



Solicitors  
**Regulation**  
Authority

# **Changes to how the English or Welsh language proficiency of qualified lawyers is assured**

Consultation response

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10 April 2024

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## Executive Summary

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This consultation sought views on changes to 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. The proposed changes would update [the Principles for Qualified Lawyers](#) ('the Principles'), which were first published in 2021.

There were broadly three parts to this consultation:

- Question one asked respondents to indicate the degree to which they agreed or disagreed with the proposal to move forward the need for qualified lawyers to demonstrate their language proficiency – from the point of applying for a first practising certificate to the point of admission to the roll.
- Questions two to six explored the various types of evidence of their language proficiency we should accept from qualified lawyers.
- Questions seven to nine explored our thoughts on transitioning to the new rules, equality impacts and the draft rules for implementing our proposals.

With respect to the first question, respondents were evenly split:

- eight respondents strongly agreed or agreed with our proposal
- eight disagreed or strongly disagreed with our proposal
- three neither agreed nor disagreed.

In question three, we proposed removing the ability to demonstrate English language proficiency through any degree which was taught and assessed in English, in any subject, obtained at any time. Most respondents (11) either disagreed or strongly disagreed with this. Eight respondents either agreed or strongly agreed with us on this question; one respondent neither agreed nor disagreed with the proposal. This was the only question in which most respondents disagreed with our proposals.

On other questions related to forms of evidence a qualified lawyer could use to demonstrate language proficiency, there was more support from respondents.

Respondents also supported proposals to allow evidence to be provided through a Secure English Language Test (SELT). They also supported our proposal to change the standard from Common European Framework of Reference for Languages (CEFR) level C2 to International English Language Testing System (IELTS) 7.5 or the equivalent in an alternative test.

Most respondents also supported our proposal to remove our requirement that language test certificates be no more than two years old. And instead, only accept certificates that the test provider says remain valid. However, others questioned this. Having considered the responses and the academic literature on language attrition, we will replace the two-year expiry date with a three-year expiry date.

At the time of our consultation, we published an equality impact assessment and draft rules changes to implement the policy proposals. Although there were some comments on both, no respondents raised new equality considerations which were not explored in the consultation. There were no suggestions to improve the drafting of the regulations.

Having analysed responses to the consultation and considered the potential equality impacts, we will:

- in the spring of 2024 submit our application to the Legal Services Board for formal approval of the rules change. Subject to approval, we will implement the new rules in the summer of 2024 and no earlier than 1 June 2024
- produce clear guidelines for qualified lawyers on the changes
- communicate the changes to qualified lawyers through various channels, including on social media and through our SQE Update
- monitor the implementation of our proposals to identify any unintentional or negative impacts.

## Background

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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.

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.

In 2020, we first consulted on changes to our Principles for Qualified Lawyers. 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](#) ('the Principles') also set out how they could evidence their proficiency in English or Welsh, should they receive an exemption from SQE2.

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 update our policy relating to language proficiency.

We consulted on changes to 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.

The rules relating to our English language requirements – for all aspiring solicitors – are set out in the [SRA Authorisation of Individuals Regulations](#). Our current policy for qualified lawyers is set out in the Principles for Qualified Lawyers.

This consultation ran in parallel to [another consultation on exemptions for qualified lawyers](#) who have previously attempted and failed an SQE assessment. This proposed that any qualified lawyer who has attempted an SQE assessment and failed would need to resit and pass that assessment before qualifying as a solicitor.

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

## Who we heard from

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The consultation ran from 13 December 2023 until 24 January 2024. We also published an equality impact assessment.

We promoted the consultation through a range of channels, including through SQE Update and our SQE news bulletin with approximately 5,000 subscribers. We also engaged with various stakeholders during the consultation, such as The Law Society.

We received 20 responses in total from:

- The Law Society
- Liverpool Law Society
- Surrey Law Society
- Six qualified lawyers
- Six aspiring solicitors
- Three solicitors
- One law firm
- One academic.

We are grateful to everyone who took the time to respond to our consultation. We have considered each response in developing our final policy positions.

# Our final positions

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In this section, we outline:

- each consultation question
- a summary of the responses we received
- our final policy positions
- our next steps.

**Consultation 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?**

## Summary of responses

Consultation respondents were fairly balanced on this question. Eight respondents either strongly agreed or agreed with our position, including both the Liverpool Law Society and the Surrey Law Society. In support of the proposal, Liverpool Law Society said:

‘...we consider that it represents better consumer protection if proficiency in English language is a requirement for admission and is not just checked as part of the application process for a practising certificate.’

