

# Restoring the annual keeping of the roll exercise

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Consultation response

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## Executive Summary

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In this report we present the responses to our annual keeping of the roll exercise consultation. This closed on 20 May 2022.

There was a high level of engagement and we received over 500 responses to the three questions raised. While the balance of clear responses was slightly opposed to the reintroduction of the keeping of the roll exercise, there were a significant number who offered a nuanced response. Part of this group said they were in favour of restoring the keeping of the roll but raised questions on its frequency or the amount of the administration charge (even though this is specifically addressed in question 2).

The second question, proposed the reintroduction of an administration charge at £30-£40, and the greatest number of responses were opposed to the proposal. It was noted that the number of more equivocal responses was larger than the clear responses combined.

## Overall feedback on our proposals

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We received a total of 503 responses to the consultation. Of the total, 497 were from respondents providing input in a personal capacity. Six of the responses were on behalf of organisations: two from law firms or legal services providers; three from local law societies; the Law Society also provided their own response.

Almost all the respondents who described themselves as “other” gave additional information about their status. Of those, 110 stated that they were retired solicitors or solicitors who are not currently practising.

### Q.1 Do you agree with our proposal to reintroduce the annual keeping of the roll exercise in April 2023?

Yes	Yes but with reservations	Neutral	No	Other	No response
193	53	11	230	14	2

Some respondents agreed that there was a need to restore the keeping of the roll, but had reservations about some aspects of the proposal. Some felt the fee was too high, others felt it should not be reintroduced at all. Others felt it should be paid by those currently on the roll.

Many who supported the proposal simply said ‘yes’ without explanation or cited the reasons given in our consultation document including the GDPR requirements.

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The Law Society response offered a balanced response between the benefits of restoring the keeping of the roll and the impacts of the proposals.

Those opposed to our proposal were often very strong in their views. Many felt the process was unnecessary or that they were being penalised for wishing to remain on the roll. Others did not accept the need to maintain timely data. Many suggested that an annual exercise was too frequent and unnecessary. Alternatives ranged from every two years to five and beyond.

Some respondents felt there should be exemptions for older or retired solicitors while others wanted the previous Law Society discount reinstated for those who had been on the roll for 50 years or more.

A number of respondents highlighted the impact of the reintroduction on solicitor - judges and also academics who do not practice.

The Law Society felt there might be an impact on the numbers on the roll and therefore limiting those retaining their Law Society formal membership. This might risk the role of the Law Society

**Q.2 Based on our plan to reintroduce an annual charge to cover the cost of running the keeping of the roll exercise and maintaining the data, do you consider it fair and proportionate to charge directly for this exercise? We anticipate the unsubsidised administration charge amount will be no more than £30-£40. If not, what alternative would you suggest to meet these costs?**

Yes	No	Other	No response
66	142	282	13

This question on the reintroduction of an annual charge of between £30-£40 generated the greatest number of responses opposed to the proposal, although the number of more equivocal responses was larger than the clear responses combined.

Many of the large number of 'Other' responses did not directly answer this question, and many of them stated that they would need further information about how the amount was calculated in order to comment. Some implied that the charge might be too high while others questioned how the system would work.

The greatest opposition was to the proposed cost of the exercise at £30-£40. Some were opposed to being charged at all, while others suggested lower amounts, including the previous amount of £20. These comments connected with respondents' concerns about fee levels in their responses to Q1.

Those who agreed with the question saw it as being fair and proportionate to charge at the level proposed. Others commented on the lack of information on how the £30-

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£40 charge had been calculated, particularly with the improvements in the IT system. The Law Society felt it seemed a “disproportionately high” charge for what was an automated process. Reference was made by the Law Society and the Liverpool Law Society to the previous rate of £20. A suggestion was made that if any increase was necessary, it should be more of the order of £25.

### **Q.3 Do you agree with the conclusions in our equality impact assessment (EIA)? Do you have any information about the impact of our proposals on any other groups? Do you have any evidence to support this?**

<b>Yes</b>	<b>No</b>	<b>Other</b>	<b>No response</b>
94	64	130	215

Many respondents did not answer this question. Among those who did, views were divided. The Law Society stated that further equality impact analysis was needed.

