

News from the Board

Reflections on our July Board meeting - Anna Bradley

15 July 2024

This month's Board was in Cardiff. In the evening, the Counsel General, Mick Antoniw joined us and our many guests from consumer groups, charities, government and the profession. Inevitably there was a great deal of chat about the fact that the new Prime Minister had been just across the Bay visiting the Senedd earlier that day.

We took the opportunity to discuss what more could be done to drive confidence and trust in the legal sector in Wales. There was considerable focus on the deep lack of access to legal services in parts of the country, the importance of the public being able to access expert help in Welsh, and the importance of solicitors understanding the increasing divergence between Welsh and English law.

Data strategy

We had a packed agenda over the two days, mostly in workshop mode where we update and explore - rather than make decisions.

One of these sessions was on our strategic approach to data. Regulating effectively and efficiently relies on the ability to spot emerging issues and high-risk firms or types of firms, where there may be increased risks to the public. This requires good data that is used in the right way. As the SRA has developed we have done more of this collection and analysis, but we have also had to do a lot to improve our IT to give us a good platform to build upon.

We are now in a position to do more in this space so the team is developing a data strategy – that will consider everything from how we can make sure our data is clean and high quality to how we can avoid data gaps or inconsistencies, and what we need to do to spot patterns. This work will include how we harness AI to mine data for insights.

The Board wants to be a leading regulator in this space. But it is important that we get the approach right, even if this means being patient. We will be taking a keen interest in the way this work develops, as it is a key priority for us.

Post Office

Our work around the Post Office Horizon scandal continues and we have been providing regular updates to keep everyone in touch with what we

are doing. This month we invited Professor Richard Moorhead, an expert in legal ethics and leading commentator on the Post Office Horizon scandal, to talk to the Board about his work.

The purpose of the session wasn't to discuss anything related to our investigation. Instead, it was an opportunity to hear his thoughts on the bigger questions the scandal raises about ethics in the profession. Richard provided some fascinating insights - often provocative, but always thoughtful. It has given us much to reflect on as we all await the outcome of the Inquiry.

Driving confidence and trust in legal services

Our purpose is to drive confidence and trust in legal services and the Board want to know that we are doing just that. So we have commissioned research to see where we are now and we will check again at the end of the three year strategy to see if we have made a difference. The research has involved getting the views of thousands of stakeholders, including the public, profession, small businesses, and other stakeholders.

The researchers shared their initial findings with the Board and confirmed that high professional standards, and the quality of education and training, are fundamental to achieving trust and confidence. But the devil is in the detail, and we will work through that to see what we might need to do more or less of, and what we need to do differently.

We will publish the findings in the autumn so everyone can draw on the results and also see how it will influence what we do.

Compensation fund

In formal Board mode we made the final decision about the practising certificate fee. We also discussed responses to the consultation on compensation fund contributions.

No one likes cost increases so there was inevitably some disquiet about the proposals. Some of the questions being asked made us realise that we had not been as clear as we could have been about the thought processes we had been through to arrive at the proposals. When we share the details of our decision, we will include more about the range of options we considered, including different approaches to keeping costs down, and the case for spreading them over a longer or shorter period.

Many in the profession have suggested that we need to consider changing how we balance contributions to the fund across firms and the profession. We agree it is important that we explore the issues, and we will do as an early element of the ongoing consumer protection review.

Clearly, we understand concerns raised about the impact on firms. But we have also heard from profession and consumers alike, just how important it is to have a viable safety net that supports trust and confidence in the profession. So we have decided that we will go ahead with increases for all the reasons laid out in the consultation paper.

We will share full details of our final decision when we publish our Board papers in the next week or so, and then we will need to submit the fees for approval by the Legal Services Board.