

**CLASSIFICATION – PUBLIC**

**SOLICITORS REGULATION AUTHORITY  
Minutes of the SRA Board meeting  
held on 20 January 2016 at 1:30pm  
at The Cube, 199 Wharfside Street, Birmingham, B1 1RN  
PUBLIC**

Present: Enid Rowlands (Chair)  
Julia Black  
Sharon Darcy  
Jane Furniss  
David Heath  
Barry Matthews  
Geoff Nicholas  
Dame Denise Platt  
Chris Randall  
Deep Sagar  
Shamit Saggarr  
Elaine Williams  
David Willis

In attendance: Paul Philip, Richard Collins, Robert Loughlin, Jane Malcolm, David Middleton, Juliet Oliver, Crispin Passmore, Rachel Pillinger (for item 6) and Dominic Tambling

**1 APOLOGIES**

1.1 The Chair welcomed everyone to the meeting including the five new members of the Board, journalists in attendance and the Law Society observer. Apologies had been received from Jane Furniss and Paul Marsh.

**2 MINUTES OF THE MEETING HELD ON 2 DECEMBER 2015**

2.1 The minutes of the meeting held on 2 December 2015 were agreed.

**3 MATTERS ARISING AND DECLARATIONS OF INTEREST**

3.1 There were no matters arising that were not covered on the agenda. The Board reviewed the action log and noted that:

- i a recommendation on the possible extension of post six year run off would be brought to the Board's meeting on 9 March 2016;
- ii an Update on the Research Programme would come to the Board's meeting on 1 June 2016; and
- iii the Chair had circulated a note reviewing the meeting on 2 December 2015.

3.2 The Chair noted that Interests were as previously declared and available to view on the SRA website. Members would declare any particular interest in an individual item if necessary.

# **SRA BOARD**

## **4 CHAIR'S UPDATE**

- 4.1 The Chair reported that discussions on the future role of the Business and Oversight Board (BOB) were ongoing. BOB would next meet on 10 March 2016 when a new Chair would be elected.
- 4.2 The Chair thanked Board members for their attendance at recent Question of Trust events and encouraged them to attend the meet the Board sessions for local law societies which had been put in place for 2016.

## **5 CHIEF EXECUTIVE'S REPORT**

- 5.1 Paul Philip introduced his report and asked the Board to note that the Legal Services Board had approved the proposed arrangements for regulating consumer credit activities. The new arrangements would therefore come into effect on 1 April 2016.
- 5.2 On Training for Tomorrow, there had been coverage in both the legal and general press of the launch of the consultation on the introduction of a centralised assessment for intending solicitors, the Solicitors Qualifying Examination, launched on 7 December 2015.
- 5.3 The 2015 practising certificate renewal exercise had gone as well as, if not better than, ever before.
- 5.4 Paul Philip also gave an update on the proposal by the Treasury and Department for Business, Innovation and Skills consult on the question of independence for frontline regulators which the Board had discussed that morning. The Law Society had gone on record with its views but we disagree with them and believe that we cannot command the full confidence of the public while part of the representative body.
- 5.5 TLS also holds the view that it should have responsibility for the title of 'solicitor' but the SRA but we see this as a fundamental part of the regulatory model.
- 5.6 In addition, the cost of regulation could be reduced if the SRA was independent, Ultimately, it was likely that the SRA and TLS would need to agree to disagree on much of this.

## **6 INDEPENDENT COMPLAINTS REVIEW SERVICE ANNUAL REPORT**

- 6.1 Jane Malcolm introduced the report from ICRS, the organisation that had been the third tier of complaints handling for the SRA. The report recognised the continuing improvement in the way in which complaints were handled. More specifically, the report noted an improvement in operational communications and that the level of complaints was relatively low considering the volume of work handled.
- 6.2 The Executive recognised that more needs to be done to build on this improvement including on how to better communicate including as to how complaints can be made and how the system works. Board members suggested that this might include guidance on when to raise a complaint and some form of ready reckoner to help consumers to gauge whether it would be appropriate to make a complaint.