Surrey Law Society said:

‘...it would be beneficial for the applicants if any prerequisites to obtaining a practising certificate were dealt with as early as possible to avoid disappointment at a later stage and to afford more time for the prerequisites to be met. It would also afford the regulator sufficient opportunity to make any necessary checks.’

The Law Society [CY1] did not agree or disagree with our proposed change. Instead, they said they could see advantages as well as disadvantages:

‘The current system...does mean that there will be foreign lawyers admitted as solicitors who are then unable to demonstrate sufficient English language proficiency to obtain a PC. On the other hand, requiring demonstration of English language proficiency for admission will disadvantage foreign lawyers who did not intend to practise as a solicitor and therefore do not need to hold a practising certificate.’

An additional eight respondents either strongly disagreed or disagreed with our proposal to change the point at which qualified lawyers must demonstrate language proficiency. Views from respondents varied. One respondent, a qualified lawyer, argued that passing SQE1 is a ‘clear indication of candidate’s English language proficiency’.

Another qualified lawyer suggested that one’s ‘language proficiency can improve with practical experience in the legal field, allowing practitioners to enhance their communication skills over time.’ A further respondent, an aspiring solicitor, argued that some qualified lawyers may seek admission for ‘development purposes’ rather than to practise as a solicitor.

## Our position and next steps

Having considered the responses, we believe it is appropriate to proceed with this proposal. Changing the point at which we seek assurance about language competence will put all

aspiring solicitors, including qualified lawyers, on an equal footing as to when they must demonstrate their language proficiency.

**Consultation 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?**

**Summary of responses**

Thirteen respondents either strongly agreed or agreed with our proposal. Comments from respondents supporting this form of evidence were of the view a lawyer's professional qualification, if assessed in English, should be sufficient evidence of English language proficiency.

Seven respondents either strongly disagreed or disagreed with our proposal. One respondent argued that all qualified lawyers should be required to demonstrate their English language proficiency by sitting and passing SQE2, meaning no exemptions should be allowed. Others suggested legal experience in a firm, or an international organisation, could be sufficient evidence of language proficiency.

**Consultation 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?**

**Summary of responses**

Eight respondents either strongly agreed or agreed with our proposal that we should not accept any degree assessed in English, in any subject, as evidence of a qualified lawyer's English language proficiency. Respondents who agreed, include the Liverpool and Surrey Law Societies. The Liverpool Law Society stated:

'We do not consider that a degree taught in English which is not also the professional legal qualification of the applicant is adequate. To be admitted as a solicitor the applicant should be required to demonstrate proficiency in legal terminology. A degree which is not a legal qualification is not evidence that the applicant is so proficient.'

Eleven respondents either strongly disagreed or disagreed with our proposal. In disagreeing with our proposal, the Law Society stated:

'We believe this may be overly restrictive. The stated reason for this change is that a degree taught in English in another subject may not provide the needed background in legal terms need as a solicitor. However, the IELTS (or equivalent SELT) does not specifically test proficiency in legal English either. If the concern is that a qualified lawyer educated at an English language university may still not have sufficient background in legal terminology, then the alternative proposed (IELTS or other SELT testing) does not address this concern.'

One respondent neither agreed nor disagreed with our proposed change.



## **Our position and next steps**

Questions two and three are linked. As stated in the consultation, we think there is a risk where qualified lawyers provide evidence of English proficiency with a degree taught in English – in any subject and obtained at any time. As this does not provide strong enough assurance that they have the English language proficiency needed to practise as a solicitor. The level of English needed to pass such a degree could vary greatly. Any language proficiency they had when they attained the degree could have been lost.

We acknowledge there are limitations with English language testing. However, requiring an objective assessment to a specified standard will provide an acceptable level of assurance and be fair for all.

In the consultation, we proposed that we should accept as evidence of English language proficiency a qualified lawyer's professional legal qualification, where that qualification was assessed in English. Respondents to the consultation overwhelmingly agreed with this proposal and we have not seen any evidence which has persuaded us otherwise.

We, therefore, think that it is appropriate and proportionate to not accept a degree taught in English as a form of evidence.

### **Consultation 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)?**

#### **Summary of responses**

Most respondents agreed with this proposal. Fifteen respondents either strongly agreed or agreed with our proposal to change the standard required for English language tests from CEFR level C2 to IELTS 7.5 or an equivalent in an alternative secure test. In agreeing with the proposed change, the Law Society commented:

'We agree that the CEFR C2/IELTS 8.5 level is too demanding and an unnecessary barrier to otherwise highly qualified foreign lawyers. We support IELTS 7.5 or equivalent as the new standard.'

