

Corporate Strategy 2023-26:

Consultation responses

October 2023

Consultation responses

These respondents asked us to publish their responses.

- Anonymous respondent
- Arthur Robinson
- Legal Services Consumer Panel
- Liverpool Law Society
- The Law Society

Anonymous respondent

Question one: Do you have any views about our mission for 2023/26?

Yes. I think it is too little, too late. The SRA was set up in 2008/9 and yet it is suggesting in 2023 that it needs until 2026 to do what it has always been doing. It is ridiculous. I have been the victim of a dishonest solicitor since 2013. She committed advance fee fraud. She lied about her capacity to do work. She lied about the work she didn't do. She charged us for work she didn't do. She sued us for fees she wasn't owed. She lied to LeO, ICO, SRA and the courts. She lied repeatedly to us over many years. She caused a LeO decision to be discounted. She did not co-operate in LeO or SRA investigations or comply with production orders. She falsified and back-dated evidence. She made an application for a vexatious judicial review. She has not complied with the LeO remedy and she has refused to return our documents. The SRA has a substantial body of evidence to prove all of the above and yet it did absolutely nothing to protect her victims from harm. There were four forensic investigations, the first of which was in 2012 when the SRA discovered breaches of the account rules dating back to 2010. It took the SRA until 25 May 2022 to strike her off (!). She is causing damage still in plain sight of the SRA. She is continuing to advertise her services as a solicitor, regulated by the SRA. Yet the SRA has the audacity to turn out what seems to me to be corporate mumbo jumbo. The SRA should be doing what is supposed to do in the here and now, not be describing it as aspirational. There is clearly very little confidence in the SRA at the present time. Look at what clients - whether victims of solicitor misconduct (Trust Advisor, or directly) or the solicitors themselves are saying (at the SDT, or in the online press). Look at the criticism levied at the SRA from the House of Lords / House of commons. Look at the criticism levied by the LSB. My experience is the the SRA's regulation is neither proportionate or targeted. 10 years, four forensic investigations and significant damage to any number of third parties whilst the SRA certified the individual as a fit, proper and competent person to practise law is neither "proportionate" nor effective. The SRA was not upholding the law, but watching it being systematically and continuously broken. It is watching it still. I am a consumer of legal services (not by choice) and I have very little faith in the profession or in the ability of the largest UK regulator to maintain "high standards". In my experience, the "largest UK regulator" has very low standards.

Question two: Do you agree with our first strategic priority and its key deliverables? If not, what would you change?

It is a good priority to have, but I have very little confidence that it will be achieved. The SRA hasn't done it previously. What has changed? The SRA is refusing to undertake a root and branch investigation into massive failings, preferring instead to sweep them under the carpet and forget about them. Look back through the SDT records and you will find allegations of breaching defendants' human rights, interminable delay, incompetence etc. The prosecutions appear to take four or more years to bring to trial and in the mean time, consumers of legal services are harmed in the process. There are an increasing number of challenges which are not "robust" and the legal fees claimed the SRA's legal representative are more often than not, off

the chart. What is proportionate about circa Â£125k of legal fees for a prosecution of a solicitor on two almost identical allegations of dishonesty? What is the SRA doing about all of any of that? What is the LSB doing about all or any of that? What success will look like by the end of 2026, should be a historic description of the SRA's performance and it is not. I think it is very unlikely that the SRA will be viewed in the terms described in 2026, since it currently doesn't come anywhere remotely close. There is no point in having rules and regulations, systems and procedures if they are not enforced promptly. Surely the key deliverable for ensuring "high standards" is monitoring and enforcement. Whilst the SRA is dithering and taking four plus years to enforce genuine cases of misconduct, the solicitors in question could be causing more havoc and harm. Look back through the SDT records and you will quite often see that the SRA has identified serious misconduct and then later on, there is more, and yet more, and yet more. A solicitor who does something seriously wrong, covers it up and shows no remorse is unlikely to change in character. The SRA needs to be better able to examine and interpret the evidence before it and stop misconduct in its tracks. The key deliverable relative to this "continue to improve and maintain the quality and timeliness of our investigation and enforcement work". From what I have seen, the "quality and timeliness" of the SRA's enforcement work couldn't be any worse than it is currently. This is an opinion which is widely shared by others (read Trust Advisor, and the legal press). The SRA also needs to pay more attention to the competency and fit and proper tests when annually renewing certificates. How is it possible that a solicitor who stole client money in 2013/14 was certified as a fit and proper person to practice the law until she was struck off in May 2022 for an entirely different allegation of dishonesty? How is it that she was never held to account for misappropriating client funds, even to the extent of paying them back? How is it that the compensation fund must cover the loss on the basis of "failure to account"? How is this individual still practising in the UK as a foreign lawyer, and advertising as that she is still a solicitor of the Supreme Court of England and Wales?