Another organisation suggested that the risks set out in the EIA could be reasons to carry out the process less frequently. Others agreed with the analysis in the EIA, but again linked it to the cost of the fees. There was some suggestion that there would be disproportionate impact on individuals with the protected characteristics of age and sex, and for those with a disability or on maternity leave. Similarly, it was suggested those who were low paid or had lost their jobs might be affected by the proposals as well as those less comfortable using technology.

The Law Society said that the proposal is more likely to affect “members of the profession who are retired, undertaking a career break (e.g., those who are on maternity/parental leave or having caring responsibilities) disabled, unemployed, and in lower socio-economic groups. They proposed that further investigation was required but provided no basis for this claim. One other local law society suggested that there was evidence for carrying out the exercise less frequently. Others agreed with this including individuals who answered this question. Many agreed with the analysis on the EIA, although some commented again on the level of the administration charge. As with the Law Society comments some individuals highlighted what they considered to be disproportionate impacts on those with protected characteristics under the 2010 Equality Act.

No information or evidence was presented to sustain any these assertions.

## **Our response and next steps**

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While some of those who responded to the consultation felt there was no need to restart the keeping of the roll exercise, we need to ensure our data is correct and we are not holding it any longer than is necessary.

## Restoring the annual keeping of the roll exercise: consultation response

Following respondents' comments, we reviewed again what we would be the most appropriate frequency for restoring the keeping of the roll exercise. Once set up, running it on an annual basis ensures our data is up to date and we do not have to carry out a significant exercise to find and contact those in this cohort whose details have become out of date. Establishing it as an annual exercise will also more easily and efficiently fit within our annual cycle of operational activities that is built alongside the annual Practising Certificate Renewal Exercise (PCRE).

We remain of the view that we do need to restart the keeping of the roll exercise in April 2023. We believe it should take place on an annual basis to maintain data quality and ensure it reflects the current position regarding solicitors without practising certificates.

In considering our approach, we were aware that previously those solicitors who had been on the roll for 50 years or more were not required to pay a fee for remaining on the roll. After careful consideration, we think that it will be more equitable if every individual were to pay the same administration charge. This would be irrespective of how long they had been on the roll.

The administration charge is intended to cover the cost of carrying out this work. It is not intended to generate income and indeed must not do so. Some of the elements of the work, like IT development, will take some time to assess. As this issue raised the highest number of responses, we will revisit our models and, if necessary, aim to recover all costs, including the overheads, over a longer period of up to five years, rather than the two to three years originally anticipated. We will confirm the administration charge amount when we are clear of the overall expenditure, including the IT development. We anticipate it to be between £20 and £40, but with the cost recovery potentially over an extended timescale, our intention is that it will be towards the lower end of this range. We will commit to keeping the charge under review and will adjust it further if the costs reduce over time.

A majority of respondents did not respond to our question on the conclusion of our equality impact assessment (EIA). Those that did respond unambiguously were marginally more in favour of its conclusions than those against. However, a large proportion were qualified in their answers.

Some of the comments on age were linked to a view of those who had been a solicitor for an extended period that they had a right to their qualification as solicitor and the SRA should not make this conditional on the payment of a fee.

## Analysis of responses

503 responses were received from the following types of respondents.

<b>Responding in a personal capacity</b>	<b>497</b>
Solicitor / retired solicitor	321
Other legal professional	28
Member of the public	4
Academic	15
Student	1
Other / not stated	128
<b>Responding on behalf of an organisation</b>	<b>6</b>
Law firm or other legal services provider	2
Local law society	3
The Law Society of England and Wales	1

It should be noted that almost all of the respondents who described themselves as “other” gave additional information about their status. Of those, 110 stated that they were retired solicitors or solicitors who are not currently practising.

### Q.1 Do you agree with our proposal to reintroduce the annual keeping of the roll exercise in April 2023?

Yes	Yes but with reservations	Neutral	No	Other	No response
193	53	11	230	14	2

## Restoring the annual keeping of the roll exercise: consultation response

While the balance of clear responses was slightly opposed to the reintroduction of the keeping of the roll exercise, there was a significant number who offered a nuanced response. These were sometimes overall in favour or opposed, but qualified their answer. Some said they agreed with restoring the keeping of the roll, but had reservations about some aspects of our proposals, for example:

“I agree that it is becoming more and more important to keep an updated list of solicitors who wish to remain on the Roll. The size of the Roll is growing year by year and the list becomes increasingly inaccurate. There will be some people who are now deceased. There will be other people who, if you asked them, do not wish to remain on the Roll but had completely forgotten that they are on it, and are out of touch with the SRA and The Law Society. Tidying up the Roll will be of great assistance to The Law Society which, as I understand it, relies on the SRA database to communicate with members and obviously needs accurate contact details. I therefore agree with the SRA's proposal to reintroduce the annual keeping of the Roll exercise – but I do not agree with some of the detail of that proposal, particularly with regard to charges.”  
(individual solicitor).

