

# News

## *Help with common compliance queries*

Updated 8 September 2020 (first published 25 March 2020)

We have summarised some of the most common queries we have received from solicitors about our rules and the potential impact of coronavirus.

We understand that the current situation creates many practical difficulties for firms trying to act in their client's best interests. We are committed to being pragmatic and proportionate in our compliance approach. Our focus is on serious misconduct and differentiating between those who have tried to do the right thing, and those who haven't.

We have updated these Q and As to reflect recent developments and added some new questions. We will continue to work with the Law Society and other key stakeholders to keep them updated. We have also separately prepared answers to queries on our education and training requirements and an update on cybercrime risks.

If you have a specific query that has not been covered, please get in touch by email with our Professional Ethics team [[contactus](#)].

Read our coronavirus update [[sra/news/coronavirus-update/](#)]

## *Accounts rules*

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### *What will happen if I miss the accountant's reports deadline, and risk any qualified reports being submitted to the SRA late?*

We expect solicitors and law firms to do everything they reasonably can to comply with our Accounts Rules and to keep clients' money safe and separate from the firm's own money. We require certain firms to obtain an independent accountant's report to confirm that these overarching objectives are met.

However, these are exceptional circumstances and we would take a pragmatic and proportionate approach to any delay in preparation of an accountant's report. If there are good reasons for a reporting accountant needing longer to prepare a report because of the impact of the coronavirus - which takes a firm outside of the six months window - we would not take any subsequent disciplinary action.

If a firm has delayed getting their accountant's report because of the coronavirus, we would not view that as a serious breach that needs to be reported to us by the COFA.

You should, however, clearly document the reasons for any delays and the approach you and your reporting accountants have taken.

### *How should our reporting accountant go about completing their report in the current difficult circumstances?*

To start with, reporting accountants should read our guidance on Planning for and completing an accountant's report. The guidance sets out the work might need to be undertaken by the accountant and the sorts of factors might lead the accountant to decide that the report should be qualified.

We have considered if the guidance needs to be updated to reflect the current position many firms will now find themselves in. We do not think it does, as it already makes it clear that:

- the reporting accountant need only undertake checks which they feel are proportionate and targeted to the size of firm and nature of the work the firm undertakes. This means that the accountant should reassess the amount and type of work they need to do. In relation to where the work is conducted from, we have no objection to original files being delivered to the reporting accountant for review or documents being scanned and stored digitally provided data protection legislation (eg as to the document's encryption, storage and retention) is complied with.
- we do not strictly define when reports must be qualified. We rely on the accountant's professional judgement to assess the firm's compliance with the Accounts Rules and whether money belonging to clients or third parties is at risk. But to confirm, we would not expect a reporting accountant to qualify their report solely because they were delayed in finalising the report because of the impacts of the coronavirus and if there is no other reason for qualification.

Clearly, however, we would expect the reporting accountant to comply with their statutory duties and report to us immediately if they have any concerns about the theft of client money or dishonesty.

### *Can I delay the five-week deadline for reconciliation statements?*

Carrying out reconciliation statements at least every five weeks is a key part of making sure you are protecting clients' money. They allow the firm's managers to make sure that client money is safe. And if there are any differences shown by the reconciliation, managers are under an obligation to promptly investigate and resolve any issues. Firms should therefore have contingency plans in place to make sure reconciliations are completed if, for instance, a key member of their accounts staff is unwell.

If your contingency plans fail because of the impact of coronavirus, then we would recommend that you take all necessary steps to assure yourself that client money is being dealt with by your firm properly. You should document your approach and all your decisions.

### *I am struggling to bank a client's cheque at the moment, what should I do?*

Our Accounts Rules set out that you should promptly pay client money into your firm's client account. Prompt means prompt in all the circumstances. If you are delayed in paying in any cheques because of the impact of the coronavirus on your firm or your bank, we would expect you to keep your client updated as to the position and document any decisions you make. We will take all of the circumstances into consideration if we were to receive any complaint and would be very unlikely to conclude that there has been a breach of our rules in this situation.

You may also want to look at other banking options so you can continue to effectively deal with your client's money, such as requesting electronic payments where these are possible.

