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ANNUAL REPORT

FROM THE INDEPENDENT REVIEWER OF
THE SOLICITORS REGULATION AUTHORITY



Solicitors
Regulation
Authority



INTRODUCTION

We are pleased to present the Annual Report of the Independent Reviewer of complaints about the service provided by the Solicitors Regulation Authority (SRA). This report covers the period 1 November 2023 to 31 October 2024.

This report covers the two distinct roles of the Independent Reviewer:

- to provide independent oversight of the way that the SRA carry out their complaints handling function; and
- to provide a final independent response for those complaints that the SRA cannot resolve internally.

Independent Review represents the final stage of the SRA's complaints process. In the first instance, complaints about the SRA's service are responded to by the unit where the complaint arose (stage 1) whilst the Corporate Complaints Team reviews complaints which remain unresolved (stage 2). Only complaints which have been through this process and remain unresolved may be referred for Independent Review (stage 3).

Our Independent Reviewers have a very specific remit. We cannot overturn any regulatory decision taken by the SRA. However, we can look at how it has handled and responded to complaints about its own service, including such matters as:

- Was the investigation thorough and fair?
- Were all the relevant facts were taken into account?
- Were the conclusions reached reasonable and properly explained?
- Was the investigation handled efficiently, without unnecessary delay?

The following table summarises the key data covered in this report:

	12 months to 31 Oct 2024	12 months to 31 Oct 2023	12 months to 31 Oct 2022
Initial enquiries about our work	153	114	143
Applications for Independent Review	97	74	81
Independent Review reports issued (includes some from prior years)	94	82	77
Reports identifying no failings and no recommendations	87%	89%	90%
RECOMMENDATIONS MADE			
General Recommendations	8	2	3
Case-specific Recommendations	4	8	5

Last year, I commented on the high level of service being delivered by the SRA complaints personnel, and I am pleased to report that these standards have been maintained this year. The number of complaints referred to us still represents a remarkably small proportion of the SRA's overall caseload, and those complaints which we do see are invariably accompanied by very thorough and considered responses from the SRA Corporate Complaints Team. I would like to acknowledge their work and thank them for their cooperation and assistance.

Graham Massie
SENIOR INDEPENDENT REVIEWER

INDIVIDUAL CASEWORK

INITIAL ENQUIRIES

■ During the 12-month period from 1 November 2023 to 31 October 2024, we received 153 initial enquiries about our work. This level of initial enquiry is back to the level of two years ago, and denotes a pick up from last year which we assume is attributable to the unwinding of the fall-out from the Covid-19 lockdown period.

As in previous years, the majority of enquiries were from members of the public, with only a small proportion coming from solicitors:

	12 months to 31 Oct 2024	12 months to 31 Oct 2023	12 months to 31 Oct 2022	12 months to 31 Oct 2021	13 months to 31 Oct 2020
Solicitors	3	5	5	4	9
Members of the public	150	109	138	146	103
TOTAL	153	114	143	150	112

When someone first contacts CEDR with an enquiry, we provide them with details of our service and an application form, unless it is immediately apparent to us that they have not yet completed the SRA's internal procedures, in which case, we sign-post them accordingly.

	12 months to 31 Oct 2024	12 months to 31 Oct 2023	12 months to 31 Oct 2022	12 months to 31 Oct 2021	13 months to 31 Oct 2020
Proceeded to review	97	74	81	72	73
Closed	56	40	62	78	39
TOTAL	153	114	143	150	112

Of the 153 enquiries received during the year, 97 subsequently resulted in the completion of our application form and have proceeded to review.

Of the remaining 56 enquiries received during the year, we identified two as being premature, in that the individual had yet to complete the first two stages of the SRA complaints procedure, and one was out of time (each being only referred for Independent Review some considerable time after completion of SRA's internal procedures). The remaining 53 enquiries are those where the enquirer appeared to be eligible but has either decided not to proceed with an application or has yet to return a completed application form.

2024
94
REPORTS ISSUED

APPLICATIONS

■ Of the 97 enquiries for which application forms were completed in the year, 83 resulted in the issue of Independent Review reports during the year, whilst the remaining 14 were still going through the process at 31 October 2024 and have resulted in reports after the year end. In addition, reports were finalised and issued in relation to 11 applications where we were first contacted during 2022/23.

