



# Your organisation's approach to qualifying work experience

September 2021

Qualifying work experience (QWE) could help increase opportunities for aspiring solicitors to qualify and join the profession.

Below are a few areas law firms and other providers of legal services may want to consider when thinking about how they approach QWE.

## Confirming QWE

### Who can confirm a candidate's QWE

Only a solicitor or compliance officer for legal practice (COLP) we regulate can confirm QWE. They are confirming:

- the details of the work experience provided by the individual are correct
- that the work carried out provided the opportunity for the individual to meet [some or all of the competences](https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/1) needed to practise as a solicitor
- that no issues arose during the work experience that raise questions over the individual's character and suitability. If such confirmation cannot be given, then details of any such issues must be provided.

You may want to consider how this will work in your organisation if or when you are approached by a candidate. For instance:

- Will it be the solicitor or COLP who directly supervised their work confirm it?
- Or will another solicitor or COLP have responsibility for confirming QWE? For example, this could be a solicitor in your Human Resources team.

Whoever you decide will confirm QWE will need to satisfy themselves that it meets our requirements. Please remember that they are not confirming whether an individual is competent to practise as a solicitor. We have further guidance on [confirming QWE](https://higher-rights.sra.org.uk/solicitors/guidance/colps-confirming-qualifying-work-experience/1).

## Supporting confirmation of QWE

Your current systems or processes may already help the individual confirming QWE to check what a candidate has done. For example, the individual's employment details may be held centrally and the work they



do may be documented through your performance development review process.

If you do not have systems in place, you may want to consider how a solicitor or COLP asked to confirm QWE would check the information provided by a candidate.

You may also consider if you need current employees wishing to become a solicitor to regularly document and evidence their work. We have a [recording template](https://higher-rights.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qwe-training-template/) [https://higher-rights.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qwe-training-template/] that helps candidates detail how they have met the competencies. This template is to help the individual demonstrate that they have met some or all of the competences. It does not need to be submitted to us.

## **Requests from previous employees to confirm QWE**

QWE can be claimed retrospectively. There is no limit on how far back some can claim QWE. This means you may be approached by former employees who want their previous experience confirmed as QWE.

You may want to think about:

- Who will deal with these requests? Are they dealt with centrally or by the person who was responsible for supervising their work?
- How will you check that the details provided by the previous employee are correct, the work that they did provided them with the opportunity to develop some or all of the competences and that there were no issues with the individuals character and suitability?

You may also want to think about any changes that may be needed to your current systems and processes to deal with previous employees' QWE requests. For example, are you recording the details of temporary employees and the work they carried out?

## **Reasonable and appropriate steps to confirm**

We expect solicitors and COLPs to take reasonable and appropriate steps to confirm any retrospective requests.

For example, this could involve talking to the HR department to confirm details of the experience or to obtain a job description for the role being claimed as QWE. It could also involve speaking to the person who supervised the individual to get more information on what their experience included.

However, we also recognise that in some cases it may be legitimate for a solicitor or COLP not to confirm QWE. For example:

- if records have not been kept



- the retrospective claim goes beyond the organisation's data retention period
- there are no individuals from that time still employed who can verify the experience.

## Meeting our regulatory obligations

Confirming QWE is in an important regulatory step. We expect solicitors and COLPs to consider how they comply with our [Principles \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/1\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/1) and [Code of Conduct for Solicitors \[https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/1\]](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/1). This means they must act honestly, fairly at all times and not abuse their position by taking unfair advantage when confirming QWE.

In law firms, you may want to think about how you make sure solicitors or COLPs confirming QWE meet these obligations.

## Engaging with your employees

### Explaining QWE

We have [information \[https://higher-rights.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qwe-training-template/\]](https://higher-rights.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qwe-training-template/) about QWE for candidates looking to qualify as a solicitor. This includes:

- what QWE is and how much they need
- what type of roles/placements count as QWE
- claiming QWE
- recording their QWE and experience
- recording their QWE with us

You may want to consider how you inform existing employees who are not solicitors about your approach to QWE.

### Managing employee expectations

You may want to consider how you manage the career expectations of your employees wishing to become a solicitor or those seeking confirmation of QWE.

How and when do you plan to communicate with individuals about the potential roles and opportunities available once their QWE is confirmed and once they are admitted?

## Training and development

### Aligning your training and development



We do not prescribe the activities or the practice areas that QWE must include in the way we do for the period of recognised training (training contracts).

However, you may want to consider if this flexibility gives you an opportunity to tailor your training and development of employees with your business objectives and business model. For instance, you don't need to rotate candidates through different seats or areas of law, and you can focus more on the areas relevant to your business.

## Recruitment

### More flexibility in recruitment

QWE offers more flexibility in how you recruit. You may want to consider your current recruitment approach to take advantage of the new flexibility, for example:

- Can you develop existing paralegals through QWE?
- Can you take on an [apprentice](https://higher-rights.sra.org.uk/become-solicitor/sqe/solicitor-apprenticeships/) [https://higher-rights.sra.org.uk/become-solicitor/sqe/solicitor-apprenticeships/]?
- Can you collaborate with other firms in offering individuals a period of QWE?
- For those firms not currently able to provide a full training contract, is this an opportunity to offer QWE?

### Attracting new talent

It might also be advantageous to outline your approach to QWE and how it provides opportunities for individuals to be exposed to some or all of the competencies when advertising new roles.

## Further guidance

We have guidance for law firms explaining what they need to do to meet our standards when providing opportunities for individuals to obtain QWE.

We also have help for other [work experience providers](https://higher-rights.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qualifying-work-experience-employers/meeting-standards/) [https://higher-rights.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/qualifying-work-experience-employers/meeting-standards/] that we do not regulate so they can also offer good QWE placements.