

RESEARCH ARTICLE

The impact of the Solicitors Qualifying Examination (SQE) on undergraduate legal education in England and Wales: A content analysis

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Abstract

The Qualifying Law Degree (QLD) resulted in law degrees tending to be similar in design, with compulsory foundation modules at their core. The Solicitors Qualifying Examination (SQE) represents a significant change to solicitor qualification and potentially frees universities from the constraints of the foundations. There was also speculation that some universities would feel pressure to align undergraduate curricula to the SQE. This paper makes a contribution to knowledge by undertaking the first content analysis of LLB webpages since the SQE's implementation. The data reveals that: (1) law schools still overwhelmingly require mandatory study of all the foundations; (2) there has been an incremental shift towards vocationalism; (3) a small minority of webpages may be overstating the extent that their LLB prepares students for the SQE; and (4) a significant proportion of webpages contain factually inaccurate or confusing information about programmes or routes to qualification. It confirms an inherent irony: the deregulation of undergraduate solicitor education in England and Wales had led to more vocational alignment than experienced under the previous system but has not resulted in a significant shift away from the foundations. We present a novel explanation as to why this is the case, based on institutional theory and organisational strategic theory.

Keywords: legal education; law curriculum; institutional theory; organisational strategic theory; Solicitors Qualifying Examination; SQE

Introduction

For many years the Qualifying Law Degree (QLD) has resulted in most universities teaching modules that primarily correspond to the QLD foundation subjects and therefore undergraduate law degrees have tended to be similar in design. However, the introduction by the Solicitors Regulation Authority (SRA) of the Solicitors Qualifying Examination (SQE) has recently changed legal education in England and Wales,¹ moving to a system where teaching is not mandated at all at any level and solicitor assessment is centralised.² There was speculation when the SQE was introduced that newer universities in particular

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¹Solicitors Regulation Authority 'Authorisation of Individuals Regulations' (6 June 2023) available at <https://www.sra.org.uk/solicitors/standards-regulations/authorisation-individuals-regulations/>.

²Although note the Bar Standards Board still requires students to study seven foundations of legal knowledge at the academic stage for the purposes of barrister qualification.

would feel pressure to amend their undergraduate curricula to align with the SQE, specifically to incorporate SQE1-style single best answer multiple choice question exams testing functioning legal knowledge.³

Addressing a gap in the literature, this paper makes an original contribution to knowledge and understanding by presenting new data and analysis from a detailed content analysis of LLB webpages of universities in England and Wales 18 months on from the introduction of the SQE.⁴ The three research questions we set out to answer were, in light of the SQE changes, whether and to what extent universities: (1) have moved away from the foundations; (2) have aligned their undergraduate curricula to the SQE; and (3) now claim to prepare students for the SQE. The first section provides context to our findings by summarising the existing state of knowledge, debates and research in terms of the SQE's impact on undergraduate legal education. The second section sets out our aims and research methodology. The third section presents and discusses our research findings. The conclusion summarises the novel insights and contribution to knowledge our research makes.

The new data presented confirms an inherent irony: the deregulation of undergraduate solicitor education in England and Wales had led to more vocational alignment than experienced under the previous system but has not resulted in a significant shift away from the foundations. We present a new explanation as to why this is the case based on institutional theory and organisational strategic theory. The data also reveals some unexpected issues with the quality and accuracy of information on provider websites. The conclusions contribute to the ongoing theoretical debates about the purpose of undergraduate legal education. The paper also presents useful data to aid understanding of how law schools respond to regulatory change, may help inform curriculum design and makes suggestions as to what law schools need to do to avoid misinforming students. Although the focus is on England and Wales, the findings and analysis may be relevant for legal education in other jurisdictions facing regulatory change, competitive pressures or an increasingly metric-driven higher education landscape.

1. The SQE

(a) *The position prior to the SQE*

To contextualise the study in this paper, brief consideration must be given to the historical development of the relationship between vocational legal training and the academic study of law, and the role that the law school has traditionally played in balancing the considerable tension between these two elements.

The debate over the position of the law school in delivering academic and vocational legal tuition has dominated discourse in the field of legal education since Blackstone's exposition of his view on the perceived inadequacies of the legal training regime in 1768.⁵ Since then, various reviews have transfigured the role of university law schools from being absent altogether to playing a central part in delivering the requisite training for prospective solicitors.⁶ The natural starting point when considering the beginning of the prescriptive, 'core' element of undergraduate legal education is the Ormrod Report in 1971. This proposed the introduction of three stages which candidates had to pass to qualify as a solicitor: academic; professional/ vocational; and work-based.⁷ This essentially transformed the legal profession into a 'graduate profession'⁸ and it led, in 1972, to the requirement for candidates seeking to enter the legal profession to undertake some form of university legal education.⁹

³J Guth and K Dutton 'SQE-ezed out: SRA, status and statis' (2018) 52(4) *The Law Teacher* 425 at 434.

⁴Or equivalent degrees, eg Oxford.

⁵W Blackstone *Commentaries on the Laws of England* (Oxford: Clarendon Press, 1768) p 3.

⁶For example, Committee on Higher Education 1963 *Report of the Committee Appointed by the Prime Minister under the Chairmanship of Lord Robbins* (Cmnd 2154, 1963) (The Robbins Report) available at <https://education-uk.org/documents/robbins/robbins1963.html>.

⁷Ormrod Report *Report of the Committee on Legal Education* (Cmnd 4595, 1971) para 85.

⁸P Leighton 'Legal education in England and Wales: what next?' (2021) 55(3) *The Law Teacher* 405 at 405.

⁹S Menis 'The liberal, the vocational and legal education: a legal history review – from Blackstone to a law degree' (2020) 54(2) *The Law Teacher* 285.

The vocational stage was, at the time, the centrally set and assessed Law Society Finals (LSFs). In 1993, the LSFs were replaced with the Legal Practice Course (LPC), which moved away from the centralised assessment regime of the LSFs and gave approved providers the power to award the relevant qualification. The academic stage was passed by completing a QLD. A QLD is a qualification that is recognised by the SRA for the purpose of permitting graduates to proceed to the vocational stage of solicitor training under the LPC system and represents the academic stage of the model proposed by the Ormrod report. One of the defining features of the QLD has been the mandatory study of a number of ‘core’ foundation modules. Initially there were five compulsory subjects which became seven by 1995 following the addition of equity and trusts, and EU law.¹⁰ This, coupled with the expansion of the content of existing foundations (such as ‘constitutional law’ becoming ‘constitutional and administrative law’ for example) led Twining to coin the phrase the ‘creeping core’ and argue that the undergraduate law curriculum was becoming ‘overloaded’.¹¹ This expansion attracted much criticism from commentators at the time, including Birks.¹² However, despite wide condemnation by the academy, the ‘core’, minimum standard undergraduate modules for professional qualification purposes were formalised in 1999, when the Law Society (now the SRA) and the Bar Standards Board (BSB) issued a joint statement mandating that the seven foundations of legal knowledge (the Foundations) must be covered in a QLD (the Joint Statement).¹³ The 2013 Legal Education and Training Review (LETR) concluded that there was no case to either extend or reduce the Foundations.¹⁴

With the introduction and subsequent expansion of the Foundations, law schools lost some flexibility in how they structured the content of their law degrees if they wanted to provide students with a degree which would enable them to qualify as a solicitor or barrister. Provision became increasingly indistinguishable. This is supported by various empirical studies: a project undertaken by Vaughan around 2019 found that out of 86 law schools only 12 (14%) made a QLD optional for students and that undergraduate law courses tended to look ‘remarkably similar’ in design.¹⁵ The study noted that almost all law schools teach in blocks or modules that primarily correspond to the Foundations. Vaughan’s study reiterates and reinforces similar points expressed by other commentators,¹⁶ including Harris and Beinart’s Survey of Law Schools 2004, in which they found that 86 out of 99 institutions offered undergraduate QLDs, and therefore offered the Foundations as part of their core offering.¹⁷ There is therefore a consistent series of data sets which demonstrate the similarity of undergraduate provision offered by law schools under the old regulatory regime. This poses a question of particular interest, which pertains to the reason why such homogeneity exists. The remainder of this sub-section therefore focuses on the extent to which this is currently explained in the literature and provides an introduction to institutional theory.

¹⁰The subjects were: tort, contract, land law, constitutional and administrative law, and crime. Equity and trusts was added in 1979, with EU law being added in 1995.

