Examining Candidate Characteristics and Factors that Influence Scores in the SQE

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Introduction

This paper sets out to discuss and provide insights into the make up of the SQE cohort and a number of factors which appear to influence candidate performance in the assessment. In writing this paper, we have used candidate data created between November 2021 and January 2025. Details of the dataset and outline information on the methods used can be found in the appendix.

Differential outcomes (DO) describes the phenomenon whereby people sharing certain characteristics may achieve different scores from groups with different characteristics in professional and academic exams. It is observed routinely across a wide range of exams in many sectors and occurs internationally as well as in the UK. A range of characteristics such as sex, religion, ethnicity and age may all have an influence on exam outcomes: evidence relating to the true causes of these differences is often limited and may relate to social, economic, cultural and educational factors that might also vary across these groups.

Much of the attention on DO is often focussed on ethnicity as this characteristic can be associated with significant disparities which are not easily accounted for by other factors. DO along ethnic lines was previously observed in the LPC and GDL course outcomes that preceded the implementation of the SQE. Research was commissioned by the SRA in response to these differences prior to the launch of the SQE, and undertaken by the University of Exeter, to try to identify the causes of DO by ethnicity. This comprehensive work identified a range of educational, socio-economic and social factors which disproportionately affected candidates from an ethnic minority background.[2] These factors are likely to continue to impact candidate performance following the introduction of the SQE.

Much of the variance in scores associated with ethnicity may be due to other separate, but linked factors. For example, the Exeter research suggests that there may be an association between ethnicity and poor educational experiences or with the degree of relevant connections and learning support the group of candidates has available to them.

The number of variables we can consider in this analysis are limited to those for which we have sufficient codified data: as a result, many potential variables cannot be investigated and a significant proportion of variance in scores remains unexplained. This unexplained variance may link to a wide range of factors on which we do not have data such as employment status, caring

[1]Narrative by Richard Hankins. Multivariate analysis by Neil Rice. Socioeconomic analysis by Peter Bowman and Jo Cockerill

[2]https://www.sra.org.uk/sra/research-publications/potential-causes-differential-outcomes-legal-professional-assessments/

responsibilities, revision time, quality and recency of work experience and access to informal support.
In this paper we will examine the available data to consider first the breadth and diversity of the SQE cohort and then to examine which known factors predict performance in the SQE. We use both simple descriptive analyses and complex modeling to do so.

The nature of the SQE cohort

Ethnic diversity of the cohort

The SQE cohort is extremely ethnically diverse. Across the time period investigated, the proportion of candidates declaring an ethnic minority significantly exceeded the proportions seen in the population of England and Wales or within the solicitor's profession. All ethnic minority groups are represented in greater proportions in the SQE cohort by comparison with the UK working age population (as recorded in the 2021 census). This is most striking in the Asian/Asian British category where there is a 18.3 percentage point difference. But, those from a Black/Black British, mixed/multiple and other ethnic groups are also overrepresented in the SQE cohort. White candidates are underrepresented by 33.7% versus the 2021 Census data.[3] In 2023 the SRA published data on lawyers working within law firms which showed that at that time 12% were Asian, 3% Black, 3% mixed or multiple ethnicity, 77% white and 1% other ethnicity[4]. The SQE cohort are, therefore, more ethnically diverse than either the population of England and Wales or the working population of lawyers in law firms. This suggests a trajectory of increased ethnic diversity within the profession.

Table 1: Ethnic make up of SQE candidates, Population of England and Wales and working lawyers

	Asian/ Asian British %	Black/Black British %	Mixed or Multiple %	Other %	White %	Undeclared %
SQE	28.4	6.6	4.9	6.1	47	7
2021 census (working age population)	10.1	4.4	2.5	2.3	80.7	NA
Lawyers in UK firms	12	3	3	1	77	4

[3]https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/working-age-population/latest/
[4] https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/

It is noted that the SQE candidature includes those who are domiciled in the UK and abroad. There is a broad mix of nationalities, ages and training pathways and it includes lawyers who are qualified in other jurisdictions. Overall, in the time period reviewed 22.6% of candidates either have a non-UK address or took the SQE overseas. We have not treated those qualified, trained or domiciled in another jurisdiction differently in this analysis except where data limitations apply. For example, we have had to treat many candidates educated outside the UK differently in the socio-economic analysis as the types of schools and their funding vary from country to country.