### **Responses supporting our proposals**

Some of those who agreed with the proposal mentioned potential benefits.

“Yes, I consider it important solicitors can retain a relevant status in case they wish to renew a position in private practice where they have held other roles (which might not require a PC) for a period of time during their career and remaining on the Roll doesn't result in a "cut-off" on retirement where they may subsequently wish resume a role which could require a PC.” (individual solicitor)

“Yes. I think it is a good idea to keep in touch with those of us who are not practising particularly with a view to identity theft etc. It also helps to identify those not responding (i.e. death) and a give pause for thought as to whether staying on the Roll is appropriate for their personal circumstances.” (individual solicitor)

“Liverpool Law Society agrees that there is justification for maintaining and keeping up to date data on all solicitors who remain on the roll regardless of whether or not they have a current practising certificate, predominately because of the need for there to be an accurate and clear record of individuals who hold the status of a solicitor. The opening up of the legal market has seen an increase in the number of individuals practising as solicitors, who do not require a practising certificate because they are not carrying out any reserved legal activities or supervising an unqualified person carrying out reserved legal activities.”



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However, many who agreed just gave a simple “Yes” or cited the reasons given in our consultation document and the legal necessity of keeping the roll up to date. Birmingham Law Society said:

“Yes. It is entirely sensible for the reasons set out in the consultation paper and, in particular, to ensure compliance with GDPR.”

There was a tone of resigned acceptance in some responses, for example:

“Reluctantly I agree in view of the recent regulations relating to keeping data held up to date.” (anonymous)

“No point in debating the issue - if it is needed to meet Data Protection legal requirements then so be it.” (anonymous)

### **Responses supporting our proposals, but with reservations**

Many respondents agreed with restoring the keeping of the roll exercise but expressed reservations about one or more aspects of our proposals. Some felt the fee was too high, or that there should not be a fee at all, or that some individuals should be exempted from the fee. Others said that it was not necessary to carry out the exercise annually.

The views of these respondents are set out among the sections dealing with frequency, level of fees and exemptions from the fee below.

### **Neutral / balanced responses**

The Law Society’s response was balanced between the benefits and the impacts of our proposals. They stated:

“The Law Society supports the SRA's intention to improve the management, including data quality, of those on the Roll. The SRA should be able to engage with individuals on the Roll and have accurate data for them. The expected modern approach, including utilising the SRA's new technology, should enable members to take more control over the administration of their data without negative impacts on accessibility or benefits.”

An individual solicitor stated:

“I don't fiercely object to an annual fee to stay on the Roll as a retired solicitor with no practising certificate. For hopefully obvious reasons, more people in my position are likely to pay the fee to stay on the Roll if the SRA doesn't close SIF! By staying on the Roll, solicitors may feel that they are advertising themselves to the world as alive and kicking and able to be pursued. If SIF is closed, this would be a distinct disadvantage to retired solicitors.”

An anonymous respondent stated:

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“Yes and No. Yes to having an annual keeping of the roll brings us back in line with what similar professions do such as Social Work England. Will all solicitors whether holding a Practising Certificate or not be required to keep a CPD record too? Also how will that impact on solicitors working part-time or with caring responsibilities or health and disability related needs? No, would like for this to be a validation approach similar to what the GMC seeks from its members.”

Other neutral responses typically said that they personally did not mind the reintroduction and they could understand the reasons for keeping the roll, but suggested a lower or no fee, or for the exercise to be done less frequently than annually. These suggestions are covered in more detail below.

### **Responses opposed to our proposals**

Some respondents were strongly opposed to our proposals, for example:

“I do not agree. As a responsible solicitor, I have always ensured the information you hold for me is up to date, and I consider it my duty to continue to do so. I do not feel I should be penalised if there are those who do not keep their information up to date.” (anonymous)

“No it should remain as it is with individuals notifying you if they want to be removed. Also it is unreasonable to expect individuals to pay a fee to remain on the roll. This is a right they have earned through hard work and dedication.” (anonymous)

Some felt that restoring the keeping of the roll exercise was not necessary.