¹¹See W Twining ‘Rethinking legal education’ (2018) 52(3) *The Law Teacher* 241 and also W Twining *Blackstone’s Tower: The English Law School* (London: Sweet & Maxwell, 1994).

¹²P Birks ‘Compulsory subjects: will the seven foundations ever crumble?’ [1995] 1 *Web JCLI*.

¹³Solicitors Regulation Authority ‘Joint statement on the academic stage of training’ (September 2021) available at <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/academic-stage-joint-statement-bsb-law-society/>.

¹⁴ILEX Professional Standards, Bar Standards Board, Solicitors Regulation Authority *Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales: The Legal Education and Training Review (LETR)* (2013) available at <https://letr.org.uk/the-report/index.html>.

¹⁵S Vaughan ‘The lies we tell ourselves: problematising the (s)hallow foundations of the core of legal education’, *Pressing Problems in the Law: what is the law school for?* 20 years on seminar (Newcastle upon Tyne, June 2019).

¹⁶See for example J Wilson and S Marsh ‘A second survey of legal education in the United Kingdom’ (1975) 13(4) *JSTL* 239; P Harris et al *A Survey of Law Teaching: 1993* (London: Sweet and Maxwell with the Association of Law Teachers, 1993); P Harris and M Jones, ‘A survey of law schools in the United Kingdom, 1996’ (1997) 31(1) *The Law Teacher* 38; R Bowyer ‘Regulatory threats to the law degree: the Solicitors Qualifying Examination and the purpose of law schools’ (2019) 30(2) *Law and Critique* 117; R Hammond-Sharlot ‘The end of the joint statement: freedom or further fettering? An examination of the potential impact of the new Solicitors Qualifying Examination on undergraduate legal education’ (2022) 27(2) *Coventry Law Journal* 15.

¹⁷P Harris and S Beinart ‘A survey of law schools in the United Kingdom, 2004’ (2005) 39(3) *The Law Teacher* 299.

Hammond-Sharlot suggests that the homogeneous provision of undergraduate legal education can be explained by reference to institutional theory, in that the organisations within the field (university law schools) have all isomorphed, ie changed to be the same as one another.¹⁸ Institutional theory suggests that all organisations are impacted by their external conditions and that, ultimately, they will respond in predictable ways to those external circumstances.¹⁹ As DiMaggio and Powell explain, ‘... once disparate organizations in the same line of business [such as individual law schools] are structured into an actual field (... by competition, the state, or the professions), powerful forces emerge that lead them to become more similar to one another’.²⁰

This high degree of predictability leads to the isomorphic effect across corporate groupings. DiMaggio and Powell contend that isomorphism can take three forms: coercive (pressure of external influence such as a regulator); normative (pressure to do things the way they have always been done in the sector to meet some sort of standard); and mimetic (influence of what other institutions are doing).²¹ DiMaggio and Powell acknowledge that ‘This typology is an analytic one: the types are not always empirically distinct’ and ‘intermingle in an empirical setting’.²² The theoretical basis for isomorphism, in whatever form, is that an organisation which meets the needs of its external environment is viewed as being legitimate, which in turn contributes to its long-term organisational survival.²³

Hammond-Sharlot argues that law schools are a classic example of both coercive and normative isomorphism, whereby the external influence of regulator(s) such as the SRA and the BSB via the Joint Statement, or simply the knowledge needed to progress into the profession, drove the development of very similar undergraduate offerings.²⁴ In theoretical terms, she argues that coercive isomorphism has occurred through external regulation by the regulatory bodies which has put universities under pressure to conform to the ‘norm’ of a particular provision or structure, thus restricting their autonomy. She further argues that the element of normative isomorphism stems from a pressure to conform to specific norms and practices within the delivery of legal education – that is to say that things should be done the way they have always been done.²⁵

Moreover, the SRA and the BSB are not the only regulatory bodies which exert pressure on law schools and universities. Over-regulation of the university sector more generally has arguably encroached on law schools’ ability to deliver a liberal legal education (although these other regulatory pressures are not necessarily labelled as coercive isomorphism in the literature). Liberal legal education is a term which is not formally defined,²⁶ but is described by Guth and Ashford as ‘... one which does not focus on education for a particular purpose other than education itself. It is not aimed at preparing students for a particular job or profession and is not concerned with notions such as employability’.²⁷ The other external regulatory pressures are the rapidly increasing influence of the Office for Students,²⁸ league tables and key performance indicators such as published graduate outcomes data²⁹ and the

¹⁸Hammond-Sharlot, above n 16, at 15.

¹⁹J Martínez-Ferrero and I-M García-Sánchez ‘Coercive, normative and mimetic isomorphism as determinants of the voluntary assurance of sustainability reports’ (2017) 26(1) *International Business Review* 102.

²⁰P DiMaggio and W Powell ‘The iron cage revisited: institutional isomorphism and collective rationality in organizational fields’ (1983) 48(2) *American Sociological Review* 147 at 148.

²¹*Ibid.*

²²*Ibid.*, at 150.

²³JW Meyer and B Rowan ‘Institutionalized organizations: formal structure as myth and ceremony’ (1977) 83(2) *American Journal of Sociology* 340.

²⁴Hammond-Sharlot, above n 16, at 15–17.

²⁵Above n 20.

²⁶A Bradney *Conversations, Choices and Chances: The Liberal Law School in the Twenty-First Century* (Oxford: Hart Publishing, 2003).

²⁷J Guth and C Ashford ‘The legal education and training review: regulating socio-legal and liberal legal education?’ (2014) 48(1) *The Law Teacher* 5 at 6.

²⁸The Office for Students is an independent public body created by the Higher Education and Research Act 2017 to act as the regulator and competition authority for the higher education sector in England.

²⁹Graduate outcomes data is published by HESA, available at <https://www.graduateoutcomes.ac.uk/about-survey>.

Teaching Excellence Framework (TEF).³⁰ These were all launched following the introduction of,³¹ and subsequent increases in, student fees.³² These have changed the relationship between students and their institutions towards a more consumer-based model, with demands of students increasing commensurately.³³ Law schools have therefore been under considerable and increasing external pressure to deliver degrees which meet the needs of various stakeholders, thus maintaining their legitimacy and safeguarding their existence. In this respect, law schools are coerced into teaching the Foundations, which represent a significant proportion of an undergraduate degree, to help ensure they meet these key performance indicators.

(b) The SQE route to solicitor qualification

The SQE was introduced as part of the SRA's Training for Tomorrow programme in response to LETR.³⁴ LETR called for regulators to focus on the standards required of legal professionals at the point of qualification and on an ongoing basis but did not recommend the introduction of centralised assessments such as the SQE. Under the LPC system the study of law is mandatory in that students must acquire foundational legal knowledge through either a QLD or law conversion course and then undertake a practice-oriented training course at postgraduate level in the form of the LPC. Undergraduate and vocational study of law remained largely separate under the LPC system. The notable exception was the handful of SRA-approved MLaw LPC exempting degrees (which integrated an LLB, exemption from the LPC and an LLM) but these were four-year programmes integrating undergraduate and postgraduate level study.³⁵ Institutions both set and mark the LPC assessments. To qualify through the SQE route candidates need to have a degree (in any subject), pass both stages of the SQE (SQE1 and SQE2) and undertake two years' qualifying work experience (QWE).³⁶ QWE can potentially include clinical legal education undertaken at university. The SQE examines foundational principles that might be covered in Foundation modules as well as material that might have traditionally been covered at LPC level, but all at the level expected of a competent newly qualified solicitor, as opposed to the level of day one trainee under the previous regime.³⁷ This is a significant regulatory change, moving to a system where the study of law is not mandated at all at any level. Although the SRA does not prescribe any mandatory SQE course, it is generally acknowledged that most students will wish to undertake some kind of preparatory course to sit what is a challenging set of examinations with a relatively low pass rate.³⁸ Whilst anticipating new postgraduate courses would proliferate, the SRA has suggested that undergraduate law degrees might help students prepare for the SQE.³⁹

³⁰The TEF is a national scheme run by the Office for Students that aims to encourage higher education providers to improve teaching. Universities and colleges that take part in the TEF receive an overall rating as well as two underpinning ratings – one for the student experience and one for student outcomes.

³¹Fees of £1,000 a year were first introduced in the UK in 1998 following the Dearing Report. The Dearing Report *Higher Education in the Learning Society* (Her Majesty's Stationery Office, 1997) available at <https://education-uk.org/documents/dearing1997/dearing1997.html>.

³²Fees have been incrementally increased over the years following various reviews and at the time of writing are at capped at £9,259 per year.