### *'Future Fund' loan scheme*

*I have been asked to act for the investee company in relation to the Government's 'Future Fund'. This involves me receiving the full amount of the loan monies from the third-party investors and from the Future Fund and releasing them to the investee company on completion of*

*all necessary formalities. Will I be in breach of rule 3.3 of the SRA Accounts Rules which prevents me from using my client account as a banking facility?*

The Future Fund [<https://www.british-business-bank.co.uk/ourpartners/coronavirus-business-interruption-loan-schemes/future-fund/solicitor-information/>] is a new Government loan scheme to support innovative companies in the UK which are facing financing difficulties due to the Coronavirus outbreak.

It is a condition of the application process that funds received from the third-party investors and from the Future Fund must be held by the investee company solicitor, who must be permitted to receive and hold client money.

Acting for the investee company, you may be instructed to provide advice to your client on the terms and conditions of the scheme and its associated documents and you may be instructed to act on their behalf to facilitate completion of the loan (through the receipt of funds from the third party investors and from the Future Fund).

It is also possible that you are only instructed to act in respect of facilitating completion of the loan (receiving and sending on the completion monies) – for example, where your client has its own in-house legal team who are separately providing advice on the loan.

Our view is that in both scenarios, the receipt of funds from the third-party investors and the Future Fund for the benefit of the investee company would not breach rule 3.3. This is because irrespective of whether you are advising on the terms of the loan, due to the way in which the scheme has been structured and the requirement for solicitor involvement in handling the completion monies, there is a risk that the loan would not be completed without the designated solicitor receiving these monies into its client account. The scheme is likely to operate in a similar way to the Government's Help to Buy (affordable home ownership) scheme. Under this scheme, law firms are instructed to receive and hold money which is then released to the developer on completion. We have previously confirmed our view that because of the scheme's requirement for solicitor involvement we did not consider that the firm would be providing a banking facility in breach of rule 3.3.

In both scenarios, you will be expected to have complied with Anti-Money Laundering legislation [</solicitors/resources/money-laundering/money-laundering/>]. You should also carry out due diligence and checks in relation to the source of any funds received through the scheme [</solicitors/resources/money-laundering/money-laundering/covid-19-preventing-money-laundering-terrorist-financing/>].

## *Client confidentiality*

### *What is the SRA's view around the challenge of keeping client confidentiality during remote working?*

All firms must have measures in place to keep client's information confidential - it is required both by our rules and the law.

Most firms will already have in place arrangements to protect client information for remote workers. This could include providing limited information to those workers who do not usually work from home and may not have access to secure IT or other adequate equipment.

We recommend that you should document details of the arrangements you have put in place to keep client's information confidential.

If there is a breach of confidentiality and a complaint is made, all the relevant circumstances would be taken into consideration in line with our enforcement strategy.

## Wills

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### *If producing a will is particularly urgent, how much flexibility do I have to fast track it? Could I, for instance, skip the client care letter?*

Our rules require you to give your client information about how their matter will be dealt with (including the best possible information about cost,) in a way they can understand. See rules 8.6-8.11 of our Code of Conduct for Solicitors.

It is a matter for firms to decide the most effective way of communicating this information to their clients. Usually firms provide this information in a client care letter but, if there was good reason why this was not practical and it was in your client's best interest to move rapidly, then there is nothing in our rules to prevent you from doing this verbally. We suggest you evidence this in an attendance note or other record so that you can explain your decision making if you, or we, subsequently receive a complaint.

There is a requirement to deliver, in writing, details of your complaints procedure and the right to make a complaint to the legal ombudsman, at the outset of a retainer. However we would not take action if there is a good reason resulting from the current coronavirus crisis for not providing this in writing – so long as the key information has been explained to the client, and this has been documented, together with your decision-making.

### *What if the health risks around seeing a client who wants to make a will mean I can't meet them. Can I still act for them?*

If it is not possible to meet your client or anyone acting on their behalf, for example because of the government's guidance on social distancing, you can consider using electronic means to take instructions from your client – for example by video link, phone or email. You should ensure that whatever means you use enable you to meet our key requirements, namely that you must be able to identify your client and reassure yourselves that they are not subject to undue influence, and have capacity to give instructions.

The Law Society has published some helpful advice [<https://www.lawsociety.org.uk/support-services/advice/articles/coronavirus-covid-19-advice-and-updates/>] in their Q and As on this issue, for example, suggesting that when the current crisis has passed, the solicitor should arrange to see the client again to confirm the instructions, arrange a capacity assessment if needed, and resign the will.