Hence, a total of 94 Independent Review reports were issued in the year. This is higher than the number of reports issued last year (2023: 82 reports), no doubt also reflecting the post-Covid 19 pick-up.

2023
82
REPORTS ISSUED

2022
77
REPORTS ISSUED

2021
74
REPORTS ISSUED

2020
105
REPORTS ISSUED

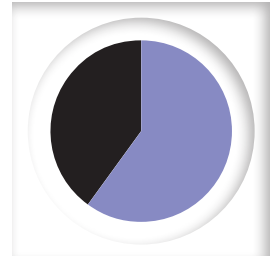


CONTEXT

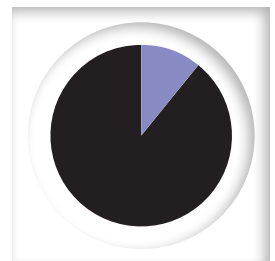
■ Overall, the number of cases referred for Independent Review remains very small in the context of the SRA's considerable workload. In 2023/24, the SRA regulated circa 170,000 practising solicitors and received 11,852 reports of concerns about their behaviour or conduct.

During 2023/24, the SRA received a total of 802 complaints about its work, a high proportion of which related to dissatisfaction with the SRA's regulatory decisions.

Of these 802 complaints, around two-thirds were resolved at first instance (stage 1) and only about 11% reached a request for Independent Review. These proportions are all consistent with previous years.



RESOLVED
AT STAGE 1



SUBMITTED FOR
INDEPENDENT REVIEW



TYPES OF COMPLAINTS

REGULATORY DECISIONS

■ Although consideration of the SRA's regulatory decisions is outside the scope of the Independent Review process (and the SRA's published complaints policy expressly states that we cannot overturn regulatory decisions), our analysis of the 94 reports issued in the year showed that, in almost every instance, a complainant's dissatisfaction about a regulatory decision lay at the heart of their complaint and, in many instances, that was all that was being complained about.

These complaints related to the following regulatory decisions:

	12 months to 31 Oct 2024	12 months to 31 Oct 2023	12 months to 31 Oct 2022	12 months to 31 Oct 2021	13 months to 31 Oct 2020
SRA decision not to take regulatory action after an allegation of misconduct against complainant's own solicitor	28	21	24	19	36
SRA decision not to take regulatory action after an allegation of misconduct against solicitor acting for complainant's opponent	34	44	40	40	55
SRA decision not to take regulatory action after an allegation of misconduct against another solicitor	7	8	5	5	6
SRA decision in connection with regulatory dealings with complainant	7	9	3	6	8
TOTAL	76	82	72	70	105

Typically, complaints against an individual's own solicitor arose from concerns about service quality issues, which are the remit of the Legal Ombudsman and to whom the SRA had already signposted the complainant. Many complainants perceived, however, that, irrespective of the Legal Ombudsman's involvement, their own experience raised ethical issues which they believed required full investigation leading to regulatory action by the SRA. They were disappointed that the SRA had declined to take matters further, generally because the SRA had taken the view that their Assessment Threshold Test had not been met.

Complaints relating to the conduct of opposing solicitors generally arose where an individual had raised concerns with the SRA about the conduct of the solicitor acting for their opponent in litigation, with the most common complaints being about over-robustness or presenting arguments with which the complainant disagreed. Again, the referrals to Independent Review arose from disappointment at the SRA's declining to take regulatory action.

Of the seven referrals arising from complaints about the SRA's response to reported concerns about other solicitors, two related to the SRA's actions in response to allegations that individuals were wrongly holding themselves out as solicitors; two related to the conduct of firms in internal employment matters; two to the SRA's response to requests for assistance from individuals alleging fraud; and the other to the conduct of a solicitor in a social setting.

Of the seven referrals from individuals complaining about the SRA's conduct in relation to their own situation, three were from solicitors who believed that they had received overly robust and unfair treatment during the SRA's investigations into their conduct whilst the other four complaints were from overseas applicants for registration who had encountered difficulties in relation to the Solicitors Qualifying Examination, Qualifying Work Experience and Practising Certificate requirements.