³³M Thornton 'What is the law school for in a post-pandemic world?' in R Dunn et al (eds) *What is Legal Education for?: Re-Assessing the Purpose of Early Twenty-First Century Learning and Law Schools* (London: Routledge, 2022).

³⁴See <https://www.sra.org.uk/globalassets/documents/sra/training-tomorrow.pdf?version=49a4a5>.

³⁵See <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/exempting-law-degrees/>.

³⁶See <https://www.sra.org.uk/become-solicitor/sqe/>.

³⁷The SQE1 tests functioning legal knowledge in a range of subject areas via 360 single best answer multiple choice questions. The SQE2 tests candidates in six legal skills within the context of five practice areas.

³⁸For pass rates see <https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/first-sqe-assessment-results/>.

³⁹Bowyer, above n 16, at 118.

It is also worth noting that the SQE regime introduced solicitor apprenticeships, an entirely new route to qualification.⁴⁰ Solicitor apprentices study alongside working and must pass both parts of the SQE to qualify. Law schools which offer solicitor apprentice programmes will need to align curricula to the SQE. Solicitor apprenticeships have generally been received positively and apprentice SQE pass rates are on average 26% higher than the overall pass rate.⁴¹ However, there is a threat that government funding may be removed from solicitor apprenticeships, so their continued viability is in doubt.⁴² The impact of the SQE on undergraduate LLBs is the key focus of this paper.

(c) The SQE's predicted impact on undergraduate law degrees

In a number of respects, the SQE represents a return to a system more akin to that of the LSFs 30 years ago, which may be viewed as a somewhat regressive step. The at times vociferous criticism by the academy of the SQE is already well documented and, where relevant, will be discussed below as we explore the reasons for law school resistance to SQE curriculum change.⁴³ One potential positive highlighted was that the reform might free universities from the constraints of a QLD and the need to teach the Foundations, allowing greater innovation in curriculum design.⁴⁴ However, the BSB still requires study of the Foundations at the academic stage for barristers⁴⁵ which is an obvious disincentive for abandonment of the Foundations entirely. Hammond-Sharlot posits that the nature of the isomorph has changed with the introduction of the SQE: 'regulation has shifted from direct to indirect, but it is unlikely to stop affecting law schools in the same way... the isomorph we thought was coercive is actually normative in nature'.⁴⁶ By this she means that universities will be reluctant to move away from the Foundations because they continue to feel pressure to ensure students have the foundational knowledge to enter into the legal profession, even if the SRA no longer mandates the study of the Foundations for solicitors and the majority of students do not enter the legal profession.

There was speculation when the SQE was introduced that deregulation could, counter intuitively, lead to greater vocationalism.⁴⁷ Universities, and newer post-1992 universities in particular, might feel pressure to amend their undergraduate curricula to align with the SQE, particularly in relation to the SQE1. The SRA certainly envisaged that universities might align their curricula to the SQE specification.⁴⁸ Given one of the stated aims of introducing the SQE was to drive down costs, in the authors' view the SRA hoped universities would do so as this would save or reduce the extent students had to pay for separate preparatory courses.⁴⁹ While academics speculated that universities might feel pressure to produce 'SQE ready' graduates and SQE-focused degrees, commentators highlighted that not all universities would feel the same level of pressure to adjust to the SQE.⁵⁰ Bowyer suggested that higher

⁴⁰For further information see <https://www.sra.org.uk/become-solicitor/sqe/solicitor-apprenticeships/>.

⁴¹See <https://www.sra.org.uk/sra/news/press/2023-press-releases/apprenticeships-week-2023/#:~:text=Apprentice%20pass%20rates%20were%20on,apprentices%20well%20for%20the%20SQE>.

⁴²For discussion see N Rose 'Alarm over threat to remove funding from solicitor apprenticeship' *Legal futures* (21 November 2024) available at <https://www.legalfutures.co.uk/practice-management/alarm-over-threat-to-remove-funding-from-solicitor-apprenticeship>.

⁴³See for example the Association of Law Teachers' response to the SRA's SQE consultation at <https://www.sra.org.uk/globalassets/documents/sra/consultations/sqe2-consultation-responses-list.pdf?version=4a1acd> and the discussion in L Mason and J Guth (eds) 'Special Issue: From LETR to SQE: Reforming legal education and training in England and Wales' (2018) 52(4) *The Law Teacher*.

⁴⁴J Guth and D Morrison 'Who are law schools for? in Dunn et al, above n 33.

⁴⁵Bar Standards Board 'Academic component of bar training' available at <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/academic-component.html>.

⁴⁶Hammond-Sharlot, above n 16, at 20 and 24.

⁴⁷B Waters 'The Solicitors Qualification Examination: something for all? Some challenges facing law schools in England and Wales' (2018) 52(4) *The Law Teacher* 519.

⁴⁸See <https://www.sra.org.uk/become-solicitor/sqe/qa/>.

⁴⁹*Ibid.* For example the SRA FAQs on the SQE state 'if training is included as part of your degree, then there will be no additional charge [in relation to training costs]'.

⁵⁰Guth and Dutton, above n 3, at 434.

ranked, traditionally research-intensive universities would ‘see themselves as untouchable’ and feel confident of continuing to attract applicants without kowtowing to the SQE.⁵¹ Guth and Dutton speculated that: ‘Evidence so far suggests that the only institutions considering introducing SQE focused degrees are law schools based in new universities or those, usually lower ranked, schools which have traditionally had a vocational focus’.⁵²

No one has undertaken a thorough methodological review of all LLB webpages following the introduction of the SQE (or a similar survey) in order to ascertain the practical impact of the SQE. Writing in 2022, Hammond-Sharlot suggests she ‘examined websites (particularly the SRA website)’ in addition to undertaking a traditional literature review, but offers no explanation of what websites were reviewed and does not present any detailed data. Gilbert did undertake a review of webpages in 2020 shortly before the SQE’s introduction which was summarised in a blog post noting that ‘It seems likely that websites will be updated in the coming months as more law schools unveil their plans for 2021’.⁵³ Gilbert found: 61% of websites did not mention the SQE at all; 14% mentioned the SQE with varying levels of detail but without reference to the institution’s law courses; 17% stated the SQE would affect future course provision but included no detailed information; and 8% gave some detail about new course provision in response to the SQE.⁵⁴ Gilbert concluded that at that point in time: ‘only a handful of institutions [we]re currently offering courses which aim to get students ready to actually sit the exam upon graduation’.⁵⁵

The existing literature provides a good starting point when considering an explanation for why the Foundations have historically formed the compulsory core of most LLBs and what might happen following the SQE’s implementation. This paper offers new, updated and detailed data to help assess the impact of the SQE on undergraduate legal education to date. It also contends that the existing literature and theoretical analysis does not go far enough. It argues that all three types of isomorphism have played a role to date and that mimetic pressure is also important, alongside coercive and normative pressures. Also post-SQE implementation, it is submitted that institutional theory is not the only relevant theory. The data and analysis presented in the remainder of this paper therefore offers an expanded analysis of the relevance of institutional theory but also provides a new perspective by drawing on organisational strategic theory.

2. Research aims and methodology

In order to answer our questions a content analysis of all the LLB webpages of Law Schools in England and Wales listed in the Complete University Guide 2023 for Law was undertaken.⁵⁶ The data collection was undertaken March–June 2023. Some factual data was collected using sources other than the LLB pages themselves (eg whether the institution was created post-1992 or not, whether it offered the LPC etc). However, the majority of the data, and focus of the research, was on the content of the LLB pages themselves. The data, which required some interpretation of various information contained within the LLB webpages, was collected manually by the three researchers and recorded using an Excel spreadsheet.

Some of the data collected was purely quantitative (eg the number of mentions of ‘SQE’ on the webpage) or required a ‘yes/no’ binary choice. Other data required the development of a coding scheme and coding notes (eg to record alignment of curriculum to the SQE on a scale of 0–4). Tabs were included to allow the researcher to also make qualitative comments to record thoughts or highlight key information or points. With more than one researcher it is important to check that all researchers make

⁵¹Bowyer, above n 16.

⁵²Guth and Dutton, above n 3, at 434.

⁵³A Hussein ‘Majority of law school websites don’t mention SQE, research finds’ *LegalCheek* (14 October 2020), citing research by Dr Andrew Gilbert.