Socio-economic diversity of the cohort

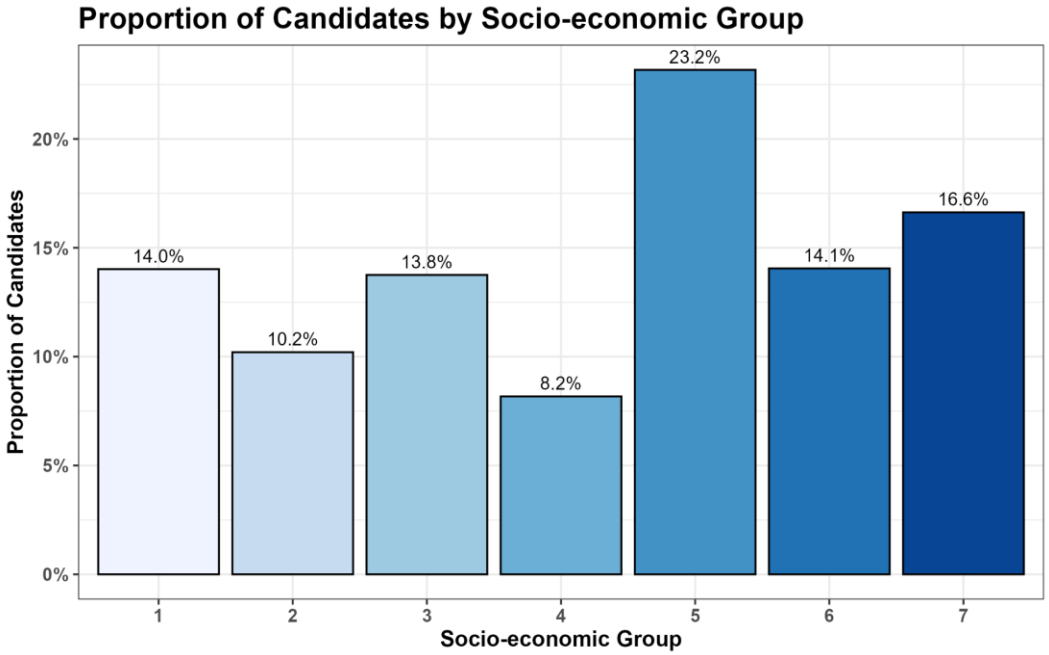
Socio-economic status is also known to influence performance at the cohort level within assessments. To facilitate an analysis, seven socio-economic strata were created utilising the November 2021 - January 2025 SQE1 data. These strata took into account the following variables:

- Whether either parent attended university (Yes; No; Don't know; Prefer not to say (PNTS))
- Occupation of main household earner when aged about 14 (Professional background; Intermediate background; Working class background; Other background; PNTS)
- Type of school attended between 11 and 16 (Independent; State selective; State non-selective; School outside UK; Unknown/PNTS)

Those answering 'Don't know', 'Prefer not to say', 'Other' or 'Overseas school' were excluded from the socio-economic analysis.[5]

Based on this simple analysis the data suggests there is broad engagement with SQE1 from across all seven socio-economic groups, with group 1 being the lowest socio-economic rank and 7 being the highest. Whilst higher socio economic groups are better represented, as might be expected in a highly desirable profession, the three lowest socio-economic groups show strong representation with 38.0% of candidates coming from the lowest three socio-economic strata.

[5] As a result, 11613 candidates were included in the socio-economic analysis, 12699 candidates were excluded.



Exam outcome rates by socio-economic group

In a simple analysis based on first attempt data, as can be seen from the graph below, the likelihood of passing both functioning legal knowledge exams (FLK) that make up SQE1 is relatively consistent in groups 1-4 (50.4% - 55.5%), but it increases substantially in groups 5 (64.6%), 6 (66.0%) and 7 (70.1%). The likelihood of passing one FLK and failing the other is consistent across all groups. The likelihood of failing both is highest in group 1 (36.2%) and lowest in group 7 (20.4%). It is important to remember that in this analysis factors such as university rank, degree classification, age, gender and ethnicity are not accounted for and may impact related differences in performance by socio-economic group.