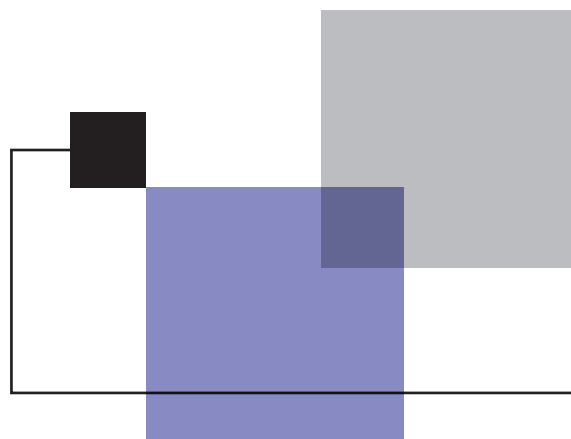
In the majority of the above situations, the origin of the referral for Independent Review clearly arises from differences of perception between the complainant and the SRA. Unsurprisingly, individuals who perceive that they have been wrongly treated by a solicitor can feel very strongly about the situation and they look to the professional regulatory body to intervene, both to remedy their own situation and, commonly, to commence disciplinary proceedings.

Unfortunately, many members of the public do not appear to fully understand the SRA's regulatory role. They come to the SRA with an expectation that the SRA will address their personal situation whereas, in contrast, the SRA's approach to reports about solicitors is that they provide important information that assists the SRA in undertaking their own assessment of a solicitor's fitness to practise.

In the past year, the SRA has sought to address this misunderstanding by publishing additional guidance on its website, including case studies about reporting a solicitor which, for each scenario, provide some helpful indicators of the factors which the SRA might take into consideration in reaching a decision as to whether or not to investigate a reported concern. We welcome this initiative.

We have also observed that the SRA complaints handlers are providing clear explanations as to the way that risk-based regulation works, but nevertheless a high proportion of the cases that come to us for Independent Review are based on a dissatisfaction with the SRA's decisions, notwithstanding that we are not providing an appeal process, and a consideration of SRA regulatory decisions falls outside our remit for Independent Review.

We do not, however, simply reject any referral simply because the requested outcome may be out-of-scope. Rather, our approach is to clarify our role and to provide a consideration of the broader aspects of the complaints handling and responses within both the business units and the Corporate Complaints Team.



OTHER ASPECTS OF COMPLAINTS

■ Moving beyond complaints about regulatory decisions, the following table summarises the other types of issue that we were asked to consider*.

	12 months to 31 Oct 2024	12 months to 31 Oct 2023	12 months to 31 Oct 2022	12 months to 31 Oct 2021	13 months to 31 Oct 2020
Delay / length of investigation / failure to respond to letters	9	20	15	15	26
Failure to respond fully / failure to explain	6	8	7	2	13
Poor quality of responses	6	10	13	5	5
Failure to keep complainant informed	1	-	2	3	4
Bias / discrimination	6	7	7	2	10
SRA policy, including Compensation Fund and GDPR issues	12	-	5	5	3

* There can be several grounds of complaint in any given case

DELAY

■ Delay remains a common cause of complaint, although it is noticeable that the number of complaints in this category has decreased following the SRA's introduction of new case management systems. Generally, these complaints related to the SRA's initial assessment and follow up of information provided about a solicitor rather than about any aspect of the formal complaints process.

QUALITY OF RESPONSES

■ The number of complaints about the quality of the SRA's responses to complainants has also fallen markedly. In both instances noted this year, the stage 2 response had already identified the need for a clarification or addition to what had been included within an earlier stage 1 response from the unit concerned. Hence, there was nothing more that our Reviewer needed to add.