⁵⁴*Ibid.*

⁵⁵*Ibid.*

⁵⁶See <https://www.thecompleteuniversityguide.co.uk/league-tables/rankings/law>.

similar assessments.⁵⁷ In line with Boreus and Bergstrom's recommendation, a pilot was initially undertaken whereby all three researchers collected data for a number of the same webpages and a comparison of the results was then made.⁵⁸ This led, as is usual, to some changes to the information being collected and the coding scheme to ensure consistency of approach. Once the data collection exercise was complete, each of the researchers checked a sample of the data collected by another researcher to once again check for consistency.

Content analysis is generally suitable for making comparisons between sources of written text and manually conducted analysis allows for more advanced judgements and interpretations than computer analysis would.⁵⁹ Like other research methods, content analysis has its limitations. We acknowledge that university webpages only tell us so much about the aim, purpose and delivery of undergraduate legal education. Brief programme and module summaries do not necessarily convey the depth and richness of teaching that goes on in a law school. However, LLB webpages are a key resource for prospective students, who are making potentially life-changing decisions about which universities to apply to. They are therefore worthy of consideration and analysis. The process of data collection was made more complicated by the fact that information was sometimes ambiguous or vague. Difficult interpretive choices sometimes had to be made, but the pilot and data-checking exercises we conducted were designed to limit inconsistencies as far as possible.

It is perhaps important to recognise our positionality as researchers, given we as researchers are all law graduates and experienced law lecturers. Even as 'insiders' with familiarity with the law curriculum and routes to qualification, we sometimes had difficulty interpreting information on LLB webpages. Such process of interpretation would be much more difficult for an 'outsider' – a prospective student – although perhaps they would agonise over the detail somewhat less than we did. While Hall and Rasiah may be correct that the fine detail of LLB webpages reveals curriculum differences that may be significant in terms of student experience, we agree with their concern about 'how much insider knowledge [i]s needed to read the websites in this way ... and therefore, how many students would be able (or motivated) to access this information and make it part of their decision-making process'.⁶⁰

3. Findings and discussion

(a) Introduction to the data and general comments

The data gathered and analysed for this research has revealed four significant findings. The first is that law schools still overwhelmingly (80% approximately) require the mandatory study of all the Foundations even though this is no longer a regulatory requirement. Second, there has been an incremental shift towards vocationalism: the introduction of some MLaw SQE programmes, a handful of new SQE-focused three-year LLBs and about 20% of institutions have aligned their normal LLB with the SQE in some way (or at least claim this is the case). Third, an unexpected finding is that a significant proportion (approximately 31%) of websites contain factually inaccurate or confusing information about courses and/or routes to qualification. Fourth, a small minority of webpages may be overstating or misleading students as to the extent the LLB prepares them for the SQE. The data will be presented in detail and an analysis for the first two findings is offered by reference to institutional theory and organisational strategic theory.

Before discussing the main findings, it is important to outline the profiles of the different universities and their current offerings, as displayed in [Figure 1](#) below.

We analysed websites from the total of 93 law schools in England and Wales, 40 of which were pre-1992 institutions and 53 were post-1992. We did not include private universities, such as the

⁵⁷K Boreus and G Bergstrom *Analyzing Text and Discourse Eight Approaches for the Social Sciences* (London: SAGE, 2017) ch 2 (Content Analysis) p 29.

⁵⁸*Ibid.* p 28.

⁵⁹*Ibid.* p 49.

⁶⁰E Hall and S Rasiah 'The unitary idea of "the" law school and other issues when defining "problems" in legal education' in Dunn et al, above n 33, pp 7 and 14.

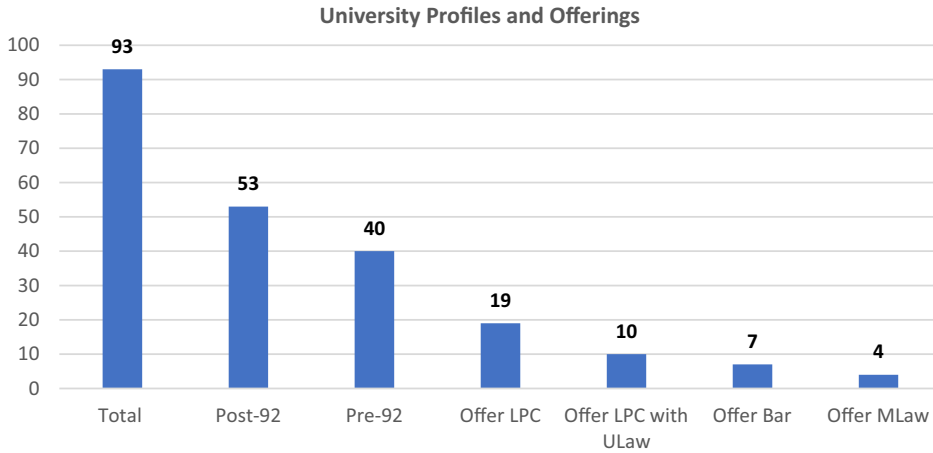


Figure 1. University profiles and course offerings.

University of Law (ULaw) or BPP, as these were not included in the Guide. Of those included, 19 offered the LPC themselves, and ten offered it in collaboration with ULaw. Only seven of these institutions offered the Bar Practice Course and four had an MLaw solicitor programme (MLaw programmes are discussed further below). Individual institutions are not named in the discussion, but the type of institution (pre/post-1992) and which quartile of the Complete University Guide 2023 they fall into may be indicated (first being the top 25 ranked universities, second quartile the next best 25 ranked universities and so on). The remainder of this section presents and discusses the data from the content analysis, separated into themes which answer the three research questions.

Our review found that LLB webpages tend to follow a similar format. They are normally divided into a number of sections accessed by either scrolling down or clicking tabs. A typical website provides a general overview of the LLB before specific sections provide further detail on things like modules/teaching and careers. Some webpages are largely self-contained, while others have embedded links to other webpages. The level of detail relating to modules and careers varied, but most provided a reasonable amount of information on both.

(b) Unanticipated findings – ‘SQE omitters’ and confusing information

Figure 2 summarises the number of mentions of the terms ‘SQE’, ‘SQE1’, ‘SQE2’ and ‘QWE’ on LLB webpages.

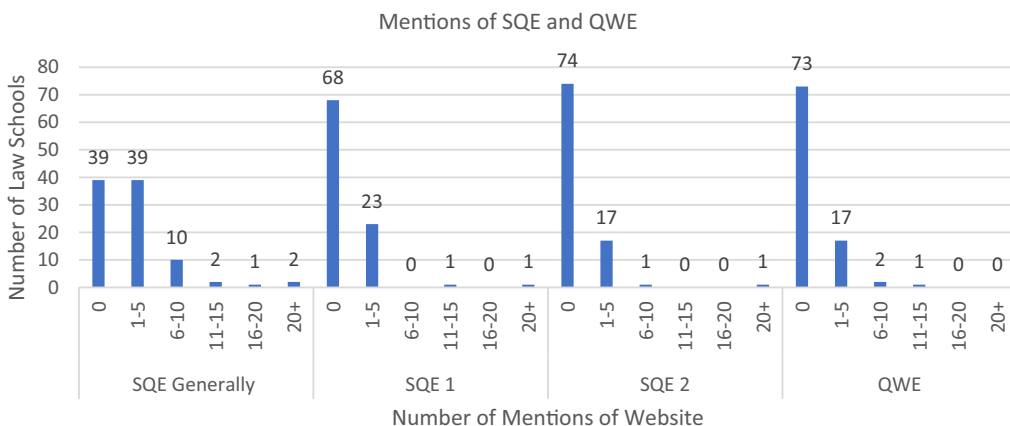


Figure 2. Mentions of SQE Generally, SQE 1, SQE 2 and QWE across all institution webpages.

Table 1 below shows the total pre and post-1992 institution number of mentions of ‘SQE’ generally, ‘SQE 1’, ‘SQE 2’ and ‘QWE’ on LLB webpages.