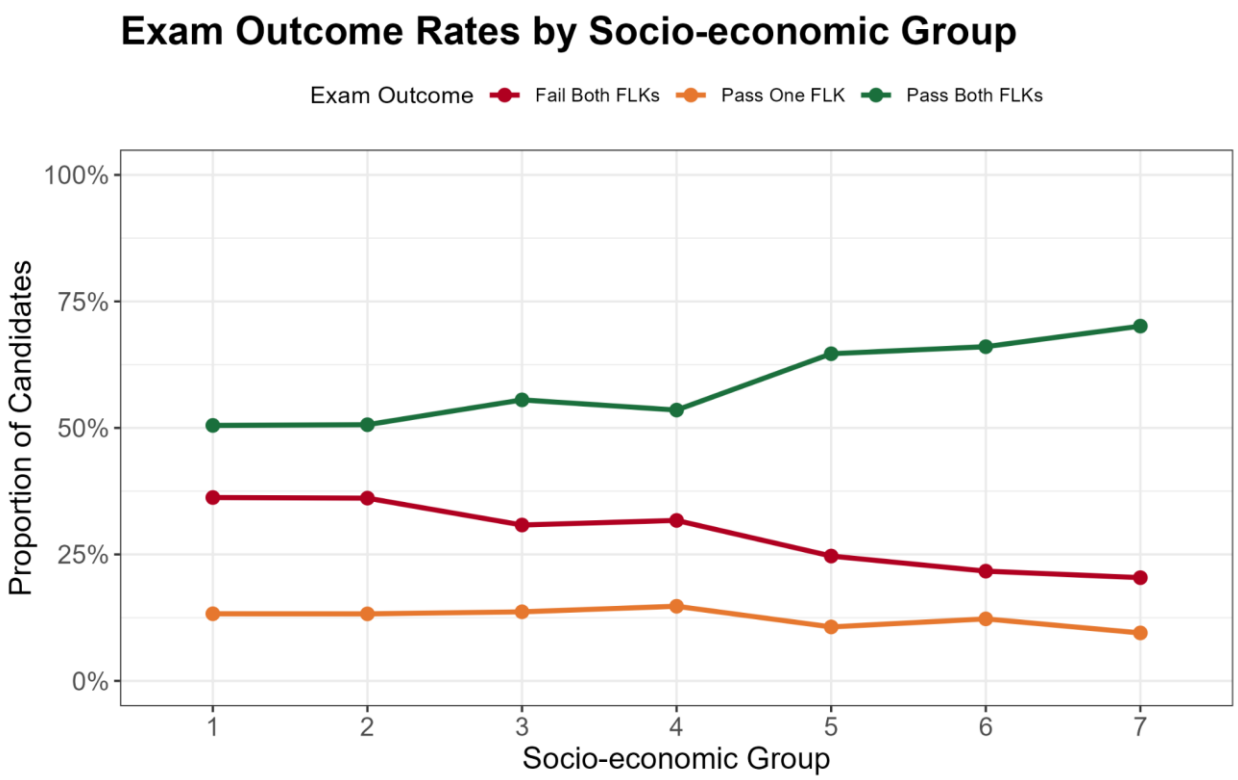


Table2: Mean scaled score by socio-economic group

Group	1	2	3	4	5	6	7
Mean scaled score[6]	299	299	308	307	320	324	333

Disability

A sizable group of candidates declare a disability in each assessment window. For the assessed time period, 6.9% declared a disability, with 87.0% declaring no disability, and 6.1% choosing not to declare their disability status. Disabled candidates are provided with reasonable adjustments as appropriate. Under the Equality Act 2010 there is a duty upon assessment providers to seek to minimise the disadvantage disabled candidates may experience. It is important, therefore, to consider if the provisions made are sufficient and disabled candidates are able to perform in line with those who have not declared a disability.

[6] All candidate scores are reported on a scale of 0-500 with 300 being the pass mark.

Multivariate Analysis of Score Variance in SQE

Methodology

We utilised a backwards elimination stepwise regression approach to identify the significant variables of score performance. As there is no single score for SQE1 (as it is made up of two papers or FLKs) we used the average score across FLK1 and FLK2 to indicate performance in SQE1 and SQE2 score as the outcome in SQE2[7]. Full details of the model used and the dataset are in the appendix. Pass rates for each window by a range of characteristics including ethnicity, disability, sex, religion and age are published on the SQE website and may be useful in informing interpretation of the findings.[8]

