

SRA BOARD

15 July 2015

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Professional standards

Purpose

- 1 This paper updates the Board on work to produce a policy statement for the SRA on professional standards and a framework to increase consistency in our decision making.

Recommendations

- 2 The Board is asked to:
 - a) note the proposals for engagement with the profession (paragraphs 6 to 8);
 - b) note the proposals for engagement with consumers and the public (paragraphs 9 and 10); and
 - c) note the proposals for internal engagement (paragraphs 11 and 12).

If you have any questions about this paper please contact: Crispin Passmore, Executive Director, Regulation and Education, Crispin.Passmore@sra.org.uk or 0121 329 6687

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Background

- 3 In March 2015 the Board approved proposals for the development and testing of a policy statement and decision making framework for use by SRA staff. Board members were reminded that a key part of our future programme is the development of clearer criteria for risk assessment to enable more consistent and structured decision, and how the work on professional standards would feed into this. This project's draft timetable and its approach to the development of a policy statement and framework were discussed further at the Board away day in April 2015.
- 4 A driving aim behind our regulatory reform programme is clarity around, and a sharp focus on, standards, coupled with flexibility in how those standards can be met. A clear example of this in practise is the competence statement released as part of the Training for Tomorrow programme. With an increasing emphasis on standards, greater transparency is also required around what action we would take when our standards are not met, which this project aims to provide. This work also complements ongoing reviews of our operational processes and guidance, which are part of our programme of continuous improvement.
- 5 A key part of this project will be wide ranging stakeholder engagement. We will be seeking stakeholders' views on this work over an engagement campaign of seven months' duration. This paper sets out our plan for engagement from today to January 2016 in more detail.

Stakeholder engagement: the profession

- 6 Maintaining consumer protection while reducing regulation places more responsibility on the regulated community. We are therefore keen to engage with: the public, and in particular consumers of legal services; and profession throughout the development of the decision making framework, which will set standards for solicitors to meet as well as guide decisions about their conduct. We will be seeking the profession's input into the development of our policy statement and framework over a seven month period, which launches today and will run until our consultation closes in January 2016.
- 7 We are in the process of procuring an external consultant to run a survey of a representative sample of the profession on the SRA's behalf from July - August 2015. The survey will comprise a set of short scenarios around solicitors' conduct, and will gather views on issues such as the seriousness of an offence,

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and factors which may exacerbate this such as intent and harm. This will feed into the development of both the policy statement and the framework.

- 8 From October 2015 - January 2016 we will run a full consultation on our draft policy statement and framework. This will be supported by a series of events around the country, some in conjunction with local and regional law societies. We will also engage directly with the Law Society, and both our small firms and equality, diversity and inclusion virtual reference groups. We will also seek to engage with solicitors unable to attend an event in person, or respond to the full consultation, through online media such as webinars.

Recommendation: the Board is asked to note the proposals for engagement with the profession.

Stakeholder engagement: consumers and the public

- 9 This project raises the question of what standards of behaviour consumers expect from their solicitors. To address this question, and to ensure that our standards and thresholds for action are pitched at a point where consumer protection and public confidence in the profession are maintained, we will seek the views of the public and consumers through a range of avenues.
- 10 In addition to discussions with key stakeholders such as the Legal Services Consumer Panel, we are planning a significant programme of engagement with Citizen's Advice. We will feature this project as part of our presence at the Citizen's Advice annual conference, and are planning a series of events with their consumer empowerment partnerships. Our consumer affairs team will also use new and existing networks to promote our external events to the public. Further, this team intends to run focus groups with consumers; add content on professional standards to the Legal Choices website; and host a roundtable with advice agencies and charities representing protected characteristics.

Recommendation: the Board is asked to note the proposals for engagement with consumers and the public.

Stakeholder engagement: internal stakeholders

- 11 The decision making framework is critical to the work of a number of our key operational teams, including supervision, enforcement and adjudication. The project team for this work therefore comprises representatives of these and a number of other teams from across the organisation, to enable them to input into this work as it develops from the very early stages onwards.
- 12 Sessions on professional standards have already been held for Board members, Standards Committee members, the Leadership team and line managers. This has enabled us to gather early views about the kinds of issues which members of those groups consider require regulatory action, and why. At

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the end of this month we will be running similar sessions for all staff, to inform them about this work and allow an opportunity for them to input into it. We also continue to run these sessions for individual teams within the SRA. We will be running additional all staff events around the New Year to allow colleagues to participate in the development of our implementation plan for the framework.

Recommendation: the Board is asked to note the proposals for internal engagement.

Next steps

- 13 Key dates for the project are attached at Annex 1.
- 14 In the coming weeks the survey of a sample of the profession will run. This will feed into the refinement of our policy statement and framework, with the formal consultation on these latter documents and accompanying stakeholder events commencing in the autumn.
- 15 Alongside this work we will be developing an implementation plan for the framework, taking into account other work currently being conducted across the SRA.

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Supporting information

Links to the Strategic Plan and / or Business Plan

- 16 The Board gave a commitment to this work in the Business Plan. In the longer term it will assist us to improve our operational performance and make fair and justifiable decisions promptly, effectively and efficiently.

How the issues support the principles of better regulation

- 17 A clear and detailed decision-making framework will improve the consistency and quality of decision-making by staff. The consultation process and the publication of the framework and policy statement will improve transparency. Consistent, transparent decision-making will benefit those involved and increase confidence in the profession.

How the action will be evaluated

- 18 Initial proposals will be tested through wide engagement and consultation. In the longer term our quality and consistency of work will test our decision making.

What engagement approach has been used to inform the work (and what further communication and engagement is needed)

- 19 Plans for internal and external stakeholder engagement are outlined in the paper.

What equality and diversity considerations relate to this issue

- 20 Professor Gus John's report shows that a lack of clarity about professional standards and thresholds for action may adversely affect the fair and equal treatment of BME solicitors. Providing a clear framework for decision-making and improving consistency will provide a mechanism for monitoring and demonstrating fairness in our approach.

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Date 15 July 2015

Annex 1 **Project timetable overview**

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Project timetable overview

Public launch of project	15 July 2015
All staff internal engagement events	July 2015
Survey of sample of profession	July - August 2015
Engagement with Law Society and other regulators	Summer- autumn 2015
Consultation period	October 2015-January 2016
Meet the Board roadshow events	Consultation period
Project specific events	Consultation period
Events with Citizens Advice Consumer Empowerment Partnerships	Consultation period
Consumer focus groups	Consultation period
Roundtable with charities/ advice agencies	Consultation period
All staff internal engagement events	Winter 2015
Publication of policy statement and framework	Summer 2016