

SRA BOARD

15 July 2015

CLASSIFICATION – PUBLIC



Changes to the delivery of the Qualified Lawyers' Transfer Scheme (QLTS) assessment and proposed increase in candidate fee

Purpose

1. This paper updates the Board in relation to changes made, or proposed to be made, to the delivery of the QLTS contract with Kaplan Financial Limited (Kaplan) and seeks the Board's agreement to a consequential increase in the price charged to candidates to take the Multiple Choice Test (MCT) element of the QLTS.

Recommendation

2. The Board is asked:
 - (a) to note the decision to permit Kaplan to deliver the QLTS on line and internationally, via a sub-contractual arrangement with Pearson Vue (paragraphs 6 to 10); and
 - (b) to increase the candidate fee for the QLTS MCT from £500 to £565 (paragraphs 11 to 13).

If you have any questions about this paper please contact: Crispin Passmore, Executive Director, Regulation and Education, Crispin.Passmore@sra.org.uk or 0121 329 6687

This paper is public. Commercially sensitive information has been discussed in confidential session .

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Background

3. The Qualified Lawyers Transfer Scheme (QLTS) allows those who are already qualified lawyers in other jurisdictions to qualify as a solicitor of England and Wales following an assessment of their knowledge and skills in English law. The scheme also applies to barristers qualified in England and Wales who have completed pupillage and want to qualify as a solicitor. The assessment comprises a multiple choice test (MCT) and a simulated skills exercise or Objective Structured Clinical Examination (OSCE).
4. Kaplan is the single authorised provider of the QLTS assessment. Kaplan was first appointed by the SRA in 2010. At the beginning of 2014, they were reappointed for a further three year term. The current contract is due to expire on 31 December 2016.
5. The fee for the assessment is prescribed by the SRA under the terms of the QLTS contract. We are seeking the Board's agreement to increase the candidate fee to sit the MCT assessment from £500 to £565. This increase needs to be considered alongside other developments. Kaplan have sought our agreement for them to:
 - a. offer the MCT part of the QLTS outside England and Wales. In order to enable them to offer the QLTS internationally, they wish to convert the current paper-based test to computer based, online delivery;
 - b. subcontract the online delivery of the MCT in the UK and internationally to Pearson Vue (Pearson);
 - c. increase the price charged to all MCT candidates (both UK and international) from £500 to £565, to fund these developments.

Running of MCT abroad and through electronic delivery

6. At the moment the MCT part of the QLTS assessment is a paper based test that is only available in London. The pool of candidates who are eligible to take the QLTS includes people living in the UK and a larger group living overseas. There has been some market demand for candidates to be able to take the MCT part of the QLTS assessment in their home jurisdictions without having to travel to England. The Equality Act 2010 and in particular the public sector equality duty impose obligations to eliminate discrimination and advance equality of opportunity between those who share a protected characteristic (including race or nationality) and those who don't. Running the assessment overseas will enable the SRA to further the equality duty by removing barriers based on geographical location of the candidate, which adversely affect those who are not of British nationality or origin.

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7. Further, it is something of an anomaly that the QLTS is not available overseas. The Qualified Lawyers Transfer Test (QLTT) (the predecessor of the QLTS) was run internationally for many years. Some other elements of the path to qualification are available overseas and have been for some time.
8. Introducing computer based testing assists overseas delivery by addressing the logistical and security risks involved in physically moving question papers and examination scripts round the world. Kaplan have therefore partnered with Pearson to run the computer based tests. Pearson are the world leader in computer based testing, including high stakes exams run on a worldwide basis. Kaplan will continue to write the MCT questions and undertake the moderation and standards setting processes.
9. Computer based testing will enable candidates outside London to take the test without needing to travel to London. It will be offered overseas and in the UK in a wide range of locations. The online tests would be offered only through Pearson test centres, where Pearson offer a high level of fraud deterrence security.
10. Given the timescale, and as the decision to deliver the test online and internationally is primarily an operational and contractual issue, the Chief Executive has granted the necessary permissions required under the current contract in order for them to do so.