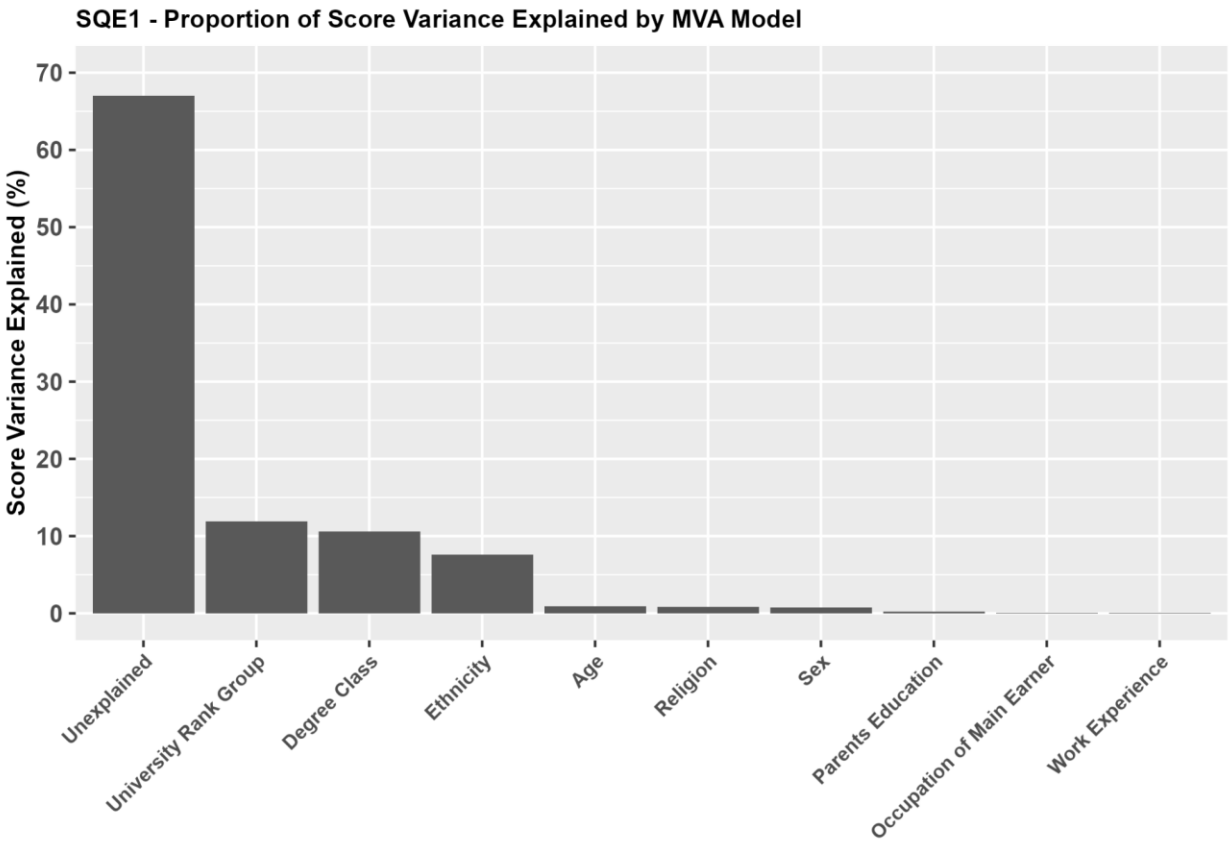
Findings

As can be seen in the tables, much of the variance in scores remains unexplained (67.0% for SQE1 and 49.7% for SQE2). This suggests that other factors which are not included in the model impact on candidate performance. However, at both SQE1 and SQE2 prior indicators of educational performance are the best predictors of assessment scores.

SQE1

In total the model explained 33.0% of score variance based upon the available codified data. The majority of score variance cannot be explained by the model: this suggests the majority of variance is due to factors for which we do not have data. Any one factor that does predict performance has only a relatively small effect. Two indicators of prior educational performance; university rank and degree classification, account for the majority of the variance explained. Ethnicity explains 7.6% of the score variance within the dataset. A wide range of other factors such as age, religion and sex each explain small but significant proportions of the total score variance. Disability was not found to be a significant variable.