Question three: Do you agree with our second strategic priority and its key deliverables? If not, what would you change?

The priority is a good one, and should have been a priority in each of the years' of the SRA's existence but I have seen no evidence of it. There is a difference to "be seen to be an evidence based regulator" and BEING an evidence based regulator. My experience is that the SRA has systematically and continuously ignored credible and direct evidence and failed to act upon it, right up to the present day even when the evidence has been extensively analysed and well-presented. Employees work in silos within the SRA's Departments. The SRA does not collaborate / co-operate with LeO (as the LSA 2007 requires it to do). There is significant waste of time and resources. The SRA does not act on LeO misconduct reports, including serious allegations of dishonesty. There is very little point in developing and delivering research/ horizon scanning etc when the SRA can't understand current risk or prevent foreseeable and preventable harm. What is the point of thematic reviews, such as SLAPPs for example, when the SRA takes no action when they have been flagged (repeatedly). What is the point of thematic review of integrity, or dishonesty when the SRA continues to certify solicitors who have clearly demonstrated lack of

integrity and inherent dishonesty as fit and proper people to practise law year in, year out? The SRA clearly doesn't have the right procedures and policies in place currently, nor does it properly train its staff. This is not just an observation. This is what I've been told by the SRA. It is extraordinary the harm that the SRA has allowed to come to clients, ex clients, LeO, the ICO, the courts and others whilst certifying an individual as a fit and proper person knowing full well that the person was not such a person.

Question four: Do you agree with our third strategic priority and its key deliverables? If not, what would you change?

I think the SRA should focus on being a competent regulator before trying to do anything too clever. "We will be perceived by innovators, law firms, academics and other regulators as leading the way in understanding and responding to the opportunities and risks of technology" is highly unlikely when the SRA can't find, or act upon misconduct reports sent to it by LeO, and then again by a client or when an investigator is "unable to find the other file". In my opinion what success looks like in this section is a pipe dream and does absolutely nothing to shore up the credibility of the largest regulator of legal services in the UK. The SRA needs to get its own house in order. There is no point in "vulnerable consumers" accessing legal services if the solicitors who are providing them are fundamentally dishonest. All consumers of legal services are vulnerable to some degree. In our case we were extremely vulnerable but it didn't make any difference the way in which the SRA allowed the solicitor to treat us, whilst continuing to certify her as a fit and proper person to practise law. The SRA did not use its own technological powers to make sure she was not advertising her services after she was struck off. I have seen very little evidence of collaborative working with any other agency - not LeO, not trading standards, not the CMA, not the police, or the courts in any capacity.

Question five: Do you agree with our fourth strategic priority and its key deliverables? If not, what would you change?

It would be a refreshing change if the SRA met the needs of any third party, other than itself. It needs to work faster, smarter, more economically and with greater efficiency. The SRA did not place its "customers" at the heart of anything it did in the five miserable years that I have been dealing with it. It is far from "responsive". There is little point in providing information if it is not true, or reliable. For example the SRA says that it takes dishonesty seriously but then continued to certify a liar and a thief as a fit and proper person to practice law year in year out for 9 years after the solicitor misappropriated client funds. In November 2022 the SRA compensation fund decided to pay the money back on the basis of "failure to account" effectively covering up fraud. In 2019, and 2021 LeO escalated reports of falsifying evidence. In 2020, 2021 and 2022 there was evidence of this solicitor misleading the SRA and the court. The solicitor was eventually struck off for other, unrelated counts of dishonesty in 2022. As for the solicitor, the SDT was highly critical of the SRA and confirmed it had breached the solicitors' human rights in taking so long to bring the case to prosecution. The SRA was also found guilty of uploading new evidence on the