Table 1. Number of mentions of SQE from pre and post-1992 institutions

	Mention of SQE Generally	Mention of SQE 1	Mention of SQE 2	Mention of QWE
Pre-1992 No Mentions	19	31	33	33
	(47.5%)	(77.5%)	(82.5%)	(82.5%)
Pre-1992 Mentions	21	9	7	7
	(52.5%)	(22.5%)	(17.5%)	(17.5%)
Post-1992 No Mentions	20	37	41	40
	(37.7%)	(69.8%)	(77.4%)	(75.5%)
Post-1992 Mentions	33	16	12	13
	(62.3%)	(30.2%)	(22.6%)	(24.5%)

In addition to the table above, overall 37.5% (15) of pre-1992 institutions and 30.2% (16) of post-1992 institutions made no mention of the SQE in any way, ie a third of all webpages. This is perhaps still disappointingly high, but significantly lower than the 61% suggested by Gilbert’s 2020 research. In summary, a higher proportion of pre-1992 institutions did not mention the SQE at all compared to post-1992 institutions, although the difference is not stark. The data confirms that it is not just research-intensive universities which do not make any mention of the SQE on their webpages and may be labelled what we have termed ‘SQE omitters’. Given that newer universities might generally be more likely to place emphasis on the vocational attributes of their degrees, we were surprised that some post-1992 institutions contained no reference to the existence of the SQE or the recent changes to solicitor qualification. Particularly surprising was that four of the 16 post-1992 SQE omitters currently offer the LPC. It may be that these institutions include routes to qualification information on their post-graduate pages. Those who currently have the LPC may be waiting until the course is no longer running before adding SQE information. Finally, it may be that they are still deciding and/or designing an SQE offering before they put any information into the public domain. Our data alone does not confirm the reason(s) for the omissions.

Another unexpected finding was that webpages sometimes contained inaccurate or confusing information. For example, a module might be indicated to be compulsory in one section but optional elsewhere or indicate information was from a previous academic year. In terms of the SQE, institutions mainly provided general information or a brief mention that it existed, rather than a detailed outline of what it entailed. Few websites described all the SQE components in detail. More websites had details of SQE1, rather than SQE2 and QWE, but this was marginal. The focus on SQE1 makes sense, as the foundational knowledge it tests is more in line with what law degrees have traditionally covered, rather than the vocational elements of SQE2 and QWE. Of concern was that around a third of webpages contained factually incorrect or misleading information relating to routes into the profession/the SQE.

LLB webpages at the time of our study, aimed at prospective enrolments for academic year 2023/2024 students onwards, should not have indicated that their LLBs had QLD status for the purposes of solicitor qualification because the SRA’s transitional arrangements do not apply.⁶¹ We acknowledge that a law

⁶¹For a degree to be a QLD for LPC purposes, a student must have accepted their offer by 21 September 2021 and the course must have started no later than 31 December 2021. See <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/transitional-arrangements/>.

school might may refer to a 'QLD' as shorthand for covering the 'Foundations' required by the BSB and knowledge relevant for the SQE and that presented in this way the term is unproblematic. However, when it was used the term was generally not given in this context and sometimes accompanied by other misleading information. We found 31.2% (29) universities made statements suggesting their LLBs were still QLDs or were still validated by the SRA or that the Foundations were still mandatory despite this not now being the case for prospective students. Of these 29, nine were pre-1992 institutions and 20 were post-1992 institutions, with 13 of them offering the LPC either themselves or in collaboration with ULaw. Sometimes information seemed to generally be out of date (eg a statement that the SQE was due to commence in 2021 subject to LSB approval) but occasionally information was correct in one part of the webpage but not updated in another. At least one university demonstrated that it was itself confused about the new system, woefully conflating the LPC and SQE routes:

Having a degree that meets the requirements of the Solicitors Regulatory Authority, the academic stage requirements for the new, centralised, external Solicitors Qualifying Exam (SQE) ...means you will graduate having completed the academic stage of a Qualifying Law Degree (QLD) and be well on your way to becoming a solicitor.....⁶²

Other webpages incorrectly implied that the Foundations were mandatory for all LLBs or implied that the study of law was still a mandatory requirement for qualification as a solicitor. The SQE route to qualification incorporates greater flexibility than the more linear LPC route, which can be seen as a positive but also means there is scope for greater student confusion. This emphasises the importance of universities providing clear information and guidance to help students in their decision-making. We acknowledge the challenges of keeping webpages updated. However, this is not an excuse for including factually inaccurate information about the status of the LLB or the SQE that could mislead prospective students.

(c) To what extent, if at all, have universities moved away from the Foundations?

The Foundations are all still compulsory for the majority of undergraduate law students and even where all the Foundations are not compulsory, often only one or two subjects are optional. Of the 93 institutions, 79.6% (74) have kept all seven Foundations as compulsory, with only 19.4% (18) having some Foundations as optional, and one institution's website made it unclear as to whether some were optional or not. There were an equal number of pre- and post-1992 universities making the Foundations optional. The most likely Foundations to be optional are EU law and equity and trusts, which is interesting as they were the last to be added and seem to be the first to be removed. Our review confirmed that often, but not always, the first year of an LLB degree consists entirely of core Foundations, the second year consists mainly of Foundations and the third year consists mainly of optional subjects.

Our finding that the vast majority of LLB students are still mandated to study Foundations and they still do so predominantly in the earlier years of their law degrees is consistent with the findings of the pre-SQE studies discussed earlier. Vaughan's 2019 study found that only 14% of law schools made a QLD optional, our data 19.4%. The percentage is only now marginally higher and suggests a slow pace of change despite the introduction of the SQE. As noted above, the continued adherence to the 'compulsory core' is unsurprising given that the BSB still requires study of the Foundations for aspiring barristers and therefore continues to exert coercive pressure over LLBs in line with institutional theory. Many universities will still want to appear attractive to aspiring barristers, even if only a very small minority will go into the profession. There are also other reasons for retaining the Foundations.

⁶²Post-1992 university, fourth quartile.

There is pressure on law schools to remain offering LLBs which are attractive to an international students in a market where international student applications are falling far below recent levels.⁶³ Indeed, there are growing concerns about the reliance of some UK universities on international tuition fee income, particularly in relation to Russell Group universities, and Law is the fourth most popular subject for overseas students.⁶⁴ Prior to the SQE, law schools experienced coercive isomorphic pressure from both regulators. The regulators required a QLD to include the Foundations. International partners and international students would generally only be attracted to law degrees that met the regulator requirements. There is no longer coercive pressure from the SRA, but the BSB still requires study of the Foundations, which remains important to students in countries like Malaysia which allow students who have been called to the bar in England and Wales to practise at home. International partners are used to working with law schools that teach the Foundations and will still expect them to be covered, as if nothing has really changed in regulatory terms. In more practical terms, one core lecture delivered to an entire cohort is more cost-effective than 10 lectures delivered to a cohort divided unevenly into 10 optional module groups. As most lecturers will have studied the Foundations themselves, they tend to be easier to staff and less problematic to cover if lecturers leave, are sick or are on parental leave. The more options available, the greater the timetabling challenge.

We agree with Hammond-Sharlot's assertion that coercive and normative isomorphism has led to a uniformity of undergraduate offerings. Post-SQE, coercive pressure is still exerted by the BSB, normative pressure comes from a variety of sources including international partner expectations. However, we would argue that all three types of isomorphism have played a role and that mimetic pressure is also a significant factor. What other institutions do is an important point of reference for law schools, particularly in a highly competitive domestic and international market. The fact that most universities have historically required study of the Foundations in itself has exerted pressure to not do anything different. As Aldrich highlights, 'the major factors that organizations must take into account are other organizations'.⁶⁵ Our data indicates that post-SQE the status quo has largely been maintained, as only a handful of LLBs have abandoned the compulsory study of the Foundations. Coercive, normative and mimetic pressures are still at play. The Foundations are also useful foundational knowledge for the SQE (we found that some universities highlight this, but certainly more could) so isomorphic pressure is to retain, rather than abandon, them. The SQE has also created a period of uncertainty in legal education. It is this period of uncertainty which is, according to DiMaggio and Powell, a catalyst for mimetic isomorphism: 'when the environment creates symbolic uncertainty, organizations may model themselves on other organizations'.⁶⁶ In this period of SQE uncertainty, law schools are reluctant to break away from the well-established Foundations model. However, organisational strategic theory may further explain the general reluctance to embrace change despite deregulation.

Our data establishes a general resistance to moving away from the safety net of the compulsory Foundations. Law schools are run by people. Decisions to make changes to curricula are normally made by those in management positions within law schools, ideally in consultation with the relevant teaching staff. Kotter and Schlesinger highlight that organisational change efforts 'often run into some form of human resistance'.⁶⁷ Therefore, it is worth considering what organisational strategic theory tells us in general about resistance to change. Kotter and Schlesinger suggest that the four most common reasons people resist change are: (1) parochial self-interest borne from a belief that they will lose something of value; (2) misunderstanding and lack of trust; (3) different cost/benefit assessment of the change (to those that wish to make the change); (4) low tolerance for change because they fear they will not

⁶³See R Adams 'Warnings of economic damage to UK as international student numbers fall by a third' (*The Guardian*, 29 February 2024) available at <https://www.theguardian.com/education/2024/feb/29/student-immigration-restrictions-will-damage-uk-economy-universities-say>.

