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**QUALIFIED LAWYERS  
TRANSFER SCHEME  
PREVIOUS ASSESSMENT  
REGULATIONS  
2011**

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**Now applicable only to Excepted Candidates**

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## 1. **Definitions**

“Certificate of Eligibility”	the Certificate of Eligibility issued by the SRA
“Day One Outcomes”	the standards that all lawyers must achieve to demonstrate their ability to practise as a solicitor in England and Wales as set out by the SRA
“External Examiners”	the persons appointed as such by the SRA
“MCT”	the Multiple Choice Test
“OSCE”	the Objective Structured Clinical Examination
“QLTS”	the Qualified Lawyers’ Transfer Scheme
“SRA”	the Solicitors Regulation Authority
“TLST”	the Technical Legal Skills Test

## 2. **General**

- 2.1 These Regulations govern the QLTS assessment from 1<sup>st</sup> January 2011.
- 2.2 Candidates who sit the QLTS assessment are deemed to be bound by these Regulations.
- 2.3 The QLTS assessment consists of three parts: the MCT, the OSCE and the TLST. In order to pass the QLTS assessment candidates must pass all three parts.
- 2.4 All candidates must pass the MCT before enrolling for either the OSCE or TLST. The OSCE and TLST may then be taken in any order.
- 2.5 A candidate who fails the MCT at the first attempt will have two further opportunities to take the MCT within the five-year validity period of their Certificate of Eligibility. If a candidate fails the MCT three times during the five-year validity period of their Certificate of Eligibility they must wait until that five-year period expires before re-applying for a Certificate of Eligibility and re-enrolling for the QLTS assessment.
- 2.6 A candidate who fails either the OSCE or TLST at the first attempt will have two further opportunities to take that assessment within the five-year validity period of their Certificate of Eligibility. If they pass the OSCE or TLST on their second or third attempt, then assuming they have passed all other elements of the QLTS assessment, they may apply for admission to the Roll of Solicitors.

- 2.7 A candidate who does not pass either the OSCE or TLST at the third attempt will be unable to complete the QLTS within the five year validity period of their Certificate of Eligibility and must wait until that five year period expires before re-applying for a Certificate of Eligibility and re-enrolling for the QLTS assessment.

### **3. Eligibility and Identification Requirements**

- 3.1 In order to enter each QLTS assessment a candidate must comply with the QLTS ID and Security requirements which are available on the Kaplan QLTS website.

### **4. The MCT**

- 4.1 The MCT will test Part A of the Day One Outcomes.
- 4.2 In order to pass the MCT candidates will need to obtain the overall pass mark for the MCT.
- 4.3 Candidates who sit the MCT will be told whether they have passed or failed.
- 4.4 The pass mark for the MCT will be set in accordance with the Kaplan QLTS Marking and Moderation Policy (a copy of which is available on the Kaplan QLTS website).

### **5. The OSCE**

- 5.1 The OSCE will test Parts C, D, and F of the Day One Outcomes.
- 5.2 In order to pass the OSCE candidates must obtain the overall pass mark for the OSCE.
- 5.3 Candidates who sit the OSCE will be told whether they have passed or failed.
- 5.4 The pass mark for the OSCE will be set in accordance with the Kaplan QLTS Marking and Moderation Policy (a copy of which is available on the Kaplan QLTS website).

### **6. The TLST**

- 6.1 The TLST will test Parts C, D and F of the Day One Outcomes.
- 6.2 In order to pass the TLST candidates must obtain the overall pass mark for the TLST.
- 6.3 Candidates who sit the TLST will be told whether they have passed or failed.

- 6.4 The pass mark for the TLST will be set in accordance with the Kaplan QLTS Marking and Moderation Policy (a copy of which is available on the Kaplan QLTS website).