BIAS & DISCRIMINATION

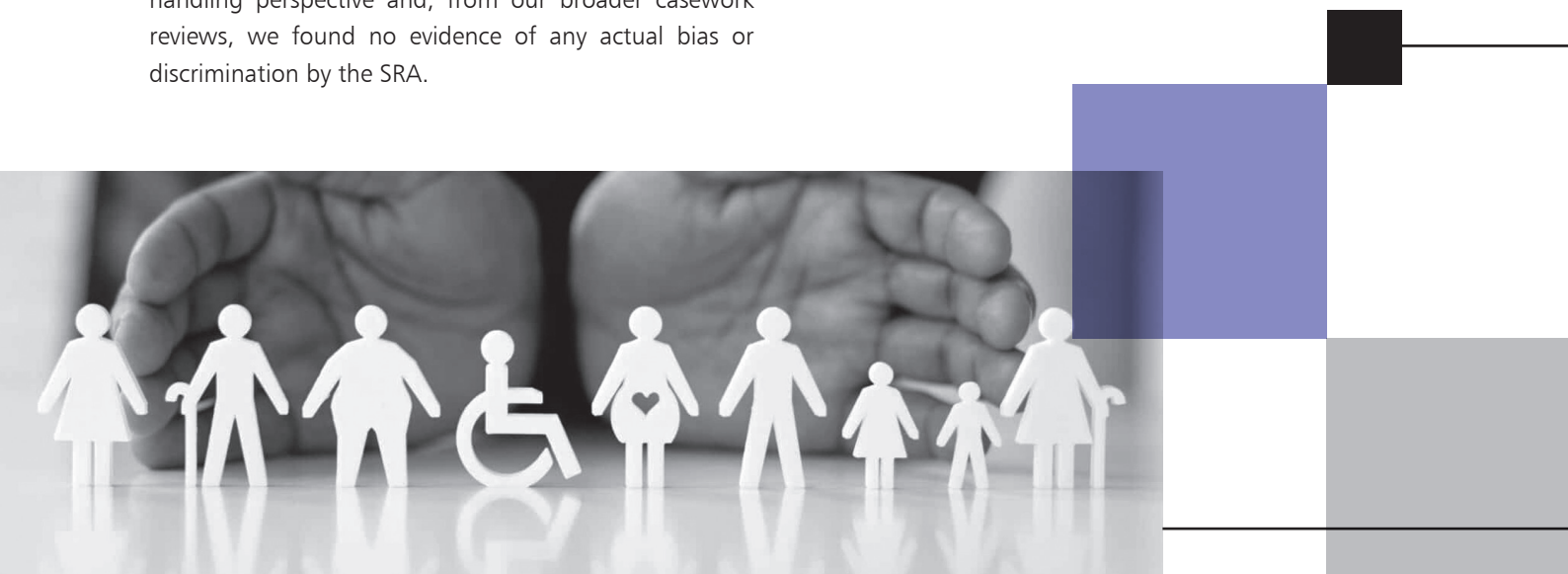
■ There were six cases which required us to consider allegations of bias and discrimination by the SRA. Three of these instances arose from complaints that the SRA had not made sufficient reasonable adjustments to cater for individuals' disabilities. In one instance, the SRA had declined a request for a telephone conversation so that a complainant could press his case that the SRA should take regulatory action against a firm. The SRA had declined this request as being unnecessary given that the complainant had previously provided extensive details by way of lengthy emails, and the SRA considered that a verbal explanation would not change the material that they had seen. Furthermore, the SRA had no record of ever having been notified that the complainant would always require a telephone call. In a second case, no requests for reasonable adjustments had ever been made by the complainant, whilst in the third case a request to reflect a complainant's dyslexia had been missed, an oversight which had already been picked up at an early stage in the SRA complaints process.

In addition, there were three instances of complainants alleging bias within the SRA. In two of these instances, the complainant argued that the SRA was protecting the firm against which he had raised a complaint, and that the SRA was showing extreme bias against him. In the third case, a complainant made a series of generalised accusations of discrimination against him by the SRA but did not provide any analysis or evidence to support such claims.

We did not uphold any complaints on this topic. Furthermore, whilst it is not within our remit formally to assess whether any failure to honour a request for a reasonable adjustment constitutes a breach of the Equality Act 2010, we concluded that each of these individual matters was addressed fairly from a complaints handling perspective and, from our broader casework reviews, we found no evidence of any actual bias or discrimination by the SRA.

POLICY ISSUES

■ This year there were 12 complaints that touched upon SRA policy issues. Of these, four related to the operation of the Compensation Fund, and in particular the criteria for making a successful application. Two related to the SRA's overall regulatory scope; two to its policies around the Solicitors Qualification Examination; one to its processes reacting to the Intervention Archives; one to its approach to handling reports about solicitors; and another to its broader communications policies. There was also one complaint about information-sharing with another regulatory body that should have been referred to the Information Commissioner's Office.



OUTCOMES OF OUR CASE WORK

■ Although it is customary for some Independent Reviewers to categorise the findings of their work in terms of the proportions of complaints that were or were not upheld, we do not regard such bare statistics as providing a helpful summary of our work. Rather, we prefer to focus on (a) the extent to which our work identified a shortfall in the service provided to the complainant which required further action to remedy it; and (b) the extent to which our work identified suggestions for improvements in SRA's complaints handling practices.