⁶⁴See P Bolton et al *International Students in UK Higher Education Research Briefing* (2024) available at <https://researchbriefings.files.parliament.uk/documents/CBP-7976/CBP-7976.pdf>.

⁶⁵H Aldrich *Organizations and Environments* (Englewood Cliffs, NJ: Prentice-Hall, 1979) p 265.

⁶⁶DiMaggio and Powell, above n 20, at 151.

⁶⁷J Kotter and L Schlesinger 'Choosing strategies for change' (2008) 86 *Harvard Business Review* 130 at 132.

be able to develop the new skills and behaviour that will be required of them.⁶⁸ In relation to adherence to the Foundations, the most relevant factor seems to be cost/benefit assessment. It is administratively and financially more efficient for core Foundation modules to make up the most significant proportion of an LLB. Any curriculum change requires additional work. At a minimum, work is required for new modules to pass through university procedures to change module and programme specifications and related information on electronic learning platforms and webpages. Management and lecturers may be of the view that the time and effort ‘costs’ outweigh the benefits, or demand from students, for greater optionality. Law lecturers will have normally themselves studied the Foundations, reinforcing normative conditions. In relation to the Foundations, isomorphic pressures are combining with resistance to change to maintain the status quo. The position is more complex in relation to other changes to curricula in light of the SQE though, as discussed further below.

(d) To what extent, if at all, have universities aligned their undergraduate curricula to the SQE?

The data clearly confirms that the SQE, whilst not mandating changes at undergraduate level, has led to the introduction of a few entirely new three-year ‘SQE-focused LLBs’ and some changes to standard (ie non-SQE focused) LLBs. The handful of SRA regulated MLaw LPC exempting programmes have also been replaced by a handful of (non-SRA regulated) MLaw SQE programmes. While noteworthy, the replacement of MLaw exempting programmes with MLaw SQE programmes is perhaps less novel than the emergence of SQE-focused LLBs. Where there was alignment of standard LLBs, it was more likely to be a post-1992 institution, but there were pre-1992 institutions which had aligned their degree to the SQE to some extent, as discussed further below.

Information about MLaw SQE programmes and SQE-focused LLBs is presented separately from the standard LLB findings to avoid skewing the standard LLB data. The SQE-focused LLBs (and MLaw SQEs) are specifically noted to be designed with the SQE in mind: for example, one SQE-focused LLB states it is ‘designed around the outcomes you’ll need to study for the [SQE]’⁶⁹ and another that students will be ‘uniquely prepared to sit the SQE1 exams’.⁷⁰ SQE-focused LLBs are a significant new development and more of these types of programme may follow, given that they can be set up without SRA approval. Unsurprisingly we judged these programmes and the MLaw SQE programmes to all have significant or extensive alignment to the SQE.

When exploring the alignment of LLBs to the SQE, we measured it using a scale. This is as illustrated in Figure 3 below, which presents the data in relation to standard LLBs.

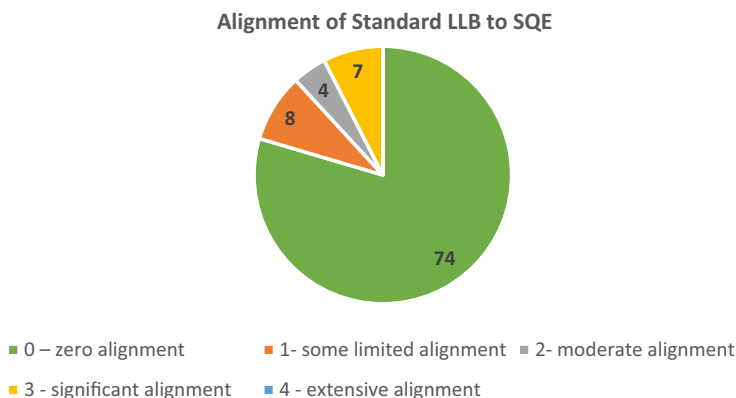


Figure 3. Alignment of standard LLB Programmes to the SQE.

⁶⁸Ibid, at 132–134.

⁶⁹Post-1992 university, second quartile, SQE-focused LLB.

⁷⁰Post-1992 university, second quartile, SQE-focused LLB.

Around 80% of institutions (74) indicated no alignment to the SQE, 87% of pre-1992 institutions (35) and 73.6% of post-1992 institutions (39). This means that 13% of pre-1992 institutions (5) and 26.4% (14) post-1992 institutions demonstrated some form of alignment.

Eight institutions evidenced limited alignment, such as mentioning the SQE in reference to one or two module descriptors or having a practical legal skills module which was stated to help prepare for SQE2. Four institutions were categorised as having moderate alignment, eg having SQE-focused modules that students can choose or assessments being multiple choice to help with the SQE. Seven had significant alignment, such as an optional year three pathway which aligns to some SQE topics and having non-foundational modules which are also examined as part of SQE 1. No LLBs were categorised as having extensive alignment, meaning the curriculum as a whole has been aligned to the SQE, which is perhaps unsurprising as, if so, they would likely have been rebranded as SQE/practice-focused programmes. Some universities could more clearly articulate how modules have been aligned to the SQE, with some only vaguely mentioning that they are 'good preparation' for the SQE.

Institutions which currently offer the LPC had only a slightly higher percentage of alignment to the SQE than those which do not at around 30% (compared to 20% across the general population). 70% (21) of the institutions which offer the LPC (including in collaboration with ULaw) were deemed to have zero alignment to the SQE, with four LPC providers with some alignment and four with significant alignment. Therefore, institutions offering the LPC have perhaps been slower to align undergraduate curricula to the SQE than might have been expected given they are more likely to employ former practitioners and be well placed to maintain or even extend their vocational offering. Note that we are aware that some institutions which previously offered the LPC had stopped doing so at the time we collected our data, no doubt as a result of the SQE. This makes analysis of the overall trend more difficult. Interestingly, of the 19 institutions which have some form of alignment to the SQE, 17 (89.5%) have kept the Foundations compulsory. It makes sense that a high percentage of institutions which have some form of alignment to the SQE have retained compulsory study of the Foundations, given they cover foundational SQE knowledge.

At postgraduate level a number of universities have decided to partner with private providers such as Barbri or ULaw in relation to the SQE.⁷¹ Arrangements vary from progression agreements (discounted fees and guaranteed places on the private provider's SQE courses upon graduation) to more extensive arrangements whereby the university uses the private provider's teaching materials under licence or the whole programme is delivered by the private provider. Because we did not think partnering of this kind was common at undergraduate level at the time of our research, we did not set out specifically to gather data on it. However, we did make notes as and when LLB webpages mentioned private providers. Predominantly, the mentions were to highlight the postgraduate arrangements outlined above. One university did state that students would have access to a private provider's SQE materials in their final year⁷² and another mentioned a private provider 'support package' being available but it was not clear what this entailed.⁷³ The market may have moved on somewhat since we collected our data and there certainly seems scope for partnering at undergraduate level in the final year of MLaw programmes. On contacting them for comment, a contact at Barbri told us that:

[their] experience with partners thus far is that they are primarily seeking [Barbri's] support for LLMs with SQE content incorporated, as preparation for SQE1, SQE2 or both, rather than undergraduate programmes. The only LLB partnerships [Barbri] are currently involved in are MLaw 4th years... However, it will be interesting to see if things change in the future – [Barbri] remain open to supporting academic programmes at all levels.⁷⁴

If a university has to 'buy in' SQE materials and/or teaching this will, of course, have an impact on the financial viability of the course and there is the undergraduate fee cap to bear in mind. There is therefore

⁷¹See <https://www.law.ac.uk/about/press-releases/ulaw-announces-sqe-places-through-new-partnerships/>.

⁷²Pre-1992 university, first quartile, traditional LLB.

⁷³Post-1992 university, third quartile, traditional LLB.

⁷⁴Email correspondence from contact at Barbri dated 3 February 2025.

likely greater scope for scale and profit at postgraduate level, not least because of the possibilities presented by the international student market.