system during the course of the trial and told to stop by the SDT. How is that "placing our customers at the heart of all we do"? The SRA is clearly not perceived as an "authoritative, credible regulator" since the solicitor completely ignored its rules and regulations for the best part of a decade and the SRA watched the solicitor do it, whilst certifying the solicitor as a fit and proper person to practice law. The SDT confirmed what our legitimate expectations were (that a solicitor guilty of misconduct should be investigated and held accountable at the soonest opportunity possible) and the SRA had absolutely no regard for them whatsoever. The seminal case of Bolton confirms what should happen to a dishonest solicitor, but the SRA took its time (more than a decade). How is the SRA going to achieve any of the stated deliverables if it is refusing to acknowledge and covering up its own mistakes? There is no point in publishing policy statements that you pay no attention to whatsoever. What is the point of "influencing important public interest and social policy debates" when you cannot carry out your key functions or when the reality is that solicitors the SRA regulates have no regard for the rules and regulations and are not the least bit interested in maintaining them? The SRA's "high standards bar" is exceptionally low.

Question six: Do you agree with our approach towards finance and future investment over the three-year lifespan of the Corporate Strategy? If not please explain why.

The SRA would do well to ensure it has adequate policies and guidance in place and its staff are properly trained. Some of the investigators I encountered were completely useless and to make matters worse I was threatened with the SRA's unacceptable behaviour policy because I challenged the incompetence. The SRA could cut costs drastically if it took the correct action at the correct time to deal with misconduct and not let it grow like topsy and spiral out of hand. If a solicitor is behaving very badly, it has the power to "nip the conduct in the bud" and it should do so. It could cut costs if it liaised effectively with LeO or even different departments within its own organisation to cut out duplication.

Question seven: Do you agree with our approach to measuring our success? If not please explain why, or describe other tools you think we should use.

No I don't. I think its all corporate mumbo jumbo. I have no confidence in legal services as a result of my dealings with the dishonest solicitor, the SRA and LeO. I have no trust in the SRA since it has taken 5 years for the SRA to confess its failings, which is far too late for us. It is very difficult to interact with the SRA. If you can get past the gate keeper you have to deal with multiple people, many of them seemingly incompetent. I do not believe that the SRA is fair or proportionate and I do not believe that the Chief Executive or the SRA Board care a damn about what the perception of the SRA is. The SRA doesn't act on direct feedback like mine. It won't conduct a root and branch investigation into its manifest incompetence and so there is little hope it will act on a survey. Why waste money on the survey when the perception is known already - just look on trust advisor, and the legal press. Read the complaints of people who have come to the SRA for help. Read the SDT judgments. Look at the number of LeO misconduct reports that have been "overlooked". Look at the number

of times that SRA has refused to work with LeO in order to expedite a case. Look at the unacceptable time it takes to bring a case to the SDT and look at the unacceptable costs of the legal representatives vis a vis what solicitors have been found guilty of (or not guilty of). The oversight regulators' assessments have no worth if you SRA doesn't tell them the truth, not least because it is too arrogant (or dishonest) to recognise how badly it is performing. The SRA should have independent investigations of incidents of failure (such as when the SRA accuses it of breaching the defendant's human rights or when it takes 10 years, four forensic investigations, failure to use powers and untold harm to victims including clients, courts, LeO, ICO and others). These failures should not just be swept under the carpet out of sight. Clearly the amount of claims on the compensation fund is another indication of "success" as is the number of criminal prosecutions following discovery of dishonesty. Solicitors steal should not be allowed to get away with just being struck off.

Question eight: Do you agree with our assessment of our proposed strategic priorities towards the regulatory objectives? If not, please explain why.

I have seen very little evidence in 5 years of dealing with the SRA of any regard whatsoever for the regulatory objectives. I have not experienced high standards of the profession. I have not witnessed evidence based assessment of misconduct or even of the SRA's own incompetence. I have not seen the SRA support the constitutional rule of law, but quite the opposite. It allowed the solicitor to wear a badge of honour that the solicitor should not have been allowed to wear and watched as the solicitor abused a position of trust, stole client money, harrassed and humiliated, abused the judicial system and systematically deprived us of all our rights. The SRA continued to certify the solicitor as a fit and proper person to practice law. The SRA certainly did not protecty and promote the interests of consumers. It did not promote competition in the provision of services because it allowed this legal firm to operate non-compliantly for 10 years and even allowed the dishonest solicitor to remain in the role of COLP and COFA knowing that the dishonest solicitor had absolutely no regard for any of the rules or regulations and certainly wasn't going to report any breach of them. The SRA did absolutely nothing to increase the public understanding of the citizen's right and duties because it didn't recognise our rights over and above its own, or the rights of the solicitor. It did not promote and maintain adherence to the professional principles because it allowed this individual to break each and everyone one of them in plain sight. The solicitor STOLE client money DURING a forensic investigation between the visits of the forensic investigator in 2013/14 and the SRA ignored it until March 2022 when it belatedly decided (but only the compensation fund, not the investigation team) that the solicitor had "failed to account" for the money that the solicitor stole. It is simply extraordinary. As for promoting the prevention and detection of economic crime, I'd suggest that the investigators I dealt with wouldn't know what "economic crime" was if it struck them on the nose. For all the reasons stated above, I think the strategic priorities are largely nonsensical. The SRA should concentrate on its main function which is protecting the public from harm and maintaining the reputation of the profession. It is not very good at these two objectives and so it should focus on them. There seems