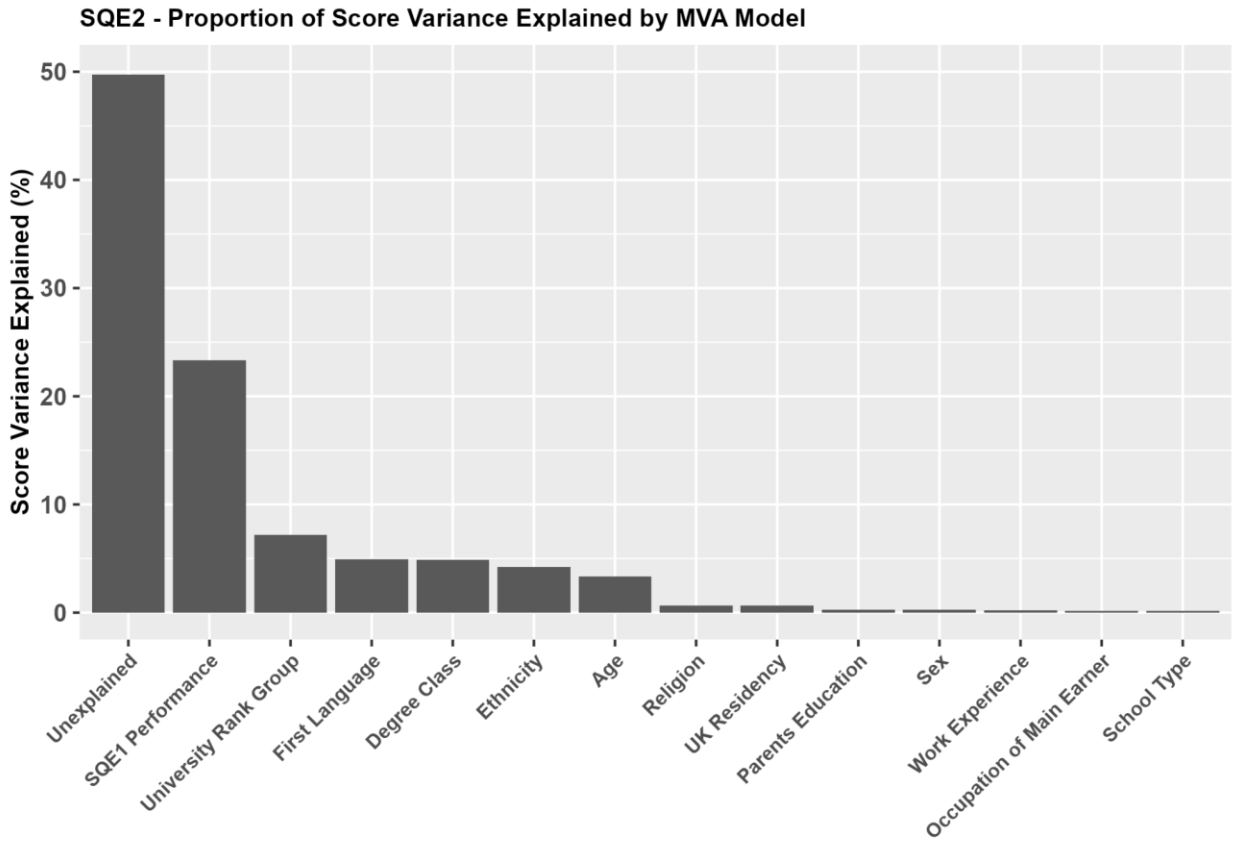
[7] See Appendix for further details and model specification
[8] Routine window based SQE reports can be found here



Significant Variables	Proportion of SQE1 score variance explained
University Rank	11.89%
Degree Classification	10.58%
Ethnic Group	7.63%
Age	0.88%
Religion	0.82%
Sex	0.78%
Parent's Education	0.25%
Household Earner's Occupation	0.07%
Work Experience	0.06%
Unexplained score variance	**67.0%**
Total explained score variance	**33.0%**

SQE2

In total the model explained 50.2% of score variance. Again, two indicators of prior educational performance are the primary explanatory factors. Ethnicity explains 4.2% of the variance within the dataset. Factors such as ‘UK resident’ and ‘First language: English’ appear as predictors in the SQE2 model, perhaps reflecting the importance of spoken and written English language in this assessment. A number of other characteristics are significant but each with a smaller effect size. Similar to the results for SQE1, disability was not found to be a significant variable in relation to candidate score.



Significant Variables	Proportion of SQE2 score variance explained
SQE1 Score	23.30%
University Rank	7.17%
First Language: English	4.94%
Degree Classification	4.90%
Ethnic Group	4.22%
Age	3.36%
Religion	0.68%
UK Resident	0.66%
Parent's Education	0.28%
Sex	0.27%
Work Experience	0.19%
School Type	0.15%
Household Earner's Occupation	0.15%
Unexplained Score Variance	**49.7%**
Total explained score variance	**50.3%**

