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

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Introduction

November 2021 saw the first sitting of the new Solicitors Qualifying Examination (SQE) and heralded the start of a whole new system to qualify as a solicitor. This new centralised examination will be the only way to enter the legal profession as a solicitor. There will be no exemptions for foreign jurisdiction lawyers wishing to qualify to practice in England and Wales, or for members of other branches of the UK legal professions. In future, once some short-term transitional arrangements have expired, everyone will need to pass SQE in order to be admitted.

Prior to this, the typical route to qualifying as a Solicitor was described by Eraut as a dual qualification system.[1] The undergraduate law degree was approved by the professional bodies: the Solicitors Regulation Authority (SRA) and the Bar Standards Board (BSB) by way of a Joint Statement, discussed in more detail later in this article. Candidates then moved on to a professional practice level 7 course – the Legal Practice Course (LPC) - delivered and assessed by some Universities, mainly post 19992 former Polytechnics. Finally, the candidate had to undertake a period of in-work training (the Training Contract), which Eraut likens to a period of apprenticeship.

This article aims to chart how solicitors have been trained (or not) in the past. It will look at the tension between the regulators and Higher Education Institutions (HEIs) that has arisen due to their different views as to what a Law School actually is. Specifically, it asks the following research questions: how has training as a solicitor been undertaken in the past; what is actually shaping undergraduate legal education in the UK; and whether the shape of undergraduate legal education is likely to change in the future in light of the deregulation?

The methodology will be a classic literature review looking at what has been written on this matter before, but also examining websites – particularly the SRA website. The work will look at the development to date and potential future development of Undergraduate Legal Education through the lens of institutional theory. That theory, first articulated by Scott in the mid 1990's,[2] argues that organisations in a field all isomorph (change to be the same as each other) because of the institutions exerting influence on them. This theory was developed by DiMaggio and Powell,[3] who said the isomorph was caused by one of three processes:

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[1] Eraut M, Developing the Knowledge Base: a process perspective on Professional Education in Barnett R (ed), in *Leading to Effect,* Open University Press (1992).

[2] Scott, W. Richard 1995. Institutions and Organizations. Thousand Oaks, CA: Sage.

[3] Paul J. DiMaggio, Walter W. Powell, 'The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields' (1983) 48:2 American Sociological Review 147.

- Coercive isomorphism – which essentially is some external influence that demands a particular type of structure or behaviour. e.g. a regulator;
- Mimetic isomorphism – which occurs when organisations model themselves on each other for credibility or legitimacy; and
- Normative isomorphism – which is pressure on an organisation from an institution to meet some sort of standard.

The article will look at the similarity of undergraduate law provision in HEIs in the UK and consider why this Isomorph has occurred.

Historical development of legal education

There is an argument that law schools are liberal arts education centres and should be divorced from professional training.[4] However, there is an opposite view that the Universities, right from Undergraduate level, should be preparing potential lawyers for their future roles and therefore engage in vocational training.[5] The latter approach has raised concern with many actors in the legal arena, including Professor Celia Wells who argues "students at UK law schools will, by the end of their first year, have been assimilated into a way of thinking about law which is rule-bound and rational, partial and positivistic."[6]

Surprisingly, the debate relating to the role of a law school – liberal arts education or vocational training - is not new; it has hung over Law Schools since legal education began. The argument for law to be treated as a liberal arts discipline gained traction with the introduction of *Commentaries on the Laws of England*, by Blackstone in 1765.[7] At that time lawyers trained in their Inns of Court with little or no academic study of law, and introducing that idea was actually quite controversial. Blackstone, in publishing his Commentaries, provided a robust text relating to legal education – a starting point for institutions to offer an academic study of law. Surprisingly there was strong resistance to the idea of studying law as an academic subject. The lawyer's role was seen as advocacy, arguing the case for a client, a craft he (for they were all male) had learned from more experienced advocates, and the need for an understanding of law was not only not understood, but viewed with suspicion. Oxford and Cambridge taught only Roman Law, and there were no courses studying English Law – only *ad hoc* lectures at the Inns of Court. By 1846, University College London had begun offering lectures in Equity, common law and criminal law – and thus this appeared to be an academic law degree. However, Professor Andrew Amon, who taught this course, admitted to a Select Committee on Legal Education in 1846 that his teaching was 'chiefly of technicalities.[8]' The debate gained traction over the next decade or so, fuelled by the views of Cardinal John Newman and his views on what a university is, together with his support of liberal education.[9]