to be an extraordinary amount of solicitor dishonesty and so more focus should be placed on the annual fit and proper and competency tests rather than this being a tick box exercise. When the SRA is prosecuting cases it should be keeping an eye on continuing misconduct and acting decisively to impose conditions, or intervene in businesses to stop further harm. It should be working closely with LeO when serious misconduct is alleged, as soon as it is alleged.

Arthur Robinson, solicitor

Question one: Do you have any views about our mission for 2023/26?

Yes Your mission should be to ensure that every Solicitor knows they are regulated and that failing to act ethically has consequences. Your mission should be to ensure every customer facing employ is qualified to undertake the work they are undertaking. Your mission should be to eradicate the misuse of paralegals as cheap, unqualified labour.

Question two: Do you agree with our first strategic priority and its key deliverables? If not, what would you change?

Your first strategic priority should be to make certain all Solicitors (especially those who manage others) have the appropriate understanding of legal, regulatory and ethical obligations through a certification and re-certification process.

Question three: Do you agree with our second strategic priority and its key deliverables? If not, what would you change?

Your second strategic priority should be to be visible to consumers and Solicitors so they know what you do, how and what that means in practice for consumers and Solicitors.

Question four: Do you agree with our third strategic priority and its key deliverables? If not, what would you change?

Your third strategic priority should be to promote those you regulate as the "go to" option for legal services pointing out the deficiencies in other providers especially the unregulated.

Question five: Do you agree with our fourth strategic priority and its key deliverables? If not, what would you change?

The fourth priority should be the expansion of graduate legal apprenticeships to improve the standard of the provision of legal services.

Question six: Do you agree with our approach towards finance and future investment over the three-year lifespan of the Corporate Strategy? If not please explain why.

no comment

Question seven: Do you agree with our approach to measuring our success? If not please explain why, or describe other tools you think we should use.

no comment

Question eight: Do you agree with our assessment of our proposed strategic priorities towards the regulatory objectives? If not, please explain why.

No

Legal Services Consumer Panel



Sent by email only to Pavitri.Taylor-Bouri@sra.org.uk

3 August 2023

SRA's Corporate Strategy November 2023 to October 2026

Dear Sir/Madam,

The Legal Services Consumer Panel (the Panel) welcomes the opportunity to respond to the SRA's draft strategy.

Overall, we support the SRA's strategy and priorities for the next three years. We are however disappointed that Equality, Diversity and Inclusion (EDI) and access to justice issues are not stand-alone objectives. While we understand that the SRA intends for these strands to permeate other priorities, this approach risks downplaying the focus needed for progress in these areas. In our view, measurable advancement needs to be made before EDI matters can justifiably be weaved into other areas.

The Panel is also of the view that access to justice warrants being a stand-alone objective because of the exacerbated impact of the current cost of living crisis, as well as increasing concerns about advice deserts. We have not seen any commitment or strand of work outlining how the SRA will respond to some of the challenges noted by various stakeholders about providers exiting the market, in areas serving some of the most vulnerable consumers eg social welfare.

Reflections on key questions

Do you have any views about our mission for 2023-26?

The Panel fully supports the SRA's mission to put confidence in legal services at the heart of its strategy for the next three years.

Do you agree with our first strategic priority and its key deliverables? If not, what would you change?

The Panel agrees with the SRA's first strategic priority, including the deliverables outlined in the consultation document. We support the aims of the Solicitors Qualifying Examination (SQE) and the goals for the next three years.