“Objectively unnecessary - death or some other reason apart why would one want to not be listed? Changes - including coming off roll - can be submitted.” (anonymous)

A number of respondents who disagreed with our proposals did not accept that the General Data Protection Regulation was a basis for restoring the keeping of the roll exercise. Typical comments were:

“I do not accept the GDPR rationale. Anyone wanting an update can notify you of this fact. By definition these are non practising solicitors and so there is no issue about protection of the public.” (individual solicitor)

“No I do not agree with the proposal. The rationale given for the proposal is “recent changes to data legislation.” The most recent legislation was the Data Protection Act 2018 which is hardly recent. Furthermore, the Data Protection Act 1998 required data to be kept accurate and up to date long before that. I cannot see how there would be any genuine detriment to anyone if the details of a non-practising solicitor were not up to date. The public would only have an interest in those solicitors who are in practice. Surely it is perfectly

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adequate for it to be left to non-practising solicitors to keep their details up to date simply for their own benefit to receive SRA and Law Society updates and if they did not do so they would be the only ones to suffer any loss.”  
(anonymous)

“The basis for reintroducing this is given as GDPR requirements on data keeping. The regulations merely require data to be kept up to date " where necessary". This is not the same as every year, and once in three or four years would serve the same purpose.” (individual solicitor)

Respondents' views on the final point quoted, regarding frequency of the exercise, are set out in more detail below.

There were also a number of respondents who felt that the SRA's approach would adversely and unfairly affect retired solicitors.

“This is unacceptable. Retired solicitors will be penalised, having to use pension income simply to retain their name on the Roll. For many retired solicitors, inclusion on the Roll is an honour and an enduring record of achievement. Not all are enjoying an affluent retirement however, and it is distressing to put people in a position where they may have to give up the evidence and satisfaction of a lifetime achievement because they need to prioritise their wellbeing and cannot afford an annual administrative charge.”  
(anonymous)

Some respondents who disagreed with our proposals suggested that reminder emails would be sufficient, for example:

“The rationale is flawed and constructed primarily with a view to generating income for the SRA. Timely periodic emails to non practising solicitors reminding them to ensure personal information is kept up to date should be sufficient. The few who choose not to use email who are retired could be advised by post.” (retired solicitor)

“I think you can achieve your aims without reimposing the burden on the non-practising solicitors. You can easily and without much administrative cost set up an automatic periodic email to all those on the roll without PCs reminding them to ensure that their details are up to date and that they will remain on the roll unless they ask to be removed. This would be much less burdensome and cheaper whilst still achieving your goal.” (anonymous)

Many respondents stated that they disagreed with restoring the keeping of the roll exercise specifically because of the fee, for example one anonymous respondent stated:

“Not if it requires a fee to be paid. Presumably the exercise will require non-practising solicitors to carry this exercise out themselves online. As such I cannot see a reason for a fee being introduced.”

## **Other responses**

Some respondents did not agree or disagree but made other comments, for example:

“The problem is that there is no description that suitably covers retired solicitors. If you are described as "a former solicitor" or "ex solicitor" there is an implication that you have left the profession discredibly. However if you are not on the Roll of Solicitors should you describe yourself as a solicitor albeit a retired one.” (anonymous)

## **Respondents' themes**

Across respondents who overall agreed or disagreed with our proposals, or were neutral, there were a number of themes about how the exercise should be conducted.

### **Frequency**

A very common suggestion, from both those agreeing with and opposed to our proposals, was that the keeping of the roll exercise did not need to be annual. An academic stated

“No, I don't think the reasons provided are sufficient for an annual update. An update every two years should suffice.”

Several other respondents favoured a longer interval.

“While I accept that you have a need to maintain your records, I would think that this exercise should be performed every 3 to 5 years only.” (anonymous)

“I considers an annual response to be cumbersome. A five yearly exercise is sufficient. An annual exercise would present too many opportunities for a retired solicitor to inadvertently come of the roll. It is important that we have the ability to attend General Meetings and vote on proposed motions. The proposed closure of the SIF is a good example of why this can be important not only in respect of ourselves but in terms of ensuring that wide ranging aspects including public protection is fully taken on board.” (retired solicitor)

A retired solicitor proposed a variation of the suggestion for a five year interval.