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[4] Mason L and Guth J, *Reclaiming our discipline* (2018) 52 *The Law Teacher* 379.
[5] Frank J, *A plea for lawyer-schools* (1947) 56(8) *Yale Law Journal* 1305.
[6] Susanna Menis, Non-traditional students and critical pedagogy: Transformative practice and the teaching of criminal law (2017) 22 *Teaching in Higher Education* 193.
[7] Blackstone W, *Commentaries on the Laws of England* (1768) Clarendon Press.
[8] Select Committee on Legal Education 1846.
[9] Newman, J. H., The Idea of a University. (1852). London: Aeterna Press

The eminent legal scholar Albert Venn Dicey, revered for crystallising the rule of law, gave his inaugural lecture at Oxford in 1883. His chosen subject - 'Can English Law be taught at the University?[10] - expressed concern about the way legal professionals qualified:

> The pupil does not undertake to learn, the tutor does not in any way undertake to teach.[11]

By 1910, seven Universities were awarded charters to teach English Law,[12] although this was still controversial, with opposing views on whether they existed to train future lawyers or to provide a liberal education. Entry into the legal professions was by centralised examination without any requirement to have a law degree, or indeed any degree. This system is very similar to the new training regime for lawyers, so the debate has clearly continued throughout the ages. The establishment of a Society of Public Law Teachers (SPLT) (now Society of Legal Scholars) in 1909 provided a vehicle for the debate.

Lord Atkin described vocational legal training in an interesting way:

> You must in fact be a neophyte and go into the wizard's room and there learn the black art which the public…seem to associate with the learning and practice of Law.[13]

Despite much acknowledgement about the chaotic way legal professionals were trained, nothing substantial was done until 1971. This is despite the existence of 3 regulators, who do not appear concerned about people literally floating into the profession knowing little or no law and learning from more experienced lawyers who probably also knew little law.

The debate about what a law school should be did not abate in the 20th Century, and in 1913 it was formally acknowledged by a Parliamentary Commission.[14] That Commission concluded that a law degree should cover both academic and professional skills, but did not have any new ideas on how this could be achieved, and thus did not really contribute to the debate. In 1922, the Law Society – who regulated the Solicitors profession at that time - introduced a compulsory 1 year of university tuition for any would be Solicitor who did not have any other degree. By the 1960's this was shining a light on the tension between the professional regulator and the University system. The Law Society complained that the Universities were more interested in preparing students for university examinations rather than the central Law Society Exam that was the gateway to the profession. The Universities were unmoved by this complaint, seeing themselves as academic institutions whereas the regulator saw them as training courses. When the 'approved law schools' failed to change their courses to tailor them to the Law Society Examinations, the Law Society responded by removing the requirement for one year of University Law studies as part of Solicitor training.[15]

The Robbins report in 1963 finally recognised the missing piece in the ongoing argument – not everyone who studies law wants to be a lawyer.[16] In September 2021, 31,585 students commenced study for a law degree. With only 6981 new admissions to the Solicitors roll

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[10] Albert Venn Dicey, 'Can English Law be taught at the University? An Inaugural lecture' (1883) Macmillan.
[11] Ibid.
[12] Oxford, Cambridge, UCL, Manchester, Liverpool, Sheffield and Leeds.
[13] Lord Atkin's address to SPLT 1931.
[14] Haldene Commission on Legal Education (1913).
[15] Hall JC, *The training of a Solicitor* (1962) *Society of Public Law Teachers* 1.
[16] The Robbins report: Committee on Higher Education (1963) Higher Education.

(Qualified as Solicitor's),[17] 1409 people were called to the Bar (qualified as Barristers).[18] Whist this is a little like comparing apples and pears, it does serve to show that a very significant number of law students do not go into the legal professions. The report led to the conclusion that law schools should not be narrowly focused, but offer a much wider and more academic approach to the diet of learning offered to students. This report also recommended that students should be offered a wider range of optional modules, including ones from outside law. That has not really happened even to date, there is the odd nod to criminology perhaps, but generally law students study law and only law; other than in law and/with business, etc.