However, we are of the strong opinion that the SRA must explore how its oversight responsibility for education and training can be used to enhance and promote

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access to justice. There is a growing concern about the steady disappearance of lawyers qualified to provide specialist legal support to some of the most vulnerable people. We have learnt that in some areas of the country, there are no social welfare law providers (particularly in housing) and limited channels for new trainee lawyers to gain experience. While we accept that the issue may predominantly be one of funding, the SRA has a statutory duty to maintain and promote access to justice, and, crucially, in examining and maintaining educational standards, provision and the breadth of legal services.

The reality is that there are specialist areas of law experiencing a significant reduction in providers and that this has a direct impact on access to justice. At the very least, the SRA must consider whether its education and training requirements exacerbates the supply of specialist providers for the most vulnerable people.

We have heard arguments for making social welfare law mandatory for law students, and others have argued that it ought to be much easier to choose and do models that fall within social welfare. The Panel does not purport to have all the answers. However, given the compelling evidence on advice deserts and the SRA's statutory obligation to promote access to justice, there has to be an exploration of how regulation can enhance, or at least, not hinder, the supply of providers in these specialist areas.

An absence of determination to explore this issue and if possible, encourage these subjects in future training arguably sends a message that they should not be priority concerns in the evolution of legal practice and training.

Before the SQE was implemented, the SRA's own risk assessment acknowledged that the omission of social welfare law topics may lead to reduced opportunities for qualification and would likely impact on solicitors keen to work in already under-represented areas. There is compelling evidence to suggest that this is no longer a risk but a reality that the SRA must now confront.

With regards to the SRA's transparency agenda, we fully support the overall goal of enhanced transparency and a renewed focus on quality indicators. However, we would also like to see a commitment to extending the transparency obligations to other areas of law, eg Family law, as intended by the Competition and Markets Authority.

Do you agree with our second strategic priority and its key deliverables? If not, what would you change?

The Panel agrees with the SRA's second strategic priority and its key deliverables. However, we would like to see a clear commitment to monitoring and evaluating regulatory policy. In 2022, the Panel published a paper¹ identifying monitoring and evaluation as an area that legal services regulators can improve on. The Panel wants to see better analysis of the impact of regulation on consumers amongst other things. If the aim of the SRA is to strengthen its regulation as outlined, then monitoring and evaluation must feature strongly under this priority.

¹ <https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2022/06/22.06.30-Monitoring-and-Evaluation-in-Legal-Services.pdf>

The Panel's paper on monitoring and evaluation sets out clear recommendations for regulators in this area.

Do you agree with our third strategic priority and its key deliverables? If not, what would you change?

The Panel remains supportive of the SRA's focus on innovation and technology and we fully support the objectives and deliverables outlined in the consultation document.

As noted in our response to the SRA's business plan for 2023/24, we support the idea of a sandbox. However, the challenge lies in ensuring consistency and avoiding duplication of effort with other legal services regulators. We have previously said that regulators in this space should explore the viability of pooling their resources where there is common interest. Indeed, we are of the strong view that collaboration with other regulators will enhance innovation and maximise the effectiveness of such initiatives, as collaboration will avoid confusion on the side of applicants.

We have consistently said that consumer protection must be at the heart of innovation and technology. As the SRA develops its package of work, it is imperative that it puts the interests of consumers at the heart of its goals. This should translate to good quality consumer research and an obligation, where applicable, on others to commission research.

We also commend and support the SRA's focus on Lawtech that mitigates the access to justice gap and improves consumers' experience.

Do you agree with our fourth strategic priority and its key deliverables? If not, what would you change?

The Panel agrees with the fourth strategic priority. We are particularly pleased to see a focus on customers and a commitment to place customers at the heart of everything the SRA does. To this end, we would like to refer the SRA to our recent publication on Consumer-Focused Regulation² which supports this very aim and outlines precisely how regulators can enhance this priority.

The SRA has noted that one of its key deliverables is to enhance how it communicates with its customers. We are of the strong view that more can be done to improve communication with customers. In 2022, the Panel published a paper on the importance of standardising consumer information³ in certain circumstances, including for the purpose of effective comparison. In that paper, we said consumers' ability to shop around and make informed decisions will continue to be hampered unless standardisation for the purposes of comparison is introduced by regulators and then monitored and evaluated effectively. The Panel also opined that consumers should be helped to better understand their rights. This means that there must be concerted effort to improve, by way of standardisation, information ranging

² <https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2023/06/Consumer-focused-regulation-report-FINAL.pdf>

³ <https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2022/10/22.10.19-Standardisation-of-Consumer-Information-in-Legal-Services.pdf>

from how to make or escalate a complaint, to how to identify, navigate or mitigate risks. For example, it is important for consumers to understand the different consumer protections available when using a regulated or unregulated provider and the SRA may need to standardise this information to help consumers and providers.