“Given the overwhelming support from solicitors without practising certificates last time around to scrap the annual exercise and your own statement that you make no use of the data thus collected, reimposing an annual exercise seems excessive. I get that the data needs to be "up to date" but anything less than a daily exercise will result an element of outdatedness so a balance needs to be found. I would suggest that instead members be periodically

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reminded that they need to keep their SRA record up to date perhaps reinforced with a hard SRA lead data refresh every 5 years.” (retired solicitor)

An anonymous respondent suggested a one-off exercise.

“I suggest an 'opt out' one off data protection process whereby a person admitted to the Roll authorises the continuance of their information as a non-practising solicitor of England and Wales until and unless that person directs removal.”

### **Level of fees**

A large number of respondents, including many who said they agreed with restoring the keeping of the roll exercise, stated that they disagreed with the proposed fees.

“I have no objection to the proposal but I am against the payment of a fee. The mere submission of up to date details should not warrant a fee after all the years I have paid practising fees and paid into the compensation fund.”  
(anonymous)

Respondents' views on this issue are analysed in more detail in the section on Question 2.

### **Exemptions for some individuals from paying the fee**

One individual solicitor stated:

“I do not agree that permanently retired solicitors should pay a fee. For the vast majority of retired solicitors there are no practical or pecuniary advantages to remaining on the roll. The advantage for most such is solely the honour of retaining the status of non-practicing solicitor. The majority are unable to use the Law Society facilities or library (contrary to the SRA review conclusion) because of disability or distance, and trading discounts offered by the Society offer little if anything to those who are retired. I suspect the SRA would be hard pressed to show any need for past intervention in respect of permanent retirees. The SRA argument that remaining on the roll grants tangible benefits to retirees which justifies charging a fee, is unsustainable.”

A number of other respondents also suggested that retired solicitors should be exempted from the fee.

One respondent who asked to be anonymous stated that they did not agree with charging the fee to individuals who are students, unemployed or retired.

Another individual who asked to be anonymous stated:

“I do in principle but I ask that you consider an exception to be made for the probably over a 1000 solicitors employed by the Government Legal

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Department to be exempted from this requirement or for them to be centrally registered by our employer to avoid unnecessary admin.”

An individual solicitor stated:

“Charge only those who are in employment eg in house, local govt, where PC not required. I worked both in private practice and in house and mostly in latter did not hold PC but would have paid fee. Reasonable to ask to pay if working. If retired, on career break or maternity (if not employed) not reasonable.”

Another individual who asked to be anonymous stated:

“At least allow an exemption for solicitors who declare that they have retired from all employment.”

Another anonymous individual who asked that we do not publish their response suggested that solicitors who had been on the Roll for 50 years should be exempt from the fee, and another anonymous respondent stated:

“Prior to 2015 any solicitor who had been on the roll for 50+ years was excused payment of the then annual fee. There appears to be no such exemption here.”

Another anonymous individual stated:

“I understand the reason but do not agree with the reintroduction for solicitors over the age of 60. Your suggestion will penalise solicitors who have retired and are proud to still be on the role as recognised by the Law Society. Older retired solicitors may not be able to afford the fee. The proposal is therefore unfair to this group and is not diverse and discriminates against the elderly.”

### **Impacts on specific groups**

Some respondents mentioned impacts on specific groups not envisaged by the consultation. One anonymous respondent (categorised as “other” in the Q.1 table above) raised the issue of solicitor-judges.

“I do not object to the reintroduction of the exercise - subject to the following comments. One group of solicitors not addressed in the consultative document are solicitor-judges - particularly those that are no longer in private practice, and who will therefore not have a practising certificate. These could be fee-paid judges who no longer are in practice as a solicitor (possibly relying for income on a portfolio of fee-paid judicial appointments) or salaried judges. Although not in practice and not holding themselves out as solicitors, solicitor-judges need to keep their names on the Roll to retain their judicial appointments. Has the SRA considered how many solicitor-judges are affected by the proposal, and its impact upon them?”

