

## Closed Consultation

# Proposals to change how the English or Welsh language proficiency of qualified lawyers is assured

10 April 2024

- The consultation period ended on **24 January 2024**
- You can [download the consultation paper](#) [#download] or read it below

### Next steps

- [Download analysis of responses to the consultation](#) [#download]
- [Download all consultation responses](#) [#download]

## About this consultation

We are consulting on proposals to change when and how we seek assurance that a qualified lawyer who has been granted an exemption from SQE2 has the English or Welsh language proficiency needed to practise as a solicitor of England and Wales. For brevity, we refer in this document only to English language proficiency. However, anyone who is required to demonstrate proficiency in English could choose to demonstrate proficiency in the Welsh language instead.

We would like to hear your views. The consultation is open from 13 December 2023 to 24 January 2024.

We are separately consulting on proposals to prevent a qualified lawyer who has failed a SQE assessment from being granted an exemption from that assessment. Find out more [about this consultation](https://higher-rights.sra.org.uk/sra/consultations/consultation-listing/changes-rules-sqe-exemptions/) [https://higher-rights.sra.org.uk/sra/consultations/consultation-listing/changes-rules-sqe-exemptions/].

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### **Background to consultation**

The SRA is the regulator of solicitors and law firms in England and Wales. We work to protect members of the public and support the rule of law and the administration of justice.

We are the largest regulator of legal services in England and Wales, covering around 90 per cent of the regulated market. We oversee more than 201,000 solicitors and around 9,300 law firms.



In 2020, we [consulted on changes to our Principles for Qualified Lawyers](https://higher-rights.sra.org.uk/sra/consultations/consultation-listing/consultation-principles-qualified-lawyers/?s=c) [https://higher-rights.sra.org.uk/sra/consultations/consultation-listing/consultation-principles-qualified-lawyers/?s=c]. That consultation sought views on our approach to qualified lawyers and their ability to apply for exemptions from the Solicitors Qualifying Examination (SQE). The [Principles for Qualified Lawyers](https://higher-rights.sra.org.uk/become-solicitor/qualified-lawyers/principle-admission/) [https://higher-rights.sra.org.uk/become-solicitor/qualified-lawyers/principle-admission/] ('the Principles') also set out how they could evidence their proficiency in English or Welsh, should they receive an exemption from SQE2.

For brevity, we refer in this document only to English language proficiency. However, anyone who is required to demonstrate proficiency in English could choose to demonstrate proficiency in the Welsh language instead.

Our approach was, in part, determined by our obligations under European Union-derived regulations. Since this time, the UK has left the European Union (EU) and the EU exit transition period has ended. The EU-derived regulations relating to the recognition of professional qualifications have now been repealed from UK law. We, therefore, believe this is a good time to consult on updates to our policy relating to language proficiency.

We are consulting on proposals to change the way we gain assurance that aspiring solicitors, including qualified lawyers, have the English language proficiency needed to practise as a solicitor of England and Wales, where they elect not to take SQE2 because they have received an exemption.

The rules relating to our English language requirements are set out in the [SRA Authorisation of Individuals Regulations](https://higher-rights.sra.org.uk/solicitors/standards-regulations/authorisation-individuals-regulations/) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/authorisation-individuals-regulations/]. Our current policy on these requirements is set out in [the Principles for Qualified Lawyers](https://higher-rights.sra.org.uk/become-solicitor/qualified-lawyers/principle-admission/) [https://higher-rights.sra.org.uk/become-solicitor/qualified-lawyers/principle-admission/].

You can read our proposed changes to the SRA Authorisation of Individuals Regulations and the Principles for Qualified Lawyers. These also include changes proposed in our [parallel consultation on SQE exemptions](https://higher-rights.sra.org.uk/sra/consultations/consultation-listing/changes-rules-sqe-exemptions/) [https://higher-rights.sra.org.uk/sra/consultations/consultation-listing/changes-rules-sqe-exemptions/], which also relate to our regulations for qualified lawyers.

In addition to these changes, we have also made minor drafting amendments to the Principles which aim to improve its overall readability.

The SQE is a centralised examination which tests aspiring solicitors' competence against the standards required to practise as a solicitor. Introduced in September 2021, the SQE is in two parts. SQE1 assesses



candidates' functioning legal knowledge, through a single best answer multiple choice assessment. SQE2 assess candidates' legal skills and their ability to apply their legal knowledge. To pass SQE2, candidates must be able to read and understand lengthy text and to provide extended answers, both orally and in writing.