## **SRA BOARD**

- 6.3 Moni Mannings said that the Equality, Diversity and Inclusion Committee had looked at the report at its meeting the previous day. It had been suggested that some thought be given to the introduction of a system to allow an appeal in cases where it had been decided that a complaint would not be investigated.
- 6.4 Paul Philip said that the Executive was committed to continuous improvement including the quality assurance of such decisions. A piece of work on exercise of discretion was also under way. He suggested that it might be appropriate to examine a sample of these cases to test the robustness of the decisions made.
- 6.5 Board members asked whether the relatively small percentage of complaints that reached the third stage was due to lack of merit of the cases or attrition. Rachel Pillinger explained that it was most likely to be because a large number of complaints were addressed to the satisfaction of the complainant at the first or second stages. The aim was to apologise when we needed to where mistakes had been made and to put things right as soon as possible.
- 6.6 Enid Rowlands reminded the Board that complaints could be valuable in helping an organisation to improve, and asked that the new independent reviewer, Ombudsman Services, be asked for its initial views on our handling of complaints.
- 6.7 The Board:
- a) noted the content of the recently published ICRS Annual Report 2015; and
  - b) noted the main areas we intend to focus on in 2016, in order to improve our service.

## **7 CHANGES TO THE QUALITY ASSURANCE SCHEME FOR ADVOCATES: CONSULTATION RESPONSE AND RULE CHANGE**

- 7.1 Crispin Passmore explained that the QASA scheme aimed to ensure that advocates meet a certain set of standards and had been under way for a number of years. The scheme had been ready to implement two years ago but some barristers had mounted a legal challenge through a judicial review. The SRA and other organisations behind the scheme had been successful at every stage of the proceedings and the way was now clear for implementation. This consultation had been run in response to points raised by the courts in dealing with the legal challenges.
- 7.2 The scheme is to be run jointly with the Bar Standards Board and CILEX Regulation reflecting the fact that advocates increasingly came from different backgrounds and that the judiciary was keen for standards to be consistent. A Joint Advisory Group had been set up to develop and implement the scheme. This meant that all three regulators needed to approve any changes. The Board was being asked to approve the response to the consultation and some changes to the proposed scheme materials, as well as the proposed approach to the QASA appeals rules which would be brought to the Board for approval at a future meeting.
- 7.3 Board members questioned whether the scheme was adding to the burden of regulation and whether it would be possible to randomly assign judges to candidates who assessed whom and whether clients could also be involved in the assessment process. Crispin Passmore advised that these issues had been

## **SRA BOARD**

addressed during the development of the scheme. There had been a great deal of feedback from the judiciary that the standard of advocacy was not good enough and the scheme was necessary. In terms of assessment, a way of randomly linking assessors with applicants had been explored but did not work well. It had also been concluded that asking clients who might well have lost a case, to the extent of losing their freedom in some cases, would not make for a fair system of assessment.

7.4 Crispin Passmore also advised that the outcome and timing of the Ministry of Justice consultation on advocacy (to which the SRA had responded) was not yet known, but was very unlikely to affect the scheme.

7.5 The Board agreed to:

- a) approve the response to the consultation, including any proposed changes to the Scheme materials; and
- b) approve the proposed approach to the QASA appeals rules.

## **8 ANY OTHER BUSINESS**

8.1 The Board noted the minutes of the Regulatory Risk Committee on 8 December 2015.

**NEXT MEETING: WEDNESDAY 20 JANUARY AT THE GRANGE HOLBORN HOTEL,  
LONDON WC1B 4AR COMMENCING AT 1:30PM**

## SRA BOARD

### Solicitors Regulation Authority Action Log: Public - 9 March 2016

Meeting date	Paragraph	Action	Owner	Date for action
3 Dec 2014	6.4	Bring further recommendations to Board on possible extension of post six year run off cover for one or two years	Crispin Passmore	March 2016
2 Dec 2015	7.4	Update on Board on SRA Research Programme	Crispin Passmore	1 June 2016

### Solicitors Regulation Authority Board Record of Actions Completed: Public

Meeting date	Paragraph	Action	Owner	Date completed