Although they agreed with our proposal, the Liverpool Law Society expressed some concerns as it would represent '...a dilution of the current requirements. However, we note that the change would bring the requirements in line with the thresholds set by other regulators.'

Two other respondents suggested that the standard be lowered to 6.5 or 7.0, which would be equivalent to most university undergraduate degree entry points.

Five respondents to the consultation strongly disagreed with our proposal. One respondent argued that current CEFR level C2 was necessary given that solicitors work with clients. Another respondent stated that higher standards should be required for solicitors.

A qualified lawyer suggested that registered foreign lawyers (RFLs) should be exempt from the requirement. This is because they are already proving their language skills through their work and could submit a letter of endorsement from an employer.

## **Our position and next steps**

We believe that a standard of language proficiency demonstrated by an IELTS score of 7.5 will provide sufficient assurance. The approach is objective and fair. The tests are readily available and accessible to all. If we accepted evidence in the form of a letter from an employer, we would not be assured that a common standard was being applied.

### **Consultation 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?**

#### **Summary of responses**

Ten respondents either strongly agreed or agreed with the proposal to accept any government approved secure English language test. In showing support, the Law Society said:

‘A greater choice of tests would make the process more easily accessible for more qualified lawyers, providing more options of test providers, testing centres, testing times and so on. If the UK government has determined that these SELT are equivalent to IELTS then we support their acceptance by the SRA.’

A solicitor, who agreed with our proposal commented that many tests which are secure are not designated as a SELT, as used by the Home Office.

Seven respondents neither agreed nor disagreed with this proposal. Three respondents either strongly disagreed or disagreed with our proposal.

## **Our position and next steps**

Having considered the comments, we believe it remains appropriate to proceed with the proposal and accept the Home Office list of SELT providers as secure. We see no reason not to accept this list, as it also allows a degree of choice for candidates.

Prior to implementation, we will provide clear guidance for candidates on the website on where to find information on SELT providers and the standard which the test must cover.

### **Consultation question 6: To what extent do you agree or disagree that we should only accept as evidence of a qualified lawyer’s 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?**

#### **Summary of responses**

Eleven respondents either strong agreed or agreed with our proposal. One respondent, Liverpool Law Society, who agreed with the proposal said:

‘Our agreement is predicated on the statements in the consultation that language proficiency tests tend to have a shelf life of circa two years. Our answer would have differed if test providers were prepared to extend validity beyond that period.’

Four respondents either strongly disagreed or disagreed with this proposal. Respondents who disagreed with the proposal commented that the SRA should not require a second certificate if a candidate has previously demonstrated their English competence.

The Law Society suggested that test providers have a financial incentive to set validation dates artificially short, in order that further retesting is required. They also said:

‘There is no evidence that a qualified lawyer who tested to the required level more than two years prior (or the relevant time limit of the test provider) will have had a decline in their English language proficiency... to ask for it [language proficiency] to be rechecked prior to qualification is an unnecessary burden on the individual who has already demonstrably met the required standard.’

An additional four respondents neither agreed nor disagreed with the proposal.

### **Our position and next steps**

After considering the responses from stakeholders and available research on language attrition, we have decided to accept certificates that are issued no more than three years from the date submitted to us by the candidate.

Although the evidence is not conclusive, there is some research which suggests second language ability declines exponentially after three years, if the language is not used.<sup>1</sup> The research shows, among other things, that language ability remains steady for three years after instruction but between three and six years of non-use, language ability declines exponentially.

Bahricks study, and others’, also found that productive linguistic skills –speaking and writing – are more vulnerable to attrition than receptive linguistic skills such as listening and reading.<sup>2</sup> This finding is highly relevant as lawyers require high levels of productive linguistic skills to carry out their day-to-day work.

Because we are not able to know how much a person continues to learn and use English after taking a test, we believe it remains necessary to impose an expiry date for language certificates.

Given the evidence, on balance, we believe we should take assurance about language proficiency from certificates that were issued no more than three years previously. This would strike the right balance between our need for such assurance and the potential burden on candidates of having to retest.

This would mean that we would accept certificates with a validation limit of two years for an additional year. It would also mean that candidates with a certificate without an expiry date would need to make sure that the test certificate was issued within three years of their admission.

### **Consultation question 7: To what extent do you agree with our proposed transitional arrangements?**

#### **Summary of responses**

Seven respondents either strongly agreed or agreed with the arrangements we set out for transitioning to the new rules. In agreeing with the arrangements, Liverpool Law Society

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<sup>1</sup> Harry P. Bahricks, ‘Fifty Years of Second Language Attrition: Implications for Programmatic Research.’ *The Modern Language Journal* 68, no. 2 (1984): 105–18.