The next, and major landmark was the Ormrod Report,[19] which tacked head-on how lawyers should be trained. This suggested three stages: academic education, professional/vocational education, and work based. This was a real opportunity for universities to move back to a liberal arts discipline model, as the training would take place in the next two stages. Two of the regulators – the Law Society (later replaced by the SRA) and the Bar Council (now BSB) then collaborated to come up with the 'Joint Statement', requiring Law Schools to include six (EU law was added later making it seven) compulsory subjects that anyone wanting to enter the legal professions had to have studied. Students whose undergraduate law degrees complied with the statement were deemed to have a Qualifying Law Degree (QLD) – a prerequisite for entry to the legal professions. The Ormrod report stated that beyond those subjects, universities would have complete freedom to shape their courses. However, the need for a QLD for anyone wishing to enter the professions meant that all law schools crafted very similar undergraduate offers – with the seven foundations of knowledge subjects usually forming the first two years. This isomorph effect is a classic example of institutional theory, all law schools look similar, and the pillar or process driving it would appear to be a coercive isomorph as the institution influencing it appears to be the Joint statement – the regulation.

This system was then established – students undertook an academic undergraduate law degree, followed by the Law Society Finals – a one year course covering professional practice offered by the College of law (now the University of Law). The College of Law had been created in 1962 by the Law Society, the then regulator, when the Law Society School of Law (created in 1903) was combined with another provider and renamed the College of Law. The work-based stage was then called Articles – 2 years of 'apprenticeship' type work experience within a law firm. At that point they were admitted to the Roll – the point where they were qualified. In 1993, there was a change: universities were allowed to offer the course covering professional practice, and many, typically post-1992 institutions, took up this opportunity.

The College of Law continued to attract many more students than the Universities. In 1994 Nigel Savage – Dean of Law at Nottingham Trent – challenged the College of Law. They were seen as the official provider with close links to the Law Society; indeed eight members of the governing bodies were common to both. Students were choosing the College over the universities as they also saw it as the official provider. Savage called on them to either come clean and be transparent about the link with the Law Society or become truly independent.

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[17] The Law Society, 'Entry Trends' <https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/entry-trends> accessed 23 January 2023.
[18] Ibid.
[19] Ormrod J, *Report of the Committee on legal Education* (1971) Cmnd 45958.

The College took the independent route, appointed Nigel Savage to lead them, and went on to be the first private provider to be granted degree awarding powers in 2002.[20]

The LPC stage of vocational legal training continued to be offered by universities and private providers but the introduction of SQE is causing many HEIs to rethink that offer.

The effect of deregulation on legal education

SQE – a central examination - has ended the SRA regulation of legal education. Therefore, law schools are now free to offer any sort of course they like. However, a review of various websites shows no rush for law schools to actually change the rather common first and second year offered around the UK. The debate regarding liberal arts education versus vocational training provider has raged for many years, but when law schools are free to decide what they want to be, it appears there is little change.

Several authors have views on why this is. Unger argues that 'both higher education and the legal profession are undergoing a shift away from traditional professional self-regulation towards regulation by market forces.'[21] Unger then contends that the massification of higher education, with 49.8 per cent of school leavers engaging in Higher Education,[22] has driven an employability agenda that is pushing law schools away from the liberal arts discipline model and back towards the vocational law school model. Menis states that 'academia had greater power and control over the nature and role of legal education than it ever really wanted: yet it ended up subscribing to what may be perceived as the whims of the profession.[23]" Universities had every opportunity to focus on academic study of law, but the pressure of the competition from the Inns of Court and Law Society in the early days, and each other more recently, who were offering practical training, seems to have continually bounced them back to trying to offer training for practice.

Although the introduction of the SQE, and the deregulation of legal education, *prima facie* appears to free law schools to become whatever they want to be, Unger has already pointed to the huge employability agenda, which he says is driven by massification. Although less than half of all law graduates actually progress into the profession, most of them enter their undergraduate studies thinking that is what they want to do. Bowyer asks the question of what law schools are in light of this deregulation.[24] He urges law schools to take control of it or external forces will continue to provide the answer, as has happened so often in the past. He warns that 'law schools in England sit between two regulators that are part of the same neoliberal apparatus that is reducing everyone to the status of consumer". He refers to the SRA and the Office for students. Leighton describes the influence of the profession driving the shape of Law degrees as 'the tail wagging the dog.'[25]

The deregulation of the professional courses is not really happening, the responsibility is simply being shifted. The SRA view is they have replaced the gateway to the profession with a centralised exam, so the law schools are free to design their courses as they see fit in

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[20] 'Nigel Savage to retire in April, *Law Society Gazette* November 2016, 15.