Should you have any questions pertaining to this response, please contact Lola Bello, Consumer Panel Manager (lola.bello@legalservicesconsumerpanel.org.uk)

Yours sincerely,



Sarah Chambers
Chair
Legal Services Consumer Panel.

Question one: Do you have any views about our mission for 2023/26?

Whilst we agree about the import of the SRA having a clear mission for what it wants to achieve and would not disagree with the overall mission of enhancing confidence in legal services, given the historical problems the SRA has experienced meeting its own standards we are concerned about its ability to meet further far-reaching objectives, even with the introduction of more resource.

Question two: Do you agree with our first strategic priority and its key deliverables? If not, what would you change?

The first strategic priority is the delivery of high professional standards via certain key deliverables, including the maintenance of the quality and timeliness of the SRA's investigation and enforcement work. The experience of the members of the Regulatory Committee of the LLS is that, save for the most straightforward investigation, the time from commencement to completion of a investigation is too long. Our committee members cited examples of investigations spanning for circa two and a half years. Proactive regulation requires proactive policing and the time the SRA takes to conclude more involved investigation, if our members' experience is typical, is excessive. We are aware of the statistics published by the SRA which demonstrate that a significant percentage of investigations are concluded within a reasonable period of time. However, the statistics are misleading. If there is little or nothing to investigate it is not taxing to providing a prompt response. More work is needed to concluded more complex investigations within a reasonable time frame.

Question three: Do you agree with our second strategic priority and its key deliverables? If not, what would you change?

It would have been helpful to have more information about the key deliverables. What, for instance, is meant by data collection, storage and analysis strategy. What data is the SRA intending to collate, how does it propose to go about it and how will the data be used?

Question four: Do you agree with our third strategic priority and its key deliverables? If not, what would you change?

The pace at which technology is changing the way the profession delivers services means understanding and regulating innovation and technology ought to be a top priority for the SRA. Our members were concerned that the focus of the consultation appears to favour individuals and small business when the consensus view is that the major changes will be introduced by large firms who have the resource to road test new ideas, at least in the first instance. We agree that resource needs to be dedicated to small business, some of whom have only a very basic command of the technology available. However, there is a need for resource to be invested at the other end. Here again, the key deliverables lack detail. What is meant by a safe testing environment? What exactly is it that are law firms and technology providers are being offered? Surely it is not the SRA's intentions to grant exemptions from

fundamental legal principles such as confidentiality and data protection? In short, we would not disagree with the framework of the key deliverables but more information is required to understand the perceived benefits and that resource is being properly directed.

Question five: Do you agree with our fourth strategic priority and its key deliverables? If not, what would you change?

We agree with the fourth strategic priority and the key deliverables. In our members' experience the SRA do some things very well but other things poorly and in the latter case fall short of being an effective regulator.

Question six: Do you agree with our approach towards finance and future investment over the three-year lifespan of the Corporate Strategy? If not please explain why.

Our member had the following comments: 1) A review of the income and budget for 22/23 reveals that the SRA received interest income of £555,000 for the year and expects that figure to remain static in 23/24. The question was asked why those interest earning funds were not being used instead of increasing practising fees. 2) The SRA expects to use technology to keep costs down but is behind the curve when it comes to technology and although it has got better, still has a long way to go. 3) Firms are unable to secure rises in their charging rates at the level of inflation yet the SRA is looking to increasing practising fees by inflation plus 2%. Firms are not immune from pressures on staff and non-staff costs.

Question seven: Do you agree with our approach to measuring our success? If not please explain why, or describe other tools you think we should use.

Yes.

Question eight: Do you agree with our assessment of our proposed strategic priorities towards the regulatory objectives? If not, please explain why.

Yes.

The Law Society



SRA Consultation: Corporate Strategy 2023-26 Consultation

Law Society Response
27 July 2023

SRA Consultation: Corporate Strategy 2023-26 Consultation. Law Society Response

1. The Law Society is responding to the consultation in its representative capacity as the independent professional body for solicitors in England and Wales. Our role is to be the voice of solicitors, to drive excellence in the profession and to safeguard the rule of law.
2. On behalf of the profession, we influence the legislative and regulatory environment in the public interest. At home, we promote the profession, and the vital role legal services play in our economy. Around the world, we promote England and Wales as a global legal centre, open new markets for our members and defend human rights.