Qualified lawyers who wish to become solicitors in England and Wales are [entitled to apply for an exemption \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/authorisation-individuals-regulations/#reg-3-f\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/authorisation-individuals-regulations/#reg-3-f) from either or both components of SQE1 and from SQE2. To be granted an exemption they need to demonstrate that their qualifications and/or experience are not substantially different in content and standard to the SQE.

A qualified lawyer is someone who holds a professional legal qualification which confers rights to practise in England and Wales (such as a barrister or licensed conveyancer) or in another jurisdiction.

We are assured that a candidate who passes SQE2 has the English language proficiency required to practise as a solicitor. The assessment has been designed to test candidates against the broad range of competences set out in [Solicitors Statement of Competence \[https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/\]](https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/). SQE2 assess candidates both orally and in writing.

We do not have the same assurance in respect of qualified lawyers who have passed SQE1 and are exempt from SQE2. SQE1 is a multiple-choice exam of candidates' knowledge so those taking it do not have to read or write extended text.

We currently seek separate evidence of qualified lawyers' English language proficiency where they have been granted an exemption from SQE2. We do this after they have been admitted as a solicitor but before they are issued with their first practising certificate. The evidence we typically look for is:

- a degree taught in English. The degree can be in any subject, awarded at any time and in any country; or
- an English language test with a score of [C2 of the Common European Framework of Reference for languages \[https://rm.coe.int/common-european-framework-of-reference-for-languages-learning-teaching/16809ea0d4\]](https://rm.coe.int/common-european-framework-of-reference-for-languages-learning-teaching/16809ea0d4) (CEFR). The test must have been taken within the previous two years.

## **What changes are we considering?**

We are seeking views on our proposals to:

- seek evidence of English language proficiency at the point of admission, rather than on application for a first practising certificate



- accept as evidence of English language proficiency the qualification as a lawyer which has been used to seek exemption from SQE2, where that qualification was assessed in English
- no longer accept as evidence the award of any degree taught in English unless that degree was also the qualified lawyer's professional legal qualification
- accept as evidence of English language proficiency a score of at least 7.5 in an IELTS or a score at an equivalent level in an alternative [Secure English Language Test](https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt#find-an-approved-test) [<https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt#find-an-approved-test>] (SELT). We do not propose to specify when the test must have been taken. We propose, instead, only to accept such test scores when the body that provided the test believes the test to be valid at the time the qualified lawyer presents it to us as evidence of their English language proficiency.

## **Why are we considering these changes?**

### **Proposed change 1: Change to the point at which we seek evidence of English language proficiency**

We currently check evidence of a qualified lawyer's English language proficiency after they have been admitted as a solicitor, when they apply for their first practising certificate.

When the UK was a member of the EU, the European Union (Recognition of Professional Qualifications) Regulations 2015 applied and we were not permitted to seek evidence of language proficiency from a lawyer qualified in another EU member state until their qualification had been recognised. We took a consistent approach for all qualified lawyers and deferred the check until the point at which they applied for a first practising certificate. The Qualifications Act 2022, which came into force recently, repeals this regulation meaning we are now able to decide when to undertake English language checks.

The current approach has resulted in some newly admitted solicitors being unable to gain a practising certificate because they could not provide evidence of their English language proficiency. This had a negative impact on their plans to practise as a solicitor and put them at risk of breaching our rules.

We, therefore, propose to undertake the English language proficiency check at the point of admission, instead of at the point of application for a first practising certificate. This would enable us to prevent anyone who lacked appropriate English language proficiency from being admitted as a solicitor of England and Wales.

We recognise that checking English language proficiency prior to admission as a solicitor, rather than on first application for a practising



certificate, could disadvantage qualified lawyers who do not intend to practise as a solicitor and who do not, therefore, need to hold a practising certificate.

However, we believe making sure that everyone admitted as a solicitor is proficient in English should be prioritised over the interests of qualified lawyers who want to be admitted as a solicitor but do not intend to practise as such.

**Proposed change 2: Changes relating to academic and legal professional qualifications as evidence of appropriate English language proficiency**

We currently accept as evidence of a qualified lawyer's English language proficiency a degree awarded at any time, in any country and in any subject. Some qualified lawyers granted an exemption from SQE2 put forward to us a degree taught in English as evidence of their English language proficiency. However, there is a risk that the degree did not equip the qualified lawyer with the English language proficiency needed to practise effectively as a solicitor of England and Wales.

