

Restoring the annual keeping of the roll exercise

Consultation response

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Executive Summary

1. In this report we present the responses to our annual keeping of the roll exercise consultation. This closed on 20 May 2022
2. 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).
3. 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

4. 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.
5. 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.
6. 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 the frequency or amount of administration charge (even though this is specifically addressed in Q.2)

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

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7. 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.
8. Many who supported the proposal simply said 'yes' without explanation or cited the reasons given in our consultation document including the GDPR requirements.
9. The Law Society response offered a balanced response between the benefits of restoring the keeping of the roll and the impacts of the proposals.
10. 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.
11. 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.
12. A number of respondents highlighted the impact of the reintroduction on solicitor-judges and also academics who do not practice.
13. 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

14. 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.
15. 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

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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.

16. 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.
17. 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 £30-40 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?

Yes	No	Other	No response
94	64	130	215

18. 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.
19. Other inputs including the Hampshire Law Society 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.
20. 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

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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.

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

Our response and next steps

22. While some of those who responded to the consultation felt there was no need to restart the keeping of the roll exercise, as we explained, the situation has altered since the previous consultation in 2014. We now need to ensure our data is correct and we are not holding it any longer than is necessary.
23. 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.
24. 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 have decided that we will aim to recover all costs, including the overheads, over a 2-3 year period. 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. We will commit to keeping the charge under review and will adjust it if the costs reduce over time..
25. 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.
26. 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.

Contact details

Submitted by Tracy Vegro, Executive Director of Strategy and Innovation and Liz Rosser, Executive Director of Resources on behalf of the SRA.

tracy.vegro@sra.org.uk

liz.rosser@sra.org.uk