Question 1

Do you have any views about our mission for 2023-26?

3. We support the Solicitors Regulation Authority's (SRA) mission of enhancing confidence in legal services through the regulation of providers under its remit, and agree that the public having confidence in legal services is vital to the rule of law and is also an access to justice question.
4. For the rule of law to be properly exercised, consumers of legal services must have confidence in their legal representatives. This principle underpins the Law Society's work on professional ethics, continuing competence, and price transparency.
5. In our response to the SRA Business Plan 2023-24 consultation, we also underlined the need for the enhanced confidence in legal services, referenced above, to be achieved without placing further onerous burdens on solicitors, who are already facing resource challenges, particularly small and medium size enterprises (SMES). It will also be important for the SRA to focus resources on supporting the profession in effective compliance with regulatory obligations through the provision of quality guidance and lessons learned.

Question 2

Do you agree with our first strategic priority and its key deliverables? If not, what would you change?

Solicitors' Qualifying Exam (SQE)

6. The Law Society welcomes the SRA's continued prioritisation of the SQE. It is important that the SRA continues to make the most of the opportunities the SQE provides, through proper and prompt review, continued stakeholder engagement and provision of good information and guidance.

7. As we highlighted in our response to the SRA Business Plan 2023-24 consultation, several issues, particularly around the SQE assessments and EDI concerns, have been raised with the Law Society, and subsequently with the SRA. We hope that thorough evaluation of the SQE's results will address these issues and that the SQE will drive high performance and increase access to the profession.

Continuing Competence

8. We support the Legal Services Boards (LSB)'s policy statement on ongoing competence and the proportional approach it is taking towards engaging with this work in ways that can maintain high standards and better support the profession, without adding unnecessary additional burdens on it.
9. As stated in our response to the SRA Business Plan 2023-24 consultation, we would be keen to explore with the SRA potential areas where more training could be considered to ensure that solicitors have sufficient skills to be able to deliver legal services more effectively and to the highest of standards. Also as previously stated, there should be due consideration as to whether any such training should be mandatory.

Price transparency

10. The profession is committed to ensuring that clients have sufficient information before engaging a solicitor, and details provided on pricing can be an important part of that engagement decision. Empowered consumers of legal services are crucial to access to justice. It is important to note that solicitors have already gone some way towards improving the provision of information to clients on prices and services since the transparency rules were first introduced, and the Society continues to support such efforts.

Legislative changes including AML

11. We strongly support the SRA's intention to deliver a timely and effective response to changes to the legislative developments in England and Wales, and welcome the opportunity to work with the SRA in implementing the new regulatory objective relating to economic crime, in order to ensure that it is proportionate and does not introduce unnecessary new regulatory burdens on the profession.

Improving progression for women and solicitors from a Black, Asian and minority ethnic background

12. The Law Society fully supports the proposed efforts to improve access to and diversity of the profession. This lines up clearly with the Society's values and ambitions. We particularly think that improving the availability of data on this will be valuable. We would be keen to work with the SRA on this.

Enforcement work

13. We are pleased that the SRA recognises that it has more to do to improve its core operational work, particularly in relation to enforcement. We therefore

welcome the SRA's intention to improve and maintain the quality and timeliness of its investigation and enforcement work, for example in seeking to address the over-representation of solicitors from a Black, Asian and minority ethnic background from its enforcement processes.

Question 3

Do you agree with our second strategic priority and its key deliverables? If not, what would you change?

14. A full response to this question necessitates more detail on what is meant by 'proactive regulation'. From the details provided in the Corporate Strategy document, we support the SRA's intention to produce better insights to support its regulatory intentions, and also its intention to deliver a program of robust thematic reviews.
15. As we have already highlighted, it is important that such regulatory activities do not impose onerous and unnecessary burdens on the profession, nor should they lead to disproportionate costs which will fall to members of the profession and ultimately their clients. For this reason, we welcome the ambition that solicitors will be more supported to meet their regulatory obligations.

Question 4

Do you agree with our third strategic priority and its key deliverables? If not, what would you change?