Recommendation: the Board is asked to note the decision to permit Kaplan to deliver the QLTS on line and internationally, via a sub-contractual arrangement with Pearson Vue.

Price rise

11. It is more expensive to deliver the MCT through computer based testing using Pearson than in continuing with paper based tests. Kaplan has provided us with a break down of the costs involved.
12. Both international and UK candidates based outside London will make savings in terms of train/air fares and hotel bills which may substantially exceed the £65 price rise sought. Local availability of the MCT will also reduce barriers due to time differences, long travel times and cost of travel and accommodation. On the other hand, candidates who live close to the London testing centre will be being asked to pay a higher fee without any of these benefits. But all candidates will benefit from the high level of security provided by the move to computer based testing. Annex 1 lists the places of residence of the candidates sitting the February 2015 MCT. 45% of candidates sitting in February 2015 were resident in London. 33% were resident outside the UK. With wider local availability of the assessment, this may change.
13. The Board is asked to approve the prescribed fee for the QLTS at £565.

Recommendation: the Board is asked to increase the candidate fee for the QLTS MCT from £500 to £565.

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Supporting information

Links to the Strategic Plan and / or Business Plan

14. Strategic objective one: we will reform our regulation to enable growth and innovation in the market and to strike the right balance between reducing regulatory burdens and ensuring consumer protection; and strategic objective two: we will work with solicitors and firms to raise standards and uphold core professional principles. The proposed changes to the QLTS widen access to the profession across the UK and abroad whilst assuring proper security arrangements which uphold standards of entry to the profession.

How the issues support the principles of better regulation

15. The proposals promote targeted and proportionate regulation which widens access to the profession whilst upholding standards.

How the action will be evaluated

16. We will monitor the numbers of international and domestic candidates who take the QLTS, and any security issues which arise.

What engagement approach has been used to inform the work (and what further communication and engagement is needed)

17. We have discussed the proposals with Kaplan and Pearson. We have discussed the proposal with Education and Training Committee.

What equality and diversity considerations relate to this issue

18. Offering the test across the UK and internationally removes a geographic barrier to qualification as a solicitor. This is likely to therefore increase access to the profession, by reducing barriers on the grounds of residence and/or nationality; and for those who have difficulties travelling, as a result of cost, personal circumstances or disability.

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Annexes

Annex 1 **Places of residence of candidates sitting the February 2015 Multiple Choice Test**

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**Places of residence of candidates sitting the February 2015 Multiple Choice
Test**

Rest of the World	Country	City
Australia	3	3
Bahamas	1	1
Bahrain	1	1
Belgium	2	2
Brazil	1	1
Bulgaria	1	1
Canada	1	1
Chile	1	1
China	3	3
Cyprus	1	1
Czech	1	1
Egypt	2	2
France	4	4
Germany	10	10
Greece	4	4
Hong Kong	3	3
Hungary	2	2
India	8	8
Ireland	2	2
Israel	1	1
Italy	4	4
Japan	2	2
Luxembourg	1	1
Malaysia	1	1
New Zealand	1	1
Nigeria	4	4
Poland	4	4
Russia	4	4
Singapore	10	10
South Africa	4	4
South Korea	3	3
Spain	6	6
Switzerland	4	4
The Netherlands	6	6
Turkey	1	1
United Arab Emirates	8	8
USA	18	18
Uzbekistan	1	1
Grand Total	134	134

UK	County	City
Avon	1	1
Bedfordshire	2	2
Berkshire	7	7
Buckinghamshire	1	1
Derbyshire	1	1
Devon	1	1
Dorset	1	1
East Sussex	1	1
Essex	6	6
Greater Manchester	4	4
Guernsey	1	1
Hampshire	2	2
Hertfordshire	5	5
Kent	4	4
Merseyside	3	3
Northamptonshire	2	2
Northern Ireland	1	1
Nottinghamshire	1	1
Oxfordshire	3	3
Scotland	15	15
Somerset	1	1
Staffordshire	1	1
Surrey	10	10
Wales	2	2
West Midlands	4	4
West Sussex	2	2
West Yorkshire	3	3
London		179
Grand Total	85	264

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