We can, however, report that within the 94 Independent Review reports issued in the period, we found no failings and had no recommendations to make in 82 (i.e. 87%) of those reports. This is very similar to the 89% figure reported last year.

Amongst the 12 recommendations that we did make, four dealt with case-specific aspects where we considered that, due to the complex nature of the issues, the SRA's responses to individual concerns could have benefitted from earlier engagement with the complainants and/or clearer explanations in their outcome letters.

2024
87%
NO FAILINGS
IDENTIFIED

2023
89%
NO FAILINGS
IDENTIFIED



The remaining eight recommendations related to broader issues which the SRA might consider in order to reduce difficulties during the complaints handling process:

- 1 Given that a high proportion of complaints that get to Stage 2 and, subsequently, to ourselves, arise from complainants' disagreements about regulatory decisions taken by Investigating Officers, we believe it may be beneficial to review whether they could be clearer on their approach regarding the tests used by the SRA in its enforcement strategy.
- 2,3 In the event that the SRA decides to escalate a complaint direct to Stage 2, as is permitted in its published Complaints Policy, then this decision and the underlying reasoning should be fully explained to the complainant. This recommendation arose in two separate cases.
- 4 In the event that a complainant requests a Reasonable Adjustment to enable them properly to access the SRA service, then the reasoning behind any decision to refuse such a request should be fully explained.
- 5 In the event that a complaint relates to ongoing disciplinary procedures, the complaints team should refrain from passing on information about the status of those procedures; this information should be communicated separately by the appropriate team so as to avoid any misunderstanding.
- 6 In considering a complaint which has a complex fact pattern or other lack of clarity, the Investigating Officer should, as a matter of course, seek to discuss the complainant's concerns by telephone so that there is no potential for misunderstanding at the initial stage. Our review work established that such telephone calls were often undertaken but there was one occasion where this was not done, resulting in some confusion which the complaints team later had to resolve.
- 7 In the event that a complainant indicates that they would prefer to receive correspondence by post then, in the early stages of an investigation, the Investigating Officer should check that all SRA communications have been received before the process proceeds. It may also be prudent for the SRA to obtain an email address to which correspondence can be copied in parallel to hard copy post.
- 8 For those instances in which the SRA elects to use ordinary mail to return client documents that have come into its possession following an intervention into a solicitors' firm, consideration should be given as to whether mitigation measures might be put in place to address the risk of material becoming lost.

During the year under review, there was just one instance in which our Reviewer made a recommendation that the SRA might consider making an ex gratia payment in the light of an admitted delay in advising a complainant that a missing document had been located. This recommendation was made prior to 18 March 2024 which was the date upon which the SRA announced that it would no longer offer ex gratia payments for poor service. As a Regulator, rather than a commercial organisation, an apology and a commitment to improve is now its standard approach.

OVERSIGHT

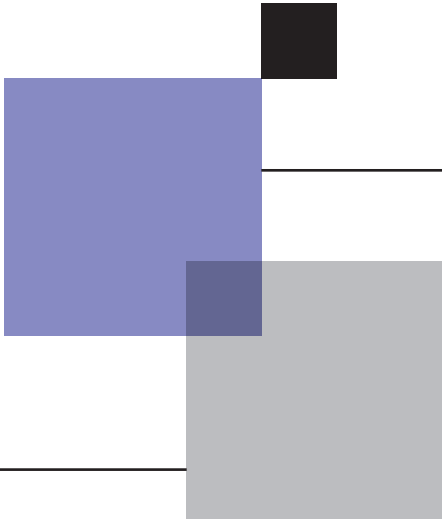
■ In order to fulfil our remit to provide independent oversight of the way that the SRA carries out their complaints handling function, we supplement our work on individual complaints by undertaking reviews of case files from both stage 1 and stage 2 of the SRA complaints process:



Our approach to audit changed this year in that, in addition to looking at individual files drawn from both stage 1 and stage 2 processes and covering a range of activities within the SRA, we have a more targeted approach by focussing on one specific area of activity. This year we looked particularly about complaints relating the Intervention Archive as activity in this area appeared to have grown markedly compared to previous years.