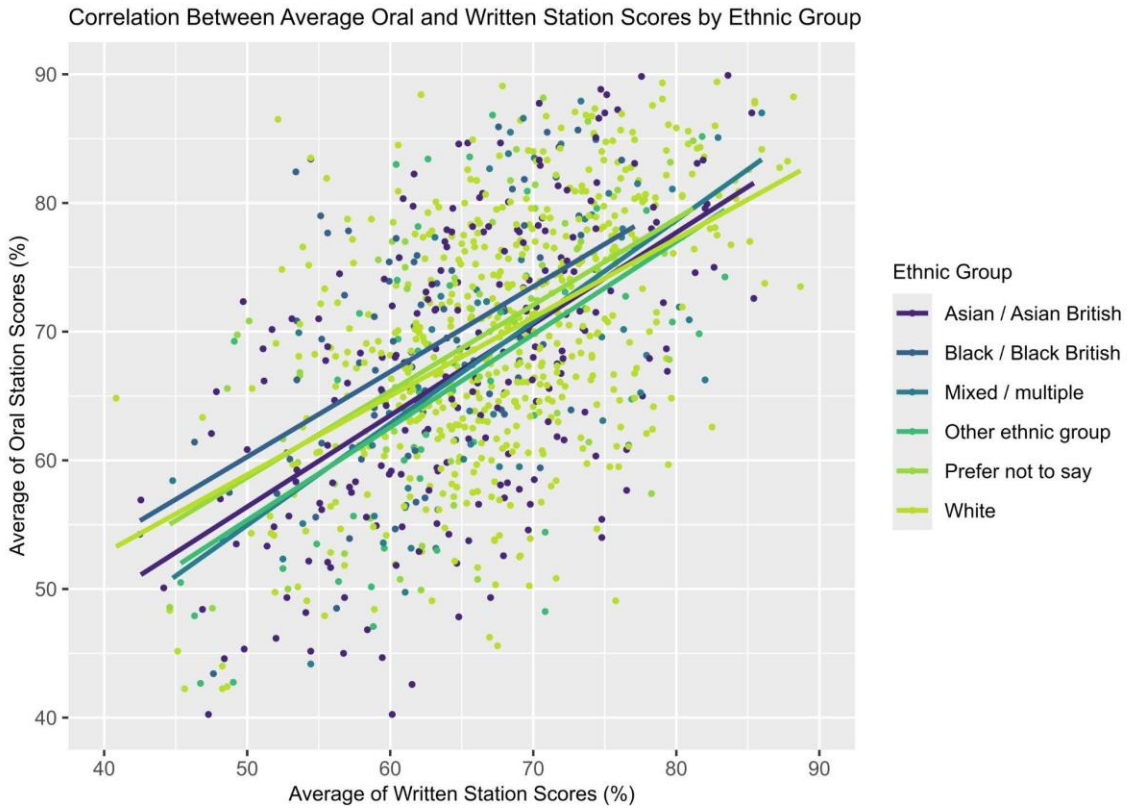
Discussion

It is clear from the analysis that entry into the solicitors' profession is desirable to a broad range of candidates. As a result, the SQE cohort is extremely diverse along educational, socio-economic and ethnic lines. The breadth and diversity of the cohort should be taken into account when interpreting the findings.

There are numerous measures within the design and delivery of the SQE which reduce the risks of bias affecting candidate outcomes. Examiners and question writers all complete mandatory EDI training. Questions are carefully written to exclude extraneous information, names or terminology that may in some way disadvantage certain candidate groups. Marking, scoring and score processing is completed without access to any candidate characteristics for all components of the SQE1 and SQE2 assessments, except for the SQE2 oral stations. Whilst SQE1 is computer marked, SQE2 written stations are marked by examiners who have no

access to the candidate's name or details. The orals are marked face-to-face, however, and in these stations analysis routinely shows that candidates in all ethnic groups perform similarly within these stations to how they perform in the written stations (October 2024 SQE2 assessment scatter plot shown below). As a result, we can be reassured that variance in performance by any sub-cohort is not likely to be a product of examiner bias.

Example correlation between written and oral stations



Further, within SQE1, differential item functioning analysis is undertaken for each administration. If items are identified that have performed differently across sex and ethnicity they are highlighted for academic review. This process identifies only a small number of questions in each paper. The academic team considers if the question is fair, clearly written and accurate and, if any source of unfairness is identified, the question can be removed from the exam. However, at the time of writing, this analysis has not identified any items for removal for these reasons.

Given the comprehensive measures that are in place to limit the risks of bias related to the exam questions or scoring, we can be confident that differences in score between groups are a genuine measure of performance. They are not a product of exam design or biased marking.

It is noticeable that data on the Legal Practice Course (LPC) identifies a similar pattern of differential performance by ethnicity. There is no comparable multivariate analysis available in relation to LPC candidates to accurately assess associated factors which affect performance. But, relevant annual reports show similar patterns of performance by outcome, with white candidates achieving the highest completion rates, followed by those from mixed backgrounds and then Asian/Asian British candidates. Black/Black British candidates experience the lowest completion rates. This entrenched pattern of differential outcomes is also reflected in the SQE results data.

Measures of prior attainment such as degree classification, university rank and (for SQE2) SQE1 score, are cumulatively the biggest predictors of performance in the SQE exams. This is in line with observations in other professional exams that prior educational performance correlates strongly with future performance.[9]

The findings show that declaring a disability is not a factor that significantly affects performance in either SQE1 or SQE2. This suggests that the reasonable adjustments provided are effective at reducing disadvantage, but do not overly advantage this group.