16. The Law Society welcomes the plan to collaborate with small law firms, tech providers and other key players in the sector. As highlighted in our response to the SRA Business Plan 2023-24 consultation, this will require a thorough analysis of where resources and support are most needed to improve service delivery and help bridge the digital divide between those adopting tech and those who are not (and are therefore at risk of being left behind) within our industry.
17. We would highlight the need for procurement standards for firms of all sizes, and note the useful content within the [Guide to IT Procurement](#) produced by the Law Society of Scotland. We would also recommend that the SRA reviews [The Supplier Charter - Code of Conduct for Technology Providers - UKLTA](#). Technology procurement practices must incorporate clear, plain English communication about each technology's functionality, limitations, risks, and benefits. Transparency regarding success metrics and their rationale, range of success rates with explanatory notes, ongoing support provisions, and accessibility features should all be considered in developing a minimum standard for procurement. This would benefit the entire legal services sector.
18. In addition, as the entire legal sector deals with confidential and sensitive information, it will be important that solicitors are aware of, and understand, the cybersecurity threats and how to mitigate them (as highlighted in the recent [NCSC](#) report published in association with the Law Society and other organisations).

19. As technological evolution accelerates, it is important that regulators have the expertise to examine technological landscapes and exercise their regulatory powers effectively. We would be delighted to assist the SRA with this work as part of our convening role. Keeping up with change requires substantial investment in upskilling and equipping regulators appropriately, while fostering connections that enable us to understand how the regulated community is utilising these tools.
20. It is equally important that through the proposed small firm pilots there is a proper assessment of the resource challenges facing SMEs, particularly in those practices providing legal aid services operating within very low margins, and the needs of vulnerable clients and those who are digitally excluded.
21. Advocacy for Government help with resources to innovate may also be a crucial role for the regulator to play, to enable adoption of new technologies.

Question 5

Do you agree with our fourth strategic priority and its key deliverables? If not, what would you change?

Environmental Social and Governance

22. The Law Society welcomes the focus on matters relating to environmental, social and governance (ESG) issues.
23. We wish to continue our collaboration with the SRA on this matter and look forward to being consulted on next steps.
24. Further SRA guidance on the interpretation of the SRA Principles in the context of climate change would be helpful and clarifying for the profession.
25. Lastly, to reiterate a point that was raised in our response to the SRA Business Plan 2023-24 consultation, we note that the term 'ESG' is broad and already covers several areas in which the SRA has adopted a regulatory position (for example, its approach to equality, diversity and inclusion). We therefore would welcome further detail as to:
 - what the SRA intends to cover under the umbrella of 'ESG', for example pro bono
 - whether climate change will be covered separately or within the umbrella of 'ESG'
 - how climate change and the SRA's position on EDI complement the SRA's approach to ESG, and
 - generally, why 'ESG' was chosen as the framework for this work.

Question 6

Do you agree with our approach towards finance and future investment over the three year lifespan of the Corporate Strategy? If not please explain why.

26. Our response to this question will mirror our response to the SRA Business Plan 2023-24 consultation, which emphasised that many firms are facing the challenge of inflationary pressures. Therefore, it will be vitally important to ensure there is a strong focus on efficiency savings and that costs are controlled to avoid unnecessary pressure on the profession.

Question 7

Do you have any comments on the approach we have taken to EDI. Are there any other EDI issues we should take into account to help us understand the impact of our proposed strategy?

27. The Law Society welcomes the continued focus on EDI work, particularly the research mentioned in the SRA's draft business plan in the two areas of:

- attainment gap for candidates from Black, Asian and minority and ethnic backgrounds in professional assessments, and
- overrepresentation of solicitors from those backgrounds in reports made to the SRA and the subsequent enforcement process.

28. In order to further meet its objectives of encouraging a fair and ethical workplace and improving access to the profession, we also recommend the SRA considers issues such as exploring whether those on long-term sick leave as well as those on statutory maternity, adoption or parental leave could benefit from PC fee reductions.

Question 8

Do you agree with our approach to measuring our success? If not please explain why or describe other tools you think we should use.

29. We support the areas proposed to be included in the perception survey. However, we would like to see more information on how this data will be made available and used to drive improvement.

Question 9

Do you agree with our assessment of our proposed strategic priorities towards the regulatory objectives? If not, please explain why.

30. While the Law Society is broadly supportive of the proposed strategic priorities towards the regulatory objectives, we want to emphasise our concern that additional requirements will add onerous burdens to the profession at a time when parts of the sector are already under pressure from inflation and increases in cost of living.