## **7. The Assessment Board**

- 7.1 The Assessment Board will comprise:

Head of Kaplan QLTS  
Assessment Director Kaplan QLTS  
Head of Operations Kaplan QLTS  
External Examiner  
SRA representative

- 7.2 The Head of Kaplan QLTS (or his/her nominee) will be the Chair.
- 7.3 The quorum for a meeting of the Assessment Board will be 3 of those referred to in Regulation 7.1 including either a representative of the SRA or an external examiner.
- 7.4 The principal role and responsibilities of the Assessment Board are:
- 7.4.1 to review and make decisions on the results of candidates in the QLTS assessment;
  - 7.4.2 to review and make decisions on applications for mitigating and/or extenuating circumstances (see Regulation 11);
  - 7.4.3 to review and make decisions on allegations of cheating and improper conduct (see Regulation 12); and
  - 7.4.4 to review and make decisions on any other matter referred to it.

## **8. Exemptions**

Exemptions to any part of the QLTS assessment are determined by the SRA.

## **9. Fit to Sit**

Candidates who present themselves for any part of the QLTS assessment shall be deemed fit to take that assessment and will be required to sign a declaration that there are no reasons why they should not sit the assessment at that time or why they might subsequently submit a claim for mitigating and/or extenuating circumstances. For the

avoidance of doubt this does not prevent a candidate from submitting a claim for mitigating and/or extenuating circumstances by reason of circumstances arising during an assessment which have materially and adversely affected the candidate's performance.

## **10. Arrangements for candidates with disabilities and special needs**

- 10.1 The SRA's Day One Outcomes are competence standards. These are the standards which all candidates must achieve to demonstrate their ability to practise. All candidates must be assessed against the competence standards but reasonable adjustments will be made to the way the standards are assessed to ensure that candidates are not disadvantaged as a result.
- 10.2 Candidates who wish to make a request for reasonable adjustments to assessment arrangements for any part of the QLTS assessment so as to accommodate disabilities and/or special needs should do so in accordance with Kaplan QLTS Policy for Establishing Alternative Assessment Arrangements for Candidates with Disabilities and Special Needs (a copy of which is available on the Kaplan QLTS website).
- 10.3 Candidates who have made a request for such reasonable adjustments to assessment arrangements for any part of the QLTS assessment and who present themselves for that assessment are deemed to have accepted that those reasonable adjustments have been made and will be required to make a declaration to that effect.
- 10.4 All requests for such reasonable adjustments will be considered in accordance with the Kaplan QLTS Policy for Establishing Alternative Assessment Arrangements for Candidates with Disabilities and Special Needs (a copy of which is available on the Kaplan QLTS website).

## **11. Mitigating and/or extenuating circumstances**

11.1 Mitigating and/or extenuating circumstances are defined as:

- 11.1.1 a mistake or irregularity in the conduct of the assessment or
- 11.1.2 a material administrative error or
- 11.1.3 a candidate's illness or other personal circumstances beyond his/her reasonable control subject to Regulation 9 of these Regulations

which materially and adversely affect a candidate's performance in the assessment.

- 11.2 Candidates who consider that their academic performance in any QLTS assessment has been materially and adversely affected by any of the circumstances outlined in 11.1 above may make a claim for mitigating and/or extenuating circumstances.
- 11.3 Candidates who wish to make a claim for mitigating and/or extenuating circumstances should do so in accordance with the Kaplan QLTS Policy for Claims for Mitigating and/or Extenuating Circumstances and Appeals against Assessment Board Decisions (a copy of which is available on the Kaplan QLTS website).