[21] Unger A, *Key Directions in Legal Education* (2020) Routledge.

[22] Department of Education 2018 figure – this figure has been used as the date become skewed by Covid thereafter.

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

[24] Bowyer R. 'Regulatory Threats to the Law Degree: The Solicitors Qualifying Examination and the purpose of Law Schools' (2019) 30 Law and Critique 117.

[25] Leignton P 'Legal education in England and Wales: What next?' (2021) 55:3 *The Law Teacher* 405.

future. Julie Brannan was very clear that, following the establishment of the Legal Service Board,[26] the SRA no longer see any need to regulate legal education.[27] However, whilst much has been said about less than half of law graduates seeking to enter the legal professions, if law schools abandon the foundation knowledge subjects in the Joint Statement, they will still prevent the half that do want to enter the legal profession from doing so, as they will not have the knowledge needed to pass the SQE. Further, the bar courses for barristers will continue to have an entry requirement that those foundation knowledge subjects have been studied. The SQE will also drive the need to retain them as the law content in the MCQ exam will be based on those foundation knowledge subjects – so even Oxford and Cambridge are unlikely to change. It is not impossible though, several post-1992 and private providers are developing post- graduate options that cover all legal knowledge and practice aimed at non-law graduates. If someone wanted to study law in a very theoretical and conceptual manner, and then wanted to enter the legal profession, they could progress onto one of those vocational courses. However, it is unlikely, and the indicative content of the SQE will simply replace the old formal regulation in driving the indicative content of law degrees across England and Wales. The regulation has shifted from direct to indirect, but it is unlikely to stop affecting law schools in the same way. Bowyer paraphrases Freud and warns that the SRA may be stronger in its absence.[28] Menis suggests that universities, whilst having complete freedom to design law degrees, are not doing so. She suggests this is because

> …practice suggests that the need or want to comply with professional regulation is far stronger. Compliance means having a course recognised by the profession, and along with the marketed fiction that a degree leads to employment in the legal profession for most, law schools must give in to a sustainable vocational type of law degree.[29]

An interesting point can be observed on the SRA Website. The SRA are claiming they have ceased to regulate legal training by replacing the gateway to the profession with a centralised exam and ceasing any interaction with the training providers. One quite startling fact though is that both the Joint Statement,[30] that was the guidance document when they did regulate undergraduate law degrees, and the information pack,[31] when they regulated the LPC, both run to approximately 15 pages. The SQE assessment specification document they have provided detailing what will be covered in this new exam runs to well over 100 pages in far greater detail.[32] Any training provider designing professional/vocational courses to prepare for SQE is treating this document as the guidance to indicative content, assessment style, etc.

[26] Legal Services Act 2007.
[27] Brannan J 'The legal Education and Training Review 5 years on: the view from the *regulators'* (2018) 52:4 *The Law Teacher* 397.
[28] Bowyer R, 'Regulatory Threats to the Law Degree: The Solicitors Qualifying Examination and the purpose of Law Schools' (2019) 30 *Law and Critique* 117.
[29] Menis S, 'The liberal, the vocational and legal education: a legal history review – from Blackstone to a law degree (2020) 54 *The Law Teacher* 285.
[30] Solicitors Regulation Authority, 'Joint statement on the academic stage of training' (September 2021) <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/academic-stage-joint-statement-bsb-law-society/> accessed 23 August 2022.
[31] Solicitors Regulation Authority, 'Joint statement on the academic stage of training' (September 2021) <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/resources/legal-practice-course-information-pack/> accessed 23 August 2022.
[32] n.30.