Institutional theory and organisational strategic theory can explain why the majority of institutions have resisted alignment, whilst a fifth of institutions have aligned their LLB provision in some way. As with the Foundations, there will also be forceful resistance to change at play within law schools, particularly in older institutions where there is likely to be low tolerance for change because of a fear academics will not be able to develop the new skills and behaviour required. As one pre-1992 respondent to the SQE consultation put it:

... for other research intensive universities, like us, who do not currently offer vocational teaching, the SQE could dramatically affect everything we do – which could also mean radically changing our staff base. Only about 50 percent of our students go on to qualify as lawyers; we would still need to make provision for both groups.⁷⁵

This falls into Kotter and Schlesinger's fourth reason for resistance: low tolerance for change because of a fear they will not be able to develop the new skills and behaviour that will be required of them. Partnering with private providers provides a way of entering the SQE market without radically changing a law school's staff base or forcing existing staff to upskill, but it comes at a financial cost.

Arguably Kotter and Schlesinger's second reason for resistance is also a very important factor in relation to the SQE: misunderstanding and lack of trust. At the consultation stage, legal academia as a whole remained generally unconvinced by either the SRA's proposals or its reasons for reform. The SQE might be described as a solution in search of a problem. The impetus for change does not appear to have come from the profession itself and while the SRA was keen to stress the importance of consumer protection, it acknowledged it was 'difficult to find a link between consumer detriment and inadequate training'.⁷⁶ The SQE consultation responses clearly evidence the resistance of law academics to the (then) proposed new format of centralised assessment: 82% of academic responses strongly disagreed or disagreed with the statement that the proposed SQE was a robust and effective measure of competence and 86% of academic responses strongly disagreed or disagreed with the statement that the SQE was a suitable test of the requirements needed to become a solicitor.⁷⁷ One of the SRA's justifications for the SQE was that it would increase competition, drive down cost and potentially 'remove barriers', thereby helping to address equality, diversity and inclusion in the profession.⁷⁸ This claim was met with scepticism from Guth and Dutton who countered that in fact the SQE would 'perpetuate patterns of subordination and risk further silencing already underrepresented social groups'.⁷⁹

That is not to say resistance to change can never be surmounted. Kotter and Schlesinger's cost benefit model of resistance to change posits that, where there is evidence of resistance to a particular change, this can be accommodated by 'education and communication', 'participation and involvement' and particularly 'negotiation and agreement'.⁸⁰ The issue is that, despite the considerable strength of objection, the model of the SQE proposed by the SRA was broadly introduced in any event, demonstrating the failure by the SRA to break down resistance to change through meaningful communication, participation and involvement or negotiation and agreement. Nor has the picture that has emerged post-SQE implementation done anything to assuage the academy's initial mistrust of the SQE. The pass rates, particularly for SQE1, vary by assessment but were recently as low as 44%.⁸¹ There is a troubling

⁷⁵Solicitors Regulation Authority 'A new route to qualification: The Solicitors Qualifying Examination (SQE) Summary of responses and our decision on next steps' (April 2017) p 16 available at <https://www.sra.org.uk/globalassets/documents/sra/consultations/sqe-summary-responses.pdf>.

⁷⁶Solicitors Regulation Authority 'Training for tomorrow: assessing competence' (7 December 2015) p 13.

⁷⁷Above n 75, pp 29 and 33.

⁷⁸SRA, above n 76, p 29.

⁷⁹Guth and Dutton, above n 3, at 425.

⁸⁰Kotter and Schlesinger, above n 67, at 134–136.

⁸¹Solicitors Regulation Authority 'SQE1 July 2024 statistical report' (1 October 2024) p 2 available at <https://sqe.sra.org.uk/exam-arrangements/sqe-reports/sqe1-july-2024>.

difference in performance between different ethnic groups.⁸² While there are a greater range of preparatory courses in the market, it is highly questionable that the SQE has driven down costs. Once the costs of exams and preparatory courses are combined together with any travel and accommodation expenses, the SQE has the potential to be more expensive than the LPC – particularly as candidates must pay to resit failed assessments, whereas resits were normally included in the overall LPC fee. These are not the only criticisms, as the *Gazette* recently highlighted:

Concerns have been raised about the cost of taking the exam, the lack of a breakdown of marks, the absence of past papers and the nature of the multiple choice questions in SQE1. There have been further criticisms about reasonable adjustments not being made for neurodivergent candidates and the lack of available test centres.⁸³

Law academics appear to have felt that they were not allowed to meaningfully participate in the SQE decision-making process and that their legitimate concerns were ignored. As Vaughan summarises, ‘In the nicest possible way, the SRA does not care about the members of the legal academy. They are not part of its regulatory remit as framed by the Legal Services Act 2007. They are simply irrelevant (in regulatory terms)’.⁸⁴

All institutions in the data set are subject to the same environmental conditions but, as discussed above, not all feel the same level of pressure to adjust to the SQE. Earlier it was discussed how coercive, normative and mimetic pressures have led to the retention of the compulsory Foundations. In relation to alignment of curricula to the SQE, the pressure is to adjust LLB delivery to be able to market degrees as SQE preparation. In the majority of universities, resistance to change has likely overridden isomorphic pressures, at least to date, resulting in an absence of alignment of curricula to the SQE. In relation to those that have some form of alignment, it is likely that isomorphic pressures have outweighed resistance to change. In newer universities, with more vocationally qualified staff, resistance to change may have generally also been lower and pressure to attract students higher than in older universities. Of course environmental conditions change over time and have evolved somewhat since the introduction of the SQE. The recent drop in international student numbers is no doubt exerting additional competitive pressure on some institutions that have traditionally been relatively confident in attracting students. There is still coercive pressure following the regulatory change albeit now indirect in relation to the SRA, but we believe the primary reason that 20% of law schools have aligned their curricula more closely with the SQE is out of fear that failing to do so will give their competitors an edge in the market. This is mimetic isomorphism where organisations imitate each other’s practices, or what they believe their competitor may do, on the assumed basis that doing so will help to ensure their long-term organisational survival.

The SQE has created a period of uncertainty which, according to DiMaggio and Powell, is a powerful catalyst for mimetic isomorphism. Institutions which have aligned in some way are likely to be those institutions feeling isomorphic pressure most intensely, facing stiff competition for student recruitment. The fact that a higher percentage of post-1992 institutions have aligned fits with Bowyer’s argument that higher ranked, traditionally research-intensive universities would be more confident of attracting students without ‘kowtowing’ to the SQE. However, Guth and Dutton’s assertion that the only institutions considering SQE-focused degrees are post-1992 or those with a traditionally vocational focus, is not necessarily true as of 2023, with some evidence that pre-1992 institutions are also creating or aligning LLBs to the SQE. This a trend which may continue as Russell Group and other older institutions respond to lower international student numbers. We argue that the most powerful influence on a law school is likely to be what its direct competitors are doing, or what it thinks they are likely to do. If

⁸²M Fouzder ‘SQE pass rates reveal continuing racial divide’ (6 October 2022) available at <https://www.lawgazette.co.uk/news/sqe-pass-rates-reveal-continuing-racial-divide/5113869.article>.

⁸³J Hyde ‘SRA admits teething problems with super-exam as key target is missed’ (29 January 2025) available at <https://www.lawgazette.co.uk/news/sra-admits-teething-problems-with-super-exam-as-key-target-is-missed/5122182.article>.

⁸⁴S Vaughan ‘Rutland revisited: reflections on the relationships between the legal academy and the legal profession’ (2021) 2(3) *Amicus Curiae* 371 at 380.

competitors are likely to align, the institution is more likely to align; if competitors are unlikely to align, the institution is likely to do the same.

As noted earlier, undergraduate and vocational study of law remained largely distinct under the LPC system. The notable exception was the handful of SRA-approved MLaw LPC exempting programmes but these were four-year programmes integrating undergraduate and postgraduate level study. Post-SQE, the handful of MLaw exempting programmes have been replaced with a handful of MLaw SQE programmes. A more significant development is the emergence of three-year SQE-focused LLBs and SQE 'pathways' within normal LLBs. We acknowledge that there will likely be some 'SQE washing' within the data presented, ie law schools emphasising SQE-compatible elements of existing LLBs without making substantive changes to content. However, the SQE has clearly resulted in some significant developments as evidenced by these new programmes and pathways. The hypothesis Waters put forward of the SQE leading to greater vocationalism⁸⁵ appears at least partially realised from our data with potential for greater alignment as time goes on. Moreover, a perhaps surprising finding of our data is that it is clear that not all pre-1992 law schools see themselves as 'untouchable', as claimed by Bowyer, and some are using the SQE to attract applicants. The potential scope for a shift towards vocationalism in undergraduate legal education is perhaps greater than initially appreciated.