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An academic respondent stated:

“The impact of doing this will mean that academics, who do not practice, will be impacted to a greater extent than other groups. It could be argued that it is important for this group to maintain the status of a non-practising solicitor, unlike other groups such as those who are retired. As such the impact of a failure to remain on the roll may well be significant and the need to do so on an annual basis with the associated fee, is unfair. There appears to be no need to maintain on an annual basis in the way suggested. It would be much fairer and appropriate to notify individuals of the need to confirm details and only require a fee if change is required.”

The Law Society stated that if there were negative impacts on the numbers of individuals on the Roll, this might impact on their own representative role.

“If the development and subsequent launch of this new process inhibits members from retaining Roll status, the Society’s formal membership numbers may reduce. This means there is a risk that the Society’s ability to act as the representative voice for the whole profession and to advocate for current and former solicitors (including those who are not currently practising) may be negatively affected.”

Respondents’ views on impacts on those with protected characteristics under the Equality Act 2010, and on socio-economic factors, are set out under Q3 below.

**Q.2 Based on our plan to reintroduce an annual charge to cover the cost of running the keeping of the roll exercise and maintaining the data, do you consider it fair and proportionate to charge directly for this exercise? We anticipate the unsubsidised administration charge amount will be no more than £30-£40. If not, what alternative would you suggest to meet these costs?**

Yes	No	Other	No response
66	142	282	13

This question on the reintroduction of an annual charge of between £30-40 generated the greatest clear opposition to the proposal, although the number of more equivocal responses was larger than the clear responses combined.

Many of the large number of Other responses did not directly answer this question, and many of them stated that they would need further information about how the amount was calculated in order to comment, for example:

“Difficult to answer without knowing what the actual costs are and to able to judge if they are wholly and exclusively attributable to this exercise alone and that such work is reasonably necessary to comply with the data regulations.”  
(anonymous)

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Some implied that the charge might be too high.

“I consider it fair to charge for the exercise and that it should cover costs only. I consider the charge high given that the exercise is now said not to be unduly burdensome nor complicated and that automation has considerably reduced the work required. Costings should be published to quantify the costs.”

(anonymous)

“Many do not believe that in these days of technology and automation that such a process would be so expensive.” (individual solicitor)

“It is reasonable to ask members to cover such necessary minimal costs as are involved in administering their data. However, it is hard to see what substantive costs the annual exercise would incur given that the technological advances have simplified the process.” (member of the public)

Others asked how the system would work, and how the fees would apply to individuals.

“I agree with a charge but think it looks very high, particularly given current cost of living crisis. The people this applies to aren't working as solicitors and are in many cases in lower paid jobs or not working at all due to ill health etc. Can't the applicants be asked to perhaps give more information which would reduce the need for as much work to be undertaken by DP officers - put more of the workload on the applicant?” (anonymous)

“Will there be concessions given to disabled solicitors and those facing financial hardship?” (anonymous)

The greatest opposition was to the proposed cost of the exercise at £30-40. Some were opposed to being charged at all, while others suggested lower amounts, including the previous amount of £20. These comments connected with respondents' concerns about fee levels in their responses to Q1.

A few respondents agreed with the proposed level, for example:

“It is fair and proportionate to charge directly at the level indicated.”

(anonymous)

But, many respondents commented on the lack of information about how the proposed £30-40 fee was calculated.

“No analysis has been given in the consultative paper of the likely total costs of the exercise and the number of individuals who are likely to want to retain their name on the roll... In the circumstances, an annual charge of £30 to £40 appears to be disproportionate and excessive.” (anonymous)

Some expressed their views strongly, for example:



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“The cost is outrageously high for an online exercise completed by the participants. You should publish your costings and justify the annual fee. Otherwise everyone will see this as a shabby money grabbing stunt.”  
(anonymous)

A frequent theme among respondents was that the SRA's technology improvements mentioned in the consultation paper should allow for lower fees.

“I have no problem with you charging a fair and reasonable admin charge. It was £20 previously, when a hard copy form could be used. You have said in the consultation paper that you now have a better IT system to maintain such a record but you have not provided any justification for doubling the admin fee, when this exercise appears to be purely on line and should therefore have a minimal cost. Without hard evidence that it is going to cost £40 per person to process such applications I can see no justification for charging more than the £20 you charged under the old system.” (retired solicitor)

The Law Society stated:

“The suggested fee appears high for what is expected to be a highly automated process... the previous application fee (prior to 2015) was £20. With the benefit of the SRA's improved technology to assist with both processes and automation, the fee being proposed now is disproportionately high compared to the fee that was applied before these improvements were implemented.”

