

News release

In-house solicitors' independence valued, but minority struggle

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Most solicitors working in-house feel their independence is valued although a minority struggle to balance their duties with their organisation's priorities, a new SRA report has found.

We carried out a review of our in-house population

[<https://www.sra.org.uk/sra/research-publications/in-house-solicitors-thematic-review/>] to see what the main issues currently affecting the sector were. We surveyed more than 1,200 in-house lawyers and conducted in-depth interviews with those working in both the public and private sector.

The review found most respondents felt comfortable advising their employer that they could not take an unethical action. The majority said they were confident that pressure from their organisation would not affect their ability to provide objective and impartial advice and that they could act ethically under pressure.

However, five per cent of respondents had experienced pressure to suppress or ignore information that conflicted with their regulatory obligations. And 10 per cent said their regulatory obligations had been compromised trying to meet organisational priorities. This was commonly linked to significant and increasing workloads. Some senior leaders recognised that balancing regulatory responsibilities while maintaining effective working relationships could be challenging.

We concluded that some in-house teams could do more to have formal policies and controls in place to guard against this. We have committed to bolstering resources for in-house solicitors to help support high standards. This year we will be publishing new guidance tailored for the in-house community, launching dedicated online resources and running events to share best practice and get further feedback on areas where more support is needed.

Paul Philip, SRA Chief Executive, said: 'The in-house sector continues to grow, with 8,000 more in-house solicitors than a decade ago. They now make up around a fifth of practising solicitors. The findings of this review are generally encouraging - most in-house solicitors appear to be able to serve their employers well while still upholding the high standards expected of them.'

'Yet a minority struggle. We heard frequently that heavy workloads were a significant challenge. That is a problem if it means some in-house solicitors struggle to commit appropriate time to training or careful consideration of key decisions.'

In addition to the best practice highlighted in this report, we will be doing a range of work to further support in-house solicitors to make sure they – and their employers – understand their professional obligations.

The review also showed not all solicitors are able to keep their skills and knowledge up to date, with one in 10 saying they did not have enough time. Senior leaders did not always reflect on learning needs, with most junior solicitors managing their own training. Although the majority of junior solicitors had received on-the-job training on professionalism, ethics and judgement, a quarter had not.

Some in-house solicitors did however use their influence to champion ethically, socially, and environmentally supportive initiatives. This is because they had 'a feeling of responsibility as the ethical conscience of their organisation'.

We regulate more than 34,500 in-house solicitors across more than 6,000 organisations.

We previously surveyed in-house solicitors [<https://www.sra.org.uk/sra/research-publications/the-role-of-in-house-solicitors/>] in 2014. That found that pressures to fail to uphold professional obligations and opportunities for professional development were also issues that the sector found they faced.