Other effects of indirect regulation on HEIs

Universities themselves are experiencing this indirect regulation, shackling them to jumping over hoops of questionable value. The three big pressures on university management are TEF, NSS and the recently created Office for Students. There is also the employability agenda being driven by the government who constantly pressure universities to address the skills gap – showing that the government idea of what a university is for is vocational, and not the Newman concept that those in academia tend to see it as. Unger felt the employability agenda is driven by massification – the universities have benefitted from the huge increase in student numbers brought about by the widening participation agenda, and the government interpretation of their public good function is a direct contribution to the skills agenda with vocational training. Whilst none of these drivers claim to directly regulate universities, they are hugely influential and dominate the agenda at every university. The reason seems to be the fact they are becoming marketized, and students are increasingly pressured by agencies outside of their universities to see themselves as consumers. Fees were raised to £9,250 max in 2012/13 and that was very much the start of government policies, from both political parties, that started to view university education in consumer terms. Whilst many lecturers have experienced an occasional student with this view, the vast majority of students view their Higher Education journey as a learning journey, not a market transaction. However they are under increasing pressure from outside institutions, driven by government policy from both parties, to take the view that they are consumers. External forces do not really understand this, and policies relating to HEIs since fees were raised very much compounded this. In 2015, the government commissioned '*Which*' – a consumer magazine - to review HE and see if it was value for money for students. The organisation is a consumer one and carried out the research the only way it knew, looking through a consumer lens. The final report – *A degree of Value* – concluded that 'teaching in HE was poor, and students were dissatisfied.'[33] Canto-Lopez argues that was not accurate, the National Student Survey (NSS) was in existence at that time, and, she states, showing good levels of satisfaction. The following year, the Consumer Rights Act 2014 was enacted, and that made it very clear that students were consumers as far as the law was concerned. There have been a number of cases against HEIs, and the fear of these litigious few pushes university executives into producing policies, processes and other frameworks that ensure backs are covered, but do not contribute in any way to the quality of learning.

Universities have been through incredible change over the last quarter of a century. In the late 1980s academic staff saw themselves mainly as researchers, and teaching qualification were rare. Sessions with students were frequently cancelled if the academic had a conference or similar to attend, and the students were very much expected to read the topics for themselves with sometime limited input from staff, and post graduate students leading workshops (called seminars then). Widening participation brought a huge increase in student numbers, and many of those students had very different profiles to the elite 5 per cent who attended Universities in the 1970s and 1980s. Widening participation was a very successful policy, with 80.6 per cent of the population progressing into higher education in 2022. It is quite right that a much higher percentage of the population should be entitled to undertake a third stage of education – with all the evidence of higher salaries (currently £100,000 p.a.) earned by graduates throughout their lives.[34] However, as Universities changed, teaching methods also had to change if staff were going to be able to cater for the

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[33] *Which,* A degree of value: value for money from the student experience (2014) *Which* November 2014.

[34] Department of Education *Graduate Labour Market Statistics* <https://explore-education-statistics.service.gov.uk/find-statistics/graduate-labour-markets/2021> accessed 17 January 2023.

needs of the much larger numbers in their sessions. Today all University teaching staff have teaching qualifications, and all new starters are required to undertake teacher training as soon as they begin their careers. That is a positive move and enables staff to meet the needs of their students more effectively. However, there was a period when Universities were adapting, and moving from the old model – where academics did not really see themselves at teachers – to the model today where they do. That transition did not happen overnight, and students in the early days of widening participation probably did struggle with poor teaching – as the staff at their institutions did not think they were teachers. The various checks and balances created by governments (the NSS, the TEF and Office for Students) could indicate that government policy is looking back and reacting to a landscape that has changed considerably.

The aforementioned NSS also drives policy and process in universities. It has given rise to league tables that affect student's decisions when choosing an institution. Whole departments exist to ensure student experience is up to the standards expected, with all manner of 'gimmicks' – at least when they get to Level 6 when they are eligible to complete the survey. Academics and particularly managers are distracted by these external measurements of HEIs, and forced to focus on the results of them, rather than what their own students may be saying. Again, it does not always lead to the best educational decisions. These external influences are a huge driver for universities' management, policies and processes, yet they have no say in its design and it is actually the students who engage with it.