Some qualified lawyers who are granted an exemption from SQE2 rely for that exemption on a professional legal qualification that was assessed in English. We believe that such a qualification would provide stronger assurance that the qualified lawyer has the English language proficiency needed to provide legal services in English.

We are seeking views on our proposal to accept a degree or other evidence of a professional legal qualification assessed in English, as evidence of appropriate English language proficiency, where that qualification formed the basis of an application for an SQE2 exemption. We would not accept a degree taught in English as appropriate evidence on its own.

We recognise that this change would mean that some qualified lawyers who had been awarded a degree taught in English but whose professional legal qualification was not assessed in English would need to provide evidence of their English language proficiency through passing a SELT (as explained below).

Of course, if the English language proficiency gained through their degree is current and at an appropriate standard, they could obtain a suitable score in a SELT without significant additional cost or delay to their admission. The fee for taking a SELT is typically about £200.

**Proposed change 3: Changes relating to SELT English (or Welsh) language tests and scores as evidence of sufficient English language proficiency**

We currently accept as evidence of English language proficiency a score in an English language test that aligns with level C2 on the CEFR.

We do not prescribe which English language test a candidate must take. However, one of the most widely taken SELTs is the International English Language Testing System (IELTS). An IELTS score of 8.5 (or higher) aligns with C2 on the CEFR.

An IELTS score of 8.5 (or higher) is a demanding standard that requires complete understanding of the English language. We have received representations from some qualified lawyers who have been unable to achieve a SELT score that corresponds with level C2 on the CEFR, despite evidence that they are working effectively in English in a legal practice setting. Other professional regulatory bodies do not require such a demanding standard. They typically require an IELTS score of 7.5, or the equivalent.

We believe that our current requirement is unnecessarily demanding. We are seeking views on our proposal to, instead, require an IELTS score of at least 7.5 or the equivalent standard in an alternative SELT. Such a score would need to be achieved by qualified lawyers exempt from SQE2 whose professional legal qualification was not assessed in English.

The Government publishes a list of [approved SELTs providers](https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt) [<https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt>]. We are seeking views on our proposal to allow qualified lawyers to take a SELT with a provider on that list who offers a test that enables a candidate to achieve a standard equivalent to an IELTS score of 7.5.

We currently require any SELT score put forward as evidence of English language proficiency to have been achieved within two years of the date it is submitted. Many SELTs providers put a limit of two years on the validity of the score.

In other words, they indicate that a score awarded more than two years previously should not be relied upon as evidence of English language proficiency to the original standard.

Rather than impose our own time limit of two years, we propose we should accept any score that the original test provider considers to be valid at the point it is submitted to us.

### **Potential impact of these changes**

We have considered the potential impact of our proposals on people who share particular protected characteristics, as set out in our [initial equality impact assessment](#) [[#download](#)].

If we made the proposed changes, qualified lawyers who are exempt from SQE2 and who can currently rely on a degree assessed in English would be affected. If their professional legal qualification was not assessed in English they would need to achieve an IELTS score of at least

7.5 or an equivalent level in an alternative SELT. This would be an additional burden for them.

However, our proposal to align the required SELTs standard to an IELTS score of 7.5, rather than to CEFR level C2, would reduce the current burden on those whose degree was not taught in English.

## **Next steps and transitional arrangements**

Once the consultation period has closed, we will analyse the responses and decide whether to change our requirements. Should we decide to do so, we will seek approval from the Legal Services Board (LSB). We will announce the date at which we intend to implement any changes when we apply to the LSB.

If we make the proposed changes, we propose that:

- Any qualified lawyer already admitted as a solicitor when the new requirements came into effect, but not yet issued with their first practising certificate, would have to demonstrate their English language proficiency before being granted a certificate. We propose that they would have to demonstrate their English language proficiency by either:
  - achieving an IELTS score of at least 7.5 or a score of an equivalent standard in an alternative SELT or
  - demonstrating that their professional legal qualification was assessed in English.
- Any qualified lawyer who was granted an exemption from SQE2, but not admitted when the new requirements came into effect, would need to demonstrate their English language proficiency before they were admitted as a solicitor. This would be in accordance with the new requirements unless the transitional arrangements under the Qualifications Act 2022 apply.
- We would not seek further evidence of their English language proficiency from any qualified lawyer who had been admitted as a solicitor and issued with a practising certificate when the new requirements came into effect.