The Law Society went on to state that, before making any decision, we should provide further information on the assumptions underlying the expected fee, and that we should ensure that the fee is affordable for those from lower socio-economic groups. Other law societies who responded (Birmingham, Hampshire and Liverpool) also stated that we had not provided a rationale for the expected fee, for example Liverpool Law Society said:

“[We are] unable to comment upon whether a figure of between £30 and £40 by way of direct charge is fair and reasonable because it does not know what the anticipated overall additional charge of maintaining the annual roll for solicitors who do not have a current practising certificate. On the face of it an increase of 100% on the 2014 sum... given the stated advancements in technology does not seem fair and reasonable.”

Birmingham Law Society stated:

“Until 2014 the fee was £20... [taking inflation into account] a fee of £25 would seem to be the correct fee although our expectation is that the SRA would bring into account savings attributable directly to the streamlining of the process. For the purpose of this exercise, it would not be acceptable for those savings simply being deployed to be set against general overheads.”

**Q.3 Do you agree with the conclusions in our equality impact assessment (EIA)? Do you have any information about the impact of our proposals on any other groups? Do you have any evidence to support this?**

Yes	No	Other	No response
94	64	130	215

A large number of respondents did not answer this question. Among those who did, views were divided. The Law Society stated that further equality impact analysis was needed.

“[Law Society Committees] concerns are the impact on affected members’ finances and ensuring access to apply for and retain Roll status and associated benefits (including Law Society membership). The proposal is more likely to affect members of the profession who are retired, undertaking a career break (e.g., those who are on maternity/parental leave or have caring responsibilities), disabled, unemployed, and in lower socio-economic groups. The SRA should further investigate the impact of this proposal in relation to disability, sex/gender, pregnancy, maternity, paternity, caring responsibilities, age and socio-economic groups.”

Hampshire Law Society stated that the risks set out our EIA could amount to reasons for carrying out the exercise less frequently than annually and for not charging a fee to individuals, while Liverpool and Birmingham Law Societies agreed with the EIA analysis.

Among individuals who answered this question, many agreed with the analysis in the EIA although some commented again on the fees.

“The conclusions do seem well considered. I would only add that those solicitors not practising may find a £30-£40 annual charge to be significant depending on their earnings. There is a ‘prestige’ and a pride to remaining on the roll that non-practising solicitors would be disappointed to have to lose to save a needed £30-£40.” (anonymous)

“I’m in broad agreement with the conclusions set out in your EIA. It does seem to me that, without the proposed measures, the roll will become increasingly out of date as regards those - like myself - who are no longer practising. I suspect that a significant number in that category will end up being removed from the roll as a result of either not responding or deciding not to pay the admin fee.” (anonymous)

“In general yes as the EIA states that you are unclear of the impact on particular groups such as carers, disabled solicitors etc. I believe that there is a significant negative impact on those groups especially as they are often too busy surviving to fight increases in costs such as this. Why should anyone be

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forced to leave the roll that they worked so hard to be put onto just because their circumstances have changed and they now need to reduce their costs.”  
(anonymous)

Other individual respondents (both those who in Q1 supported our proposal, and those who opposed it) set out a variety of concerns in relation to equality, diversity and inclusion. The most common comments were in relation to disproportionate impacts on individuals in relation to the Equality Act 2010 s.4 protected characteristics of age and sex. A number of respondents also mentioned a disproportionate impact on retired solicitors, without relating this to any specific protected characteristic.

Representative comments are set out here in relation to all the Equality Act protected characteristics which were mentioned by respondents, plus socio-economic factors.