The socio-economic variables included within the model appear to have only a very small effect on performance. Despite this, the mean scores by socio-economic group show that candidates in groups 5, 6 and 7 score substantially higher. This may be a result of the other factors which are included within the model, such as university rank, sex and ethnicity, but also unattributed factors such as access to study aids, private tutoring and revision courses.

Ethnicity is more strongly associated with score variance in SQE1 than SQE2. Within SQE1, 7.6% of score variance is explained by ethnicity in this multivariate model. This reduces to 4.2% in SQE2. It is likely that factors associated with, but separate from, ethnicity that are not explained elsewhere in the model are included in these figures. For example, poor experiences in educational settings and a lack of supportive role models and contacts. Other characteristics that predict some element of performance include age and religion. Within SQE1, age explains 0.9% of score variance but 3.4% within SQE2. The general trend is for younger candidates to outperform older candidates and this may be a result of differences in training pathways and recency of training between the age groups. Religion accounts for a more consistent 0.7% of score variance in SQE1 and 0.8% in SQE2.

Based on this mixed methods statistical analysis and with the aim of increasing inclusion: regulators, educators and the profession should prioritise interventions which provide additional support to the following groups:

- Candidates from lower ranked universities or with poorer degree classifications
- Ethnic minority candidates (particularly black and asian candidates)[10]
- Candidates from lower socio-economic backgrounds.

[9] As an example the predictive validity of prior attainment in medicine is investigated here. An example of the impact of prior attainment on exam performance in dentistry can be found here.
[10] Pass rates by ethnicity are published for each exam window on the SQE reports page.

Candidates who fall into more than one of the above groups may experience greater challenges.

Overall, this analysis shows that the SQE cohort is extremely diverse with broad representation of a range of candidates from across society. The majority of score variance remains unexplained by the models. We have shown a range of relationships between performance and differing characteristics: these differences in performance are unlikely to be a product of the exam design, they are genuine measures of variance linked to external factors. As would be expected, measures of prior educational achievement are the best indicators of performance in SQE, but other factors such as ethnicity, age and religion also have smaller, but measurable, effects.

Appendix

Method for calculating the socio-economic rank

1. Data using the responses to the following three questions in the EDI survey was used:

   i) What type of school did you attend for the most time between the ages of 11 and 16?
   ii) What was the occupation of your main household earner when you were aged about 14?
   iii) Did either of your parents attend university by the time you were 18?

2. The responses were re-coded to reduce the number of unique responses and simplify the analyses. These were coded as follows:

Characteristic	**1**	**2**	**3**
School type	Non-selective state school	Independent or fee-paying (bursary) / Selective state school	Independent or fee-paying (no bursary)
Occupation of household earner	Working class	Intermediate	Professional
Parent/s attended university	No, neither attended university	-	Yes, one or both attended university

3. To ensure robustness of the analyses, candidates who responded 'Prefer not to say' or where the response did not provide meaningful data relating specifically to socio-economic status (e.g. 'Other' or 'I don't know') were excluded from the analyses. Candidates who attended school outside of the UK were also excluded as this response cannot be ranked when considering school type in the context of a socio-economic scale.

4. To provide a more holistic analysis of the candidate socio-economic characteristics the coded values of the three characteristics were summed for each candidate (values of between 3 and 9), with this sum then ranked from 1 to 7, with 1 being the lowest socio-economic rank value (equating to sum=3; potentially the least advantaged candidates) and 7 being the highest socio-economic rank value (equating to sum=9; potentially the most advantaged candidates).

Full multivariate model specification

Variables considered for inclusion in multivariate analyses were those that have been previously reported on as associated with SQE assessment performance in published post-assessment statistical reports. Additional derived variables that might help explain variations in SQE assessment performance and/or contribute to understanding the observed links between candidate ethnicity and SQE assessment performance were also considered for inclusion in the multivariate analyses. The following is a list of these variables and their codification:

Candidate level fixed effects

i) Ethnic Group (White; Black/Black British; Asian/Asian British; Mixed/multiple ethnic groups; Other ethnic group; prefer not to say (PNTS))
ii) Sex (Female; Male; Other/PNTS)
iii) Disability (No; Yes; PNTS)
iv) Age (16-24; 25-34; 35+; PNTS)
v) Religion (None; Christian; Muslim; Other; PNTS)[11]
vi) First language (English; Other; Unknown/PNTS)

Socio-economic metrics

vii) Whether either parent attended university (Yes; No; Don't know; PNTS)
viii) Occupation of main household earner when aged about 14 (Professional background; Intermediate background; Working class background; Other background; PNTS)
ix) Type of school attended between 11 and 16 (Independent; State selective; State non-selective; School outside UK; Unknown/PNTS)