## **12. Cheating and improper conduct**

- 12.1 In these Regulations the term “cheating” refers to any activity carried out by a candidate during or outside any assessment (whether or not done intentionally) which could result in either the candidate or a fellow candidate passing any part of the QLTS assessment without due merit. “Improper conduct” refers to any disruptive activity carried out by a candidate during or outside any assessment (whether or not done intentionally).
- 12.2 The following is a non-exhaustive list of what amounts to cheating and/or improper conduct:
- 12.2.1 copying another person’s answer either in whole or in part;
  - 12.2.2 allowing another person to look at, use or copy your answer;
  - 12.2.3 communicating or attempting to communicate with any other candidate during the course of an assessment;
  - 12.2.4 disclosing or discussing details of the content of any element of the assessment unless expressly permitted or required;
  - 12.2.5 impersonation or any other deliberate attempt to deceive;
  - 12.2.6 taking in any materials or aids which are not expressly permitted by these Regulations or an Invigilator;
  - 12.2.7 conduct which is causing disturbance to other candidates or affecting the proper running of any element of the assessment;
  - 12.2.8 removing from any assessment room any papers, answer sheets or other materials or copies thereof:
  - 12.2.9 providing and/or disseminating information about any element of the assessment with a view to assisting current or prospective candidates;  
or

- 12.2.10 failing to abide by the assessment rules, or using, attempting to use, assisting another to use or attempting to assist another to use any unfair, improper or dishonest method in any part of the QLTS assessment.
- 12.3 In any case where an allegation of cheating or improper conduct in a QLTS assessment is made against a candidate the candidate may be excluded from the Assessment if in the opinion of at least two senior members of Kaplan staff it is necessary to do so to ensure the proper running of the Assessment.
- 12.4 Where an allegation of cheating or improper conduct has been made the Head of Kaplan QLTS will decide whether there is a prima facie case to answer. Where the Head of Kaplan QLTS decides there is a prima facie case of cheating or improper conduct s/he will convene a panel of at least two Solicitors of England and Wales (practising or non-practising) who may also be members of Kaplan staff (the Special Panel). The candidate will be given the opportunity of making verbal and/or written representations to the Special Panel.
- 12.5 The candidate will be notified of the decision taken by the Special Panel as soon as is reasonably practicable.
- 12.6 Where a finding of cheating or improper conduct is made by the Special Panel their finding will be referred to the Assessment Board for consideration.
- 12.7 Where a finding of cheating or improper conduct is confirmed by the Assessment Board the SRA will be informed within 28 days. The SRA reserves the right to report the finding to the candidate's employers and/or sponsors.
- 12.8 A candidate who is found by the Assessment Board to have cheated or to have engaged in improper conduct in any QLTS assessment will fail that assessment and will not normally be permitted to sit a QLTS assessment again.
- 12.9 A candidate who wishes to make either a first stage or a second stage appeal against the decision of the Assessment Board must do so in writing in accordance with the Kaplan QLTS Policy for Claims for Mitigating and/or Extenuating Circumstances and Appeals against Assessment Board Decisions (a copy of which is available on the Kaplan QLTS website).

### **13. Appeals against Assessment Board Decisions**

- 13.1 A candidate may make a first stage appeal against a decision of the Assessment Board on all or any of the following grounds:
- 13.1.1 That there are Mitigating and/or Extenuating Circumstances that could not previously have been put before the ECP or the Assessment Board;

- 13.1.2 That the ECP failed properly to evaluate the evidence of a claim for Mitigating and/or Extenuating Circumstances;
- 13.1.3 That the candidate disputes the Assessment Board's finding of cheating or improper conduct.
- 13.2 Following a first stage appeal, a candidate may make a second stage appeal on all or any of the following grounds:
  - 13.2.1 That Kaplan materially to follow its procedures at an earlier stage within the application of these academic appeals procedures;
  - 13.2.2 That there are Mitigating and/or Extenuating Circumstances which could not have previously been put before the ECP, Assessment Board or Adjudicator.
- 13.3 A candidate may not submit an appeal on the grounds of academic judgment.
- 13.4 A candidate who wishes to make either a first stage or a second stage appeal must do so in writing in accordance with the Kaplan QLTS Policy for Claims for Mitigating and/or Extenuating Circumstances and Appeals against Assessment Board Decisions (a copy of which is available on the Kaplan QLTS website).