(e) To what extent do universities now claim their undergraduate law degrees prepare students for the SQE?

Whilst the terms 'SQE ready' and SQE focused' were frequently mentioned in the period leading to the SQE's introduction, this terminology is not generally used on LLB webpages.

MLaw SQEs and SQE-specific LLBs normally claimed to partially prepare students for aspects of the SQE, or to claim that graduates will be fully prepared to sit SQE1. None claimed to prepare graduates for both of the centrally assessed elements of the SQE (ie SQE1 and SQE2). In terms of standard LLBs, as shown by Figure 4 below, only one law school is claiming that its (non SQE-specific) degree prepares graduates for all the SQE (ie SQE1 and SQE2).⁸⁶ However, a minority indicate that their standard LLB

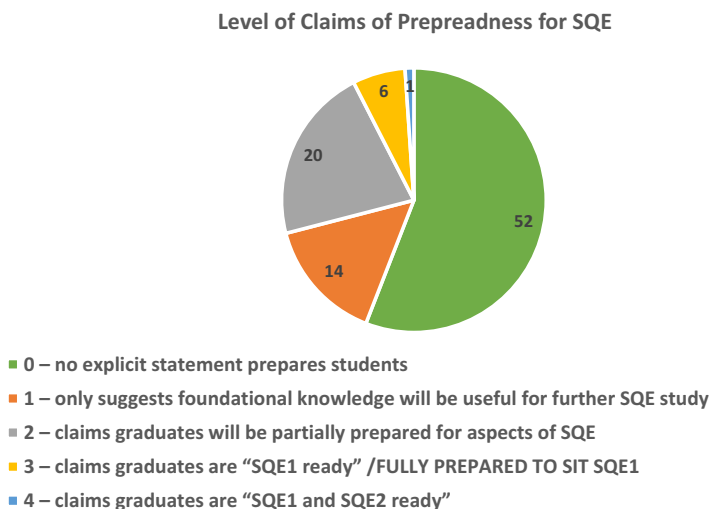


Figure 4. The Level of Claims of Preparedness for the Standard LLB to the SQE.

⁸⁵Above n 47.

⁸⁶Post-1992 university, fourth quartile, traditional LLB.

will partially prepare students for aspects of the SQE, and a number go as far as to claim that graduates will be fully prepared to sit SQE1. Some go no further than noting that the Foundations will be useful foundational knowledge for the SQE.

We further explored the claims institutions made of how much their standard LLB programme will prepare graduates for the SQE.

Of those which made no explicit claims as to preparedness for the SQE, 52% (27) were pre-1992 and 48% (25) were post-1992 institutions. This means 31.7% (13) of pre-1992 and 68.3% (28) of post-1992 institutions claimed some level of preparedness for the SQE. Therefore, the data suggests a higher proportion of post-1992 institutions claim their degree will prepare students for the SQE than pre-1992 institutions, but many post-1992s do not.

There was sometimes a disconnect between the level of programme and module alignment indicated on an LLB webpage and statements made in relation to how far the programme would prepare the student for the SQE. For example, one institution evidenced no indication of SQE curriculum alignment but went as far as to state: 'Studying the LLB Law Degree means you will gain the knowledge and skills required to successfully complete the vocational stage of legal education, stages one and two of the Solicitors Qualifying Examination (SQE)'.⁸⁷ Another law school webpage which omitted any evidence of alignment to the SQE stated: 'We've designed our degree to ensure you're prepared for the updated Solicitors Qualifying Exam'.⁸⁸ Another institution indicates that the degree will fully prepare students for SQE1, but Business Law and Practice (which is part of the SQE syllabus) does not even appear to be an option on the programme.⁸⁹ There are various other examples.

We acknowledge that not all relevant information about a programme is necessarily included on an LLB webpage and that there may be more alignment than initially indicated, but cramming comprehensive coverage of all the SQE syllabus into three-year LLB programmes is unlikely to be realistic unless extensive changes are made and optional modules are removed. While the majority of universities are understandably cautious in the statements they make and avoid any guarantee of SQE 'success', a worst-case interpretation of the data is that a minority of universities have not grasped the breadth of the SQE syllabus and may be misleading students as to the level of preparedness they can realistically expect on completion of the degree. Further research might usefully be conducted in relation to this through the lens of consumer protection law.

Conclusion

There was much speculation about the effect of the SQE around the time of its implementation but to date there has been little empirical data. This paper contributes to knowledge by presenting new data from an in-depth content analysis of LLB webpages. It also situates the findings within the theoretical framework of institutional theory and organisational strategic theory, thereby aiding understanding of how law schools respond to regulatory change, competitive pressures and an increasingly metric-driven higher education landscape. The data has revealed four significant findings. First, LLBs still overwhelmingly (80% approximately) require the mandatory study of all the Foundations. Secondly, there has been an incremental shift towards vocationalism for both pre- and post-1992 institutions: the introduction of some MLaw SQE programmes, a few SQE-focused three-year LLBs and about 20% of institutions have aligned their normal curricula with the SQE in some way (or at least claim this is the case). Thirdly, a small minority of webpages may be overstating or misleading students as to the extent the LLB prepares them for the SQE. Fourthly, a significant proportion (approximately 31%) of websites contain factually inaccurate or confusing information about courses and/or routes to qualification which may pose an issue from a consumer protection law perspective.

⁸⁷ Post-1992 university, fourth quartile, traditional LLB.

⁸⁸ Post-1992 university, second quartile, traditional LLB.

⁸⁹ Pre-1992 university, third quartile, traditional LLB.

The vast majority of LLB students are still mandated to study the Foundations, predominantly in the earlier years of their degrees. In the past, there was direct coercive regulatory isomorphism via the QLD, which meant the norm became to require mandatory study of the Foundations. These pressures perpetuate post SQE, although the coercive regulatory pressure is now indirect in relation to the SRA. We have argued that mimetic isomorphism, coupled with a general resistance to change stemming from the lack of the SRA's regard to the academy's feedback on its SQE proposals, are also important reasons for maintenance of the status quo. In sum, it is the pressures of the higher education system, exacerbated by the extremely competitive law graduate market, that means law schools want to ensure students have the foundational knowledge to enter the legal professions. In this period of SQE uncertainty, law schools continue to model themselves on other law schools and are reluctant to break the mould in an effort to ensure their organisational survival and attract both undergraduate and international students.

The picture is more complex in relation to the alignment of curricula to the SQE. The SQE has led to the introduction of a few entirely new SQE-focused LLBs and 20% of institutions have aligned standard LLBs to the SQE in some way. Where there was alignment of standard LLBs, it was more likely to be a post-1992 institution, but five pre-1992 institutions also evidenced alignment. Why have some law schools aligned but the majority have not? Unlike in relation to the Foundations, the pressure here is to adjust LLB delivery to market degrees as SQE preparation. Law schools are subject to the same environmental conditions but not the same level of pressure. In the majority of cases, resistance to change has likely overridden isomorphic pressures. Law schools that have aligned are likely to be those experiencing the greatest competitive pressures which have outweighed any resistance to change. Perhaps increasingly more pre-1992 institutions will embrace the SQE as a result of the unexpected and significant fall in international student applications.

Most universities are understandably cautious in the statements they make and avoid any guarantee of SQE 'success'. However, there was sometimes a disconnect between the level of alignment indicated on an LLB webpage and statements made in relation to how far the programme prepares students for the SQE. A small number of institutions might be 'SQE washing' and overstating how well their LLB prepares their students. It is also apparent that information about teaching and modules is sometimes unclear and at times contradictory; information about routes into the profession, the status of the QLD and the SQE is incorrect or misleading. Around a third of LLB webpages still make no mention of the SQE at all. Accordingly, law schools also need to review website information to confirm it is up to date, accurate and not misleading. Resistance to change predominates post-SQE, but this paper confirms an inherent irony. The deregulation of undergraduate solicitor education in England and Wales has not resulted in a shift away from the Foundations and, counterintuitively, has arguably led to more vocational alignment than experienced under the LPC system. Nor is this limited to post-1992 institutions or those who have traditionally offered the LPC. Despite predictions to the contrary, pre-1992 law schools do not all appear to consider themselves as 'untouchable'. As the SQE becomes further established, this research exercise could be usefully repeated. The legal academy's views on the SQE may have been irrelevant in regulatory terms, but the legal academy has relevance in practice in helping to prepare students to sit the SQE, and perhaps greater potential to do so at undergraduate level than previously appreciated.