Education / experience metrics

x) Qualified lawyer status (Yes; No; PNTS). This variable was based on the re-coding of answers to the survey question: "If you are a qualified lawyer, please state the country in which you achieved your law qualification(s). If you are not a qualified lawyer (do not have any foreign law qualifications), please select 'Not applicable'".
xi) Completed any qualifying work experience (Yes; No; PNTS)
xii) Undergraduate Degree Classification (First; 2:1; 2:2 or 3rd; Commendation/Distinction; Pass; No degree; Not answered/PNTS)
xiii) University ranking (Top 25; 26th-50th; 51st-200th; 201st-500th; 501st-1500th; Other unranked university; No UG qualification; Unknown/PNTS). This measure was based on answers to the question: "What is the name of the institution that you received your undergraduate degree from?" – codified from the 2024 UK Times Higher Education university rankings list: World University Rankings 2024 | Times Higher Education (THE))

[11] Groupings collapsed due to small sample sizes for numerous religions

xiv) University type (UK Russell group university; UK non-Russell group university; Non-UK university; No university; PNTS)

Other metrics

xvii) Resident in UK (Yes; No; PNTS)

We considered, separately for SQE1 and SQE2, the bivariate associations of all variables identified above with pass rates in independent regression models. All factors showed some significant associations and were therefore considered for inclusion in fully adjusted multivariable regression models.

We employed a backwards elimination stepwise approach[12] in a multiple regression to identify the set of variables which provided the most parsimonious model in terms of reducing the model prediction error. To this end, we considered the Akaike information criterion (AIC) which is an estimator of in-sample prediction error. This stepwise approach enabled us to identify the best set of explanatory variables for inclusion in multivariate analysis. The rank ordering of importance of the variables in terms of information provided also enabled us to selectively remove or retain lower-order variables, e.g. removing those that were not adding much information (e.g. disability status for SQE1 and SQE2) or those that were strongly correlated with one another (e.g. educational variables derived from the same survey question as undergraduate university rank: Russell group university attendance and degree subject by university location for SQE1 and SQE2).

For SQE1 the combined automated stepwise and theoretical based approach led to the following set of nine variables being included in a full multivariate model: undergraduate university ranking; undergraduate degree classification; ethnic group; age; religion; sex; parent's university attendance; occupation of main household earner at age 14; qualifying work experience.

For SQE2 the same approach was followed, resulting in the following set of 13 variables being included in multivariate modelling using the stratified analysis dataset (including only candidates who had previously taken SQE1): SQE1 score; undergraduate university ranking; having English as a first language; undergraduate degree classification; ethnic group; age; UK residency; religion; qualifying work experience; parent's university attendance; sex; type of school attended between ages 11 and 16; occupation of main household earner at age 14.

[12] Backward stepwise is preferred when the sample size is large, as starting with the full model has the advantage of considering the effects of all variables simultaneously.

The MVA Dataset

In order to carry out multivariate analyses we have aggregated data from a number of assessment windows to ensure the sample is sufficiently large to facilitate meaningful and accurate analysis.

For both SQE1 and SQE2 datasets, we only considered first attempt data (resit data were removed from the analysis datasets). Data from candidates where any attempts resulted in an accepted mitigating circumstances (void attempt) or a zero score owing to non-attendance were also removed. To minimize to some extent the impact of non-response bias, we removed data from any candidate who did not respond or answered “prefer not to say” (PNTS) to 40% or more of the independent variables under consideration in the analysis. For all remaining candidates any non-response data was coded as “prefer not to say” and included in the analyses.

For SQE1 we considered data from 24,312 candidates who had completed an SQE1 assessment (having taken both FLK1 and FLK2 examinations) between the first SQE1 assessment window in November 2021 through to the seventh assessment window in January 2025. Data from 134 candidates who took FLK1 and FLK2 as first sittings at different SQE1 assessment windows were removed. Data from a further 2,220 candidates with an SQE2 exemption were removed – most of whom were qualified overseas lawyers. Data from a further 899 candidates were removed owing to multiple non-response (or PNTS) in the independent variables. This resulted in an SQE1 analysis dataset of 21,059 candidates.

For SQE2 we considered data from 7,513 candidates who had completed an assessment between the first SQE2 delivery in April 2022 through to the seventh delivery in July 2024. Data from 2,086 candidates who were exempt from sitting the SQE1 assessment due to transitional arrangements were removed. Data from a further 167 candidates were removed owing to multiple non-response (or PNTS) in the independent variables. This resulted in an SQE2 analysis dataset of 5,260 candidates.