Following the review by *Which,* the Teaching Excellence Framework (TEF) was introduced, grading institutions Bronze Silver or Gold. This became a huge marketing tool, claiming to 'provide clear information to students about where the best provision can be found'.[35] The ratings are reached using two types of data: a report by the Institutions themselves, and what Canto-Lopez calls common sector indicators, e.g. Destination of Leavers of Higher Education survey (DLHEA – now the Graduate Outcomes Survey), NSS and statistics from the HE statistics agency.[36] Although called Teaching Excellence, the TEF is driving other agendas – particularly the employability agenda, mentioned heavily in the Green and White papers that preceded the legislation establishing the TEF. Employability is in danger of driving all law schools away from liberal arts discipline to vocational education with absolutely no pedagogic proof that one is better than the other. It is also a formulaic mathematical system that is used to grade universities, and one that can be manipulated. One UK institution demonstrated this very robustly. A whole team was created and tasked with tracking the destination of graduates – every last one was tracked down and the data that was submitted at the end of the period was so robust the institution rose from about the middle of the then DLHE to third.[37] This impacted on their TEF massively, and also appeared to drive an amazing leap of about 50 places in one of the league tables. The institution was not actually achieving any better outcomes for their graduates, just recording them far better – and that completely changed how the TEF viewed them. It is hard to see how teaching is made excellent through the metrics used, the NSS is about student

[35] Office for Statistics Widening *Participation* (2022) <https://explore-education-statistics.service.gov.uk/find-statistics/widening-participation-in-higher-education/2020-21> accessed 17 January 2023.
[36] Canto-Lopez M, New challenges in the UK legal Education Landscape: TEF, SQE and the Law Teacher.
[37] Destination of Leavers of Higher Education Survey – now superseded by Graduate Outcomes Survey

satisfaction overall – not just the teaching, and the other metrics do not measure teaching quality.

Alongside these drivers indirectly regulating universities there is now the office for students which Bowyers feels is the main issue.[38] As with the new SRA model, this body does not directly regulate universities, but gives students a vehicle to act like consumers and enforce their 'rights.' Universities perceive the office for students as hostile, and encouraging a culture of litigation and complaints.

The different types of universities will be driven more or less harshly by these different indirect regulators. In some ways, the red brick/Russell group universities may be protected by their reputation, and a poor result in a league table etc. will not drastically reduce the flow of students. The post-1992 universities do not have that force field around them and will be forced to engage much more in protecting their position as measured by these indirect regulators. These institutions are the ones that suffer most from any poor results in these external drivers, as any adverse impact on their marketing affects them hugely, usually effecting student numbers. The private providers are driven by different matters, profit, and their interaction in the indirect regulators is simply to maximise marketing and maximise profit.

Conclusions

The tension between Law Schools and the regulator mirrors the tensions between universities generally and the various external powers (discussed in this paper as NSS, TEF and Office for Students), driving their policies and procedures. Both sets are now claiming no direct regulation, whilst actually wielding a huge amount of influence over institutions. Law schools do not seem to feel free to change the shape of their undergraduate provision, despite the deregulation, as the SQE has started to dictate what must be covered in the undergraduate law degrees instead of the previous joint statement, so all Law Schools offer a very similar curriculum with no sign of many changing that. Universities generally are driven to creating processes and policies that maximise their scores with NSS, TEF and appease the Office for Students, although none of those agencies actually have any regulatory powers over Universities and would point to the fact engagement is voluntary. The shift from direct to indirect regulation means the institutions are still being forced to act in certain ways, based on rankings in league tables etc., and not solid pedagogy. The external bodies have no accountability to the Universities despite the enormous impact they have on them.

All these arguments about why Law Schools are not really changing can be viewed through the institutional theory. In the past it was assumed the regulation by the SRA was the reason for the isomorph – a coercive process. However, take away the regulation and nothing changes, whilst the myriad of reasons that may be governing that has been discussed above. It would appear the institution driving the isomorph was not the regulation, but a less tangible one. The knowledge needed to gain entry to the legal profession seems to be the institution causing all Law Schools to continue to look the same – whether that be demonstrated by passing a centralised exam, or the previous HEI set exams for the LPC, the regulation was not causing the Isomorph, rather it was the need to open the gateway for students wishing to enter the legal profession – whatever that gateway is. To do that HEIs

[38] Bowyer R, 'Regulatory Threats to the Law Degree: The Solicitors Qualifying Examination and the purpose of Law Schools' (2019) 30 *Law and Critique* 117.

need to ensure students have the appropriate knowledge; the isomorph we thought was coercive is actually normative in nature. It is driven by the professional needs, not the regulation setting that out. The author intends to carry out some empirical research early in 2023 to survey Heads of UK law schools to see if this hypothesis can be proven.