<sup>2</sup> Kathleen Bardovi-Harlig, and David Stringer. ‘Variables in Second Language Attrition: Advancing the State of the Art.’ *Studies in Second Language Acquisition* 32, no. 1 (2010): 1–45.

considered that the transitional arrangements represent the best course. The Law Society said:

'We support the proposed transitional arrangements. It is not reasonable to seek further evidence of English proficiency from any foreign lawyer already admitted as a solicitor and issued with a practising certificate, but the new system should apply during the transition for qualified lawyers not yet admitted. However, admitted qualified lawyers who have not yet demonstrated the required English proficiency in order to be issued a practising certificate should continue to be able to demonstrate proficiency through an English language university degree.'

Four respondents either strongly disagreed or disagreed with the arrangements as proposed. An additional seven respondents neither agreed nor disagreed with the transitional arrangements.

### **Our position and next steps**

Having considered the responses and the comments, we believe the arrangements, as explained in the consultation, represent the best course of action for those looking to be admitted and practise as solicitors.

We, therefore, intend to implement the following transitional arrangements:

- Any qualified lawyer already admitted as a solicitor when the new requirements come into effect, but not yet issued with their first practising certificate, would have to demonstrate their English language proficiency before this was granted. 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 come 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 come into effect.

**Consultation 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?**

### **Summary of responses**

Fourteen respondents said there were no new impacts which were not addressed in the consultation paper.

Six respondents to the consultation said there were additional impacts to those identified in the consultation paper. One respondent, an aspiring solicitor, stated:

'...the proposed changes unfairly target BAME groups and individuals aspiring to become solicitors in England and Wales. This highlights another instance where the current government, in collaboration with the SRA, appears to discourage foreign solicitors exempt from one or both SQE exams. It seems like a substantial barrier is being erected, potentially causing future solicitors to struggle, lose interest, or abandon the process altogether.'

The Law Society stated:

'We would like the SRA to consider adding a route to the requirements, allowing individuals to demonstrate English language proficiency via experience—demonstrating having lived and worked in an English-speaking country for a certain period of time...Qualified lawyers who have achieved English language proficiency through working in an English language environment should not need to study for an artificial exam...and can be difficult even for skilled English speakers who are not prepared.'

One qualified lawyer thought we should not seek any evidence of language proficiency from RFLs who practise in England and Wales under their home title. Another qualified lawyer made broader points about our exemption policy saying lawyers from specific jurisdictions should not be granted an exemption from SQE2.

### **Our position and next steps**

The consultation did not identify any additional negative or disproportionate impacts on individuals because of their protected characteristics. We have addressed earlier why we do not consider it appropriate for us to accept a period of experience as evidence of English language proficiency.

### **What we have done**

We acknowledged in the consultation that there is currently some confusion about which qualified lawyers must provide further evidence of language proficiency. We have reworded the regulations and Principles so that there is clarity about when additional evidence is needed and how candidates can obtain the evidence required.

### **Conclusions**

We believe the changes will be a proportionate means of achieving the legitimate aim of protecting clients and the public for the following reasons:

- The changes will not prevent qualified lawyers from being admitted as solicitors of England and Wales. However, qualified lawyers must, like any other candidate, provide evidence of language proficiency in one of the following three ways:
  - passing SQE2
  - providing evidence of a professional legal qualification assessed in English or
  - taking a language assessment.
- The changes are not targeted at lawyers who qualified in any specific jurisdiction. And allow a good degree of flexibility for those who have not taken SQE2 to provide evidence of language proficiency (at the point of admission).

**Consultation question 9: To what extent do you agree or disagree that the proposed amendments would give effect to the policy proposals on which we are consulting?**

**Summary of responses**

Eight respondents agreed with the proposed changes to the rules and Principles for Qualified Lawyers. An additional eight respondents neither agreed nor disagreed with the changes.

Four respondents either strongly disagreed or disagreed with the proposed changes. One respondent, who expressed this view throughout, believes all aspiring solicitors should be required to pass SQE2. Another, again throughout their response, believes that special arrangements should be provided for RFLs seeking to requalify as solicitors.

**Our position and next steps**

The consultation did not identify any specific issues with our proposed amendments to our regulations and the Principles for Qualified Lawyers. However, because we now believe language test certificates should be allowed for up to three years, we have amended the Principles for Qualified Lawyers to accommodate this change.