## **When would this change come into effect?**

If we decide to implement this rule change after consideration of the consultation responses, it will not come into effect until after we had gained regulatory approval from the LSB and no earlier than 1 June 2024.

## **[Consultation questions](#)**

### **Question 1**

To what extent do you agree or disagree that we should check the English language proficiency of a qualified lawyer before they are admitted as a solicitor, rather than when they apply for their first practising certificate?

### **Question 2**

To what extent do you agree or disagree that we should accept as evidence of English language proficiency a qualified lawyer's professional legal qualification, where that qualification was assessed in English?

### **Question 3**

To what extent do you agree or disagree that we should not accept as evidence of a qualified lawyer's English language proficiency a degree taught in English where that degree was not also the professional legal qualification of the qualified lawyer?

### **Question 4**

To what extent do you agree or disagree that we should accept as evidence of a qualified lawyer's English language proficiency an IELTS score of 7.5 or higher (or a score of an equivalent standard in an alternative SELT)?

### **Question 5**

To what extent do you agree or disagree that we should accept a score from any SELT that is approved by the UK Government for use in visa or citizenship applications?

### **Question 6**

To what extent do you agree or disagree that we should only accept as evidence of a qualified lawyers' English language proficiency a SELT score where the test provider considers the outcome to be valid at the time it is submitted to the SRA?

### **Question 7**

To what extent do you agree with our proposed transitional arrangements?

### **Question 8**

Are there any additional impacts, either positive or negative, to those we have identified in our initial equality impact assessment of our





proposals?

## Question 9

Alongside this consultation, we have published a tracked change version of the amendments we proposed to make to our current regulations and Principles for Qualified Lawyers. To what extent do you agree or disagree that the proposed amendments would give effect to the policy proposals on which we are consulting?

## Publishing responses

We will publish and attribute your response unless you request otherwise.

## Downloads

- [Consultation - Proposals to change how the English or Welsh language proficiency of qualified lawyers is assured \(PDF 10 pages, 195KB\)](https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/2023/consultation---proposals-to-change-how-the-english-or-welsh-language-proficiency-of-qualified-lawyers-is-assured.pdf) [<https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/2023/consultation---proposals-to-change-how-the-english-or-welsh-language-proficiency-of-qualified-lawyers-is-assured.pdf>]
- [Draft regulation changes for qualified lawyers \(PDF 6 pages, 189KB\)](https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/2023/draft-regulation-changes-for-qualified-lawyers.pdf) [<https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/2023/draft-regulation-changes-for-qualified-lawyers.pdf>]
- [Initial equality impact assessment - Proposals to change how the English or Welsh language proficiency of qualified lawyers is assured \(PDF 8 pages, 145KB\)](https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/2023/initial-equality-impact-assessment---proposals-to-change-how-the-english-or-welsh-language-proficiency-of-qualified-lawyers-is-assured.pdf) [<https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/2023/initial-equality-impact-assessment---proposals-to-change-how-the-english-or-welsh-language-proficiency-of-qualified-lawyers-is-assured.pdf>]
- [Consultation response - Changes to how the English or Welsh language proficiency of qualified lawyers \(PDF 14 pages, 235KB\)](https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/consultation-response---changes-to-how-the-english-or-welsh-language-proficiency-of-qualified-lawyers-.pdf) [<https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/consultation-response---changes-to-how-the-english-or-welsh-language-proficiency-of-qualified-lawyers-.pdf>]
- [Consultation responses - Combined English or Welsh language proficiency \(PDF 38 pages, 500KB\)](https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/consultation-responses---combined-english-or-welsh-language-proficiency-.pdf) [<https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/consultation-responses---combined-english-or-welsh-language-proficiency-.pdf>]
- [Updated post-consultation - Draft regulation changes for qualified lawyers \(PDF 7 pages, 173 KB\)](https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/updated-post-consultation---draft-regulation-changes-for-qualified-lawyers-.pdf) [<https://higher-rights.sra.org.uk/globalassets/documents/sra/consultations/updated-post-consultation---draft-regulation-changes-for-qualified-lawyers-.pdf>]

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