as assessors and markers, including standards setting, such as Angoff activities. Kaplan already have organisation wide initiatives to support leaders and all colleagues in delivering on their EDI strategy, including a leadership program to enable and support 'inclusive leaders' and a Diversity and Inclusion Forum for employees.

Kaplan has a strategy to recruit more diversely. Initial steps included using the December 2020 SQE Conference, and other forums, to seek expressions of interests from stakeholders to get involved in the SQE development process (in a range of potential advisory or operational) roles. I shall continue to monitor that these plans deliver the outcomes they are planning for.

As mentioned above, the SRA and Kaplan have developed a policy, process and supporting information for reasonable adjustments for candidates who have a disability or other conditions for which they need support in order to gain fair and equal access to the SQE exams. This information is already available on the SRA website.

Kaplan have developed a complaints policy and process which enables any complaints which cite possible discrimination as part of their complaint to be carefully considered.

The creation of SQE1 exams and the training provided to question writers demonstrated that EDI are carefully considered.

## **3. SQE2 preparedness**

The first SQE2 exams are due to take place in spring 2022, therefore planning for these exams is at an earlier stage. I will produce a further report in autumn 2021 which reflects on more detailed preparedness for the first SQE2 exams.

The high-level planning for SQE2 appears appropriate. In a previous report I noted the logistics and facilities used for the SQE2 pilot were of very high quality and recommended that these high standards be adopted for the live context. Inevitably the live SQE2 exams will need additional facilities to those used in the pilot to provide for suitable geographic coverage. In the design and use of any facility hosting SQE2 exams, particularly those hosting face to face assessment, Kaplan will need to work hard to ensure these are on a par with the excellent facilities that were used for the pilot. For example, the quality of video monitoring was high and effectively enabled assessors to be reviewed in terms of the standards and consistency of their work and for

candidates to know every assessment was being conducted in a consistent and high-quality manner.

While I observed a diverse group of actor assessors in the SQE2 pilot, the live SQE2 exams present an opportunity for both actor and solicitor assessors, involved in the face to face assessments to be drawn from diverse backgrounds. This opportunity also exists for the markers recruited to mark the relevant written SQE2 exam tasks. I know Kaplan already have plans in place to achieve this through their current recruitment campaigns.

The construct of the SQE2 assessment tasks presents different challenges to the SQE1 assessments. Each SQE2 task makes a higher contribution to the total exam score compared to questions from SQE1 exam with a larger number of data points/items. This places even greater emphasis on writing tasks effectively. SQE2, unlike SQE1, also requires markers and assessors to be recruited, appointed, and well standardised and training to achieve consistency and fairness.

Plans for enabling the first SQE2 Welsh assessment of Welsh speaking candidates, in April 2022, are well underway and appear appropriate. This is a new requirement of Kaplan and they have appropriate engagement with and reliance on third party translation and support providers.

The focus of my assurance work on the preparedness for SQE2 will focus on these elements the quality of the facilities to be used, the creation of the assessment tasks, arrangements for Welsh speaking candidates and the recruitment and training planned for markers and assessors.

#### **4. Summary of recommendations and next steps for further assurance**

Overall preparations are fit for purpose and on track to deliver high quality, fair, reliable examinations that should command public confidence. However, the following is a summary of my recommendations or where I will seek further assurance in the coming months.

- 4.1. I have requested further information about the nature of the induction and training for new Subject Heads involved with producing SQE1 and SQE2 exams, this will be followed up during spring 2021.
- 4.2. As Kaplan finalise the SQE1 exams they will need to continue to carefully manage risks that any question set will demonstrate fair and accurate assessment of functioning legal knowledge, as would be expected of a day one solicitor, and appropriate coverage of the syllabus, as the first exams are collated and finalised.
- 4.3. It will be important when the SRA and Kaplan make the don't go/go live decision the risks that some of the 'must have' web accessibility improvements planned may fail testing, would require the website to be launched with more accessibility defects or delay the website go live date. I recommend, even if all these planned 'must have' improvements pass testing, the joint SRA and Kaplan board must be satisfied that the improvement plan to solve remaining accessibility defects is robust and will be completed in a timely manner and that the accessibility statement is clear on this

matter. It is very important the requirement to achieve an AA standard is met at the earliest opportunity.

- 4.4. I recommend candidates understand that Kaplan is the examinations service provider and it is with Kaplan that all contact is made, from my observation of the test website this could be made clearer.
- 4.5. While good plans exist, in the coming months, I will be reviewing the progress in appointing the equality and quality team and will sample reasonable adjustment cases to seek assurance that the policy, process and intentions are delivered as planned.
- 4.6. I intend to meet with the Head of Quality Assurance, periodically, to review findings and next steps and assure myself that the delivery of the internal assurance plan is rigorous and targets the most important areas of risk to the delivery of SQE.
- 4.7. While credible plans exist, Kaplan are aware they require further progress on EDI issues needs to be made during the ongoing set up phase for SQE. This progress includes plans to recruit of a more diverse group of Kaplan SQE staff as well as freelancers commissioned to write assessment tasks and act as assessors and markers, including standards setting, such as Angoff activities.
- 4.8. The focus of my assurance work on the preparedness for SQE2 will focus on these elements: the quality of the facilities to be used, the creation of the assessment tasks, arrangements for Welsh speaking candidates and the recruitment and training planned for markers and assessors.