### **Age**

“It is fairly obvious that the proposal will very disproportionately impact solicitors of mature years. It is common knowledge that people of mature age have a higher incidence of illness and medical conditions, including those affecting mental health and decision-making. It would not be acceptable that any person so affected should be put at risk of losing their professional qualification without it being known that they had made an informed choice to be removed from the roll.” (anonymous)

“As a working class woman who was admitted when only around 7% of solicitors were women, I have followed the discussion about equality and the attempts to provide help to minorities and have realised belatedly what an achievement it was for me to have become a solicitor. It was difficult to obtain articles without connections and lacking a basic knowledge of firms to apply to in the days before the internet. When I had children I found it very difficult to obtain family friendly employment and spent the rest of my working life working for a charity. The pay was low and I was unable to build up an adequate pension. I know that I am not the only person in this position and this is the reason I am suggesting that retired solicitors be exempt from the charge. I am proud of my achievements and it is important to me to remain on the roll.” (anonymous)

“I think you have underestimated the impact of age, as this is the largest group affected and will contain more people who are retired and may have reduced income. This also applies to sex as there may be more women on career breaks for childcare or other caring responsibilities, also with reduced income. I suspect this may apply to the protected characteristic of disability as well.” (anonymous)

“Essentially being a solicitor is a qualification. Those who have earned this title have passed examinations and earned the description and should not have to pay to use it... If we have to pay, this will deprive some older people

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of the ability to use the title which gives them a sense of self worth and therefore it is ageist, because they have to pay after they have ceased to earn income from the legal profession or any related activity. There seems to be no public protection rationale for this requirement.” (academic)

In the same vein as the last of these quotes, one solicitor said that they had a right to their qualification as a solicitor, and the SRA should not make this conditional on the payment of a fee.

### **Disability**

“I believe that it will be harder financially on disabled solicitors and those with caring responsibilities, therefore I do not agree with the conclusions from the SRA's EIA.” (anonymous)

### **Pregnancy and maternity**

“I think the consultation does not consider the current costs of living increase. Those on maternity pay/career breaks for example, may struggle to meet a yearly fee to maintain their status on the roll. Thus providing a bar to reentry to the profession in due course.” (anonymous)

### **Race**

“It seems obvious that the impact of a charge that is a flat rate will disproportionately affect those on lower incomes. Those affected will tend to be Black, Asian, and also women and disabled persons, with enhanced discrimination at the intersection of these groups.” (anonymous)

An anonymous respondent commented that the proposal will impact a significant number of those Irish solicitors who are also qualified as solicitors of England and Wales.

### **Sex**

“The plan is potentially discriminatory to our retired members and women, in particular, who are more likely to have limited financial resources (numerous studies have evidenced the "gender pension gap".) Many retired, non-practising solicitors have dedicated decades of their working life to the legal profession, we should be looking after them.” (individual solicitor)

“I believe that there would be an unfair impact upon women as more women are carers - (whether of children, elderly parents or other family members) and consequently are not currently in practice. Another group upon which these proposals will have a particularly negative impact are those who have ceased to practice - whether for good or temporarily - due to mental health issues... It is likely that those people I mention... will have a smaller income

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or no income and so find it harder to cover this extra annual cost...”  
(anonymous)

“I consider it likely that women will be unfairly disadvantaged by the proposal. Women that have children may have a career break for this purpose and should not be unfairly penalised by have to pay a fee to have their details maintained on the roll. Similarly people take career breaks for various reasons, including own well-being and caring responsibility...” (anonymous)

“Impact on those having career change and finding it difficult to return to legal career. Meanwhile, they are in lesser paid and voluntary roles to try to keep their skills going and earn some money. They certainly want to remain on the roll in the meantime. Many women fall into this category.” (anonymous)

“This would add a further barrier to returning to the profession for those who are taking a break for personal reasons, i.e. caring for a family, and would disproportionately affect potential 'women returners', as those who take a career break for caring purposes are more likely to be female and less likely to have as much disposable income as those who are working within the profession.” (non-practising solicitor)

“The impact is likely to be greater against female solicitors who are more likely to take time out of employment due to caring responsibilities. This could mean there is an additional burden on them in the future. It could also impact those from other minority groups or solicitors with disabilities, if they face barriers to employment. There is a large body of evidence which demonstrates that those with disabilities and single parents tend to have lower incomes and can struggle to meet their daily living costs.” (anonymous)

### **Socio-economic and other factors**

An anonymous respondent expressed a concern that the proposals may disproportionately impact solicitors who lose their jobs or have to take a career break, as these are likely to be among the lowest paid members of the profession.

Some respondents commented that the proposals may adversely impact individuals who are less comfortable using technology. Some respondents said the proposals would have a greater impact on those living overseas.

### **Other information and evidence**

No respondents gave other information or evidence. As set out above, some respondents called for us to do further analysis of equality impacts.