Our audit confirmed that complaints about Intervention Archive activity had indeed grown over the year. However, that increase was not a cause for concern but rather was a consequence of the SRA having undertaken a number of very sizeable interventions in recent years. Typically, complainants in such cases were individuals who were looking for documents, more often than not a deceased parent's will, trust deed or other property documents; and complaints generally arose because the SRA had yet to locate the documents concerned as the indexing of the many thousands of boxes of documents seized was, at the time of the complaint, still incomplete.

As for our audits of the broader range of complaints handling activity, our overall finding was consistent with previous years in that we observed a consistently high standard of work at both stage 1 and stage 2. In particular, we found the stage 2 letters, which represent the last step in the SRA's internal process before any Independent Review, to be of consistently high quality, being well written and appropriately empathetic. Our assessment of the stage 1 responses was that they were also of a consistently good standard, albeit not as strong as those produced by the specialist Corporate Complaints Officers. There were no letters which we would have characterised as 'poor'.



ABOUT THE INDEPENDENT REVIEWER

REMIT

The Independent Reviewer service is available to anyone who has previously made a complaint to the SRA and is dissatisfied with the response.

We can investigate the manner in which the SRA has dealt with a complaint, and we can provide advice and recommendations to improve the SRA's systems and practices for dealing with complaints. These may include methods for addressing failings particular to a complaint or generally to improve complaint handling procedures.

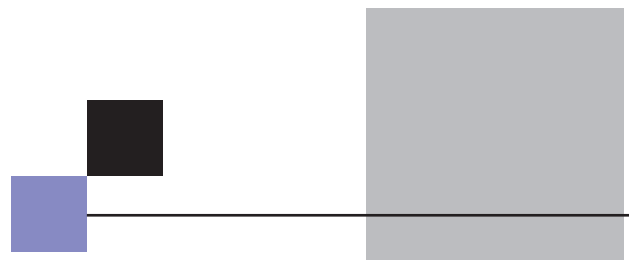
We may decide not to review a complaint in the following circumstances:

- The original complaint was made before our appointment
- The complaint is outside our time limit for referral
- The complaint is not within our remit. For example, we cannot review a complaint about a regulatory decision, although we can review complaints about the way that decisions are reached
- It appears that there has already been a full investigation by the SRA and appropriate redress has been offered
- It appears that there is an opportunity for resolution between the complainant and the SRA. If we think that resolution is possible, we will discuss this with the complainant and the SRA to see whether the outcome the complainant is seeking is reasonable and can be agreed

- It appears that a full review would be unreasonable or disproportionate. For example, if the SRA does not accept there has been poor service because a letter to the complainant was sent a few days later than expected and this has not caused any particular loss or inconvenience to the complainant, it would not be a reasonable or proportionate use of resources for there to be a review
- Where the case has already been considered by another independent competent authority (such as the Legal Ombudsman), it will not be appropriate for us to consider the matter again.

For those cases that we decide are appropriate for a full review, we will conduct a review of the papers to consider whether:

- the investigation was thorough and fair
- all the relevant facts were taken into account
- the conclusions reached (in respect of complaints about the service provided by the SRA) were reasonable and properly explained; and
- the investigation was handled efficiently, without unnecessary delay.



POWERS

Where a complaint has been upheld or partially upheld, we will provide a full acknowledgment and explanation for any poor service and may require the SRA to provide one or more of the following remedies:

- an apology
- appropriate action to rectify the situation for the complainant, such as an extension of time to respond to a deadline
- appropriate action to improve the SRA's practices or procedures

The Independent Reviewer's decision is final and represents the end of the SRA complaints handling process.

PROVIDER ORGANISATION

- The Independent Review service is run by CEDR, the Centre for Effective Dispute Resolution.

CEDR is an independent, non-profit organisation with a mission to cut the cost of conflict and create choice and capability in dispute prevention and resolution. Since its founding in 1990, CEDR has worked with 300,000 parties in commercial disputes and helped resolve over 100,000 consumer complaints across 30 sectors.

It operates a number of mediation and adjudicative processes for local and national government, and for other public sector parties, as well as those in the commercial sectors. It also provides training and consultancy in mediation, conflict management and negotiations skills.

THE SRA INDEPENDENT REVIEW TEAM IS:

- **Graham Massie** - Senior Independent Reviewer
- **Suzy Ashworth**
- **Laurence Cobb**
- **Tamsin Gill**
- **Helen Holmes**