### *What should I do if I cannot witness a will in the client's presence?*

Many firms attend to clients and witness the will in the client's presence. Where this is not possible you must consider other options. For instance:

- Does the client have neighbours that could execute at a distance?
- Can your firm send documents to the client with instructions on how to correctly execute the Will?

Some firms have suggested amending the attestation clause to cater for current circumstances - before doing so you should check legal requirements with regard to attestation clauses.

We also recommend you look at Law Society guidance [<https://www.lawsociety.org.uk/support->

services/advice/articles/position-on-virtual-execution-e-signature-during-coronavirus-covid-19-pandemic/] on the use of virtual execution and e-signature during the coronavirus (COVID-19) pandemic which includes updated practice notes on execution of documents by virtual means [<https://www.lawsociety.org.uk/support-services/advice/practice-notes/execution-of-documents-by-virtual-means/>] and execution of a document using an electronic signature [<https://www.lawsociety.org.uk/support-services/advice/practice-notes/execution-of-a-document-using-an-electronic-signature/>].

***I need to make a judgment call around compliance with certain legal requirements. What flexibility is there in the SRA's requirements - for instance - around the execution of wills?***

We expect solicitors to comply with the law and the legal requirements and advise clients appropriately. We do not set any specific requirements or prescribe the way in which the legal requirements must be met. However you should make sure, in line with our Principles, that you are acting in the best interests of your client. The risk to the client and their beneficiaries of an invalid will are obvious and significant.

We appreciate that current circumstances may require you to make some difficult and novel judgments. For instance, if you are supervising the execution of a will by someone in a care home you will be unable to attend physically to supervise so will need to issue clear instructions on how the will can be properly executed by the testator and for example care workers as witnesses. It may be possible to supervise the process electronically eg through video or other virtual means. If you are making such judgment calls, we expect you to keep appropriate records of your decisions and how you made sure you were complying with our Principles. These could be by making full and prompt files notes, by recording in a video the advice given and the circumstances surrounding the testator's signature and so on.

The Law Society has issued some best practice Q and As [<https://www.lawsociety.org.uk/support-services/advice/articles/coronavirus-advice-and-updates/>] and have updated practice notes on execution of documents by virtual means [<https://www.lawsociety.org.uk/support-services/advice/practice-notes/execution-of-documents-by-virtual-means/>] and execution of a document using an electronic signature [<https://www.lawsociety.org.uk/support-services/advice/practice-notes/execution-of-a-document-using-an-electronic-signature/>] in the context of the Covid-19 restrictions.

***My client is out of the country and I have been asked to virtually witness their signature of a legal document. What should I do?***

The requirements for signing or witnessing legal documents are generally set out in legislation, case law or by the recipient such as the Land Registry or Companies House. These requirements can only be amended by the Government, the courts or the bodies setting those requirements.

Where the law allows flexibility and does not require physical attendance, then so long as the solicitor has ensured their actions meet the legal requirements and has addressed any risks for their client, then we do not consider our rules would be engaged here.

If you are making such judgment calls, we expect you to keep appropriate records of your decisions and how you have addressed the legal requirements and any risks for your client.

For the up to date position see the Government website [<https://www.gov.uk/>], the Law Commission's recent report [<https://www.lawcom.gov.uk/electoral-reforms-would-reduce-confusion-and-bring-elections-into-the-21st-century/>] on this subject and the Law Society's guidance [<https://www.lawsociety.org.uk/support-services/coronavirus/>], including updated their practice notes on execution of documents by virtual means [<https://www.lawsociety.org.uk/support-services/advice/practice->

notes/execution-of-documents-by-virtual-means/] and execution of a document using an electronic signature [<https://www.lawsociety.org.uk/support-services/advice/practice-notes/execution-of-a-document-using-an-electronic-signature/>].

### *As potential clients have the right to complain to the Legal Ombudsman for unreasonable refusal of service, what are the implications if I refuse to take an instruction for emergency will?*

Our Code of Conduct for firms (para 4.2) says that you must make sure the service you provide to clients is competent and delivered in a timely manner taking account of your client's attributes, needs and circumstances. We recognise that given the current situation, solicitors and firms are working with stretched resources under difficult circumstances. If firms cannot comply with our Code, they should not take on the retainer. We would recommend you document all such decisions taken.

### *Loss of key role holder*

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#### *What should I do if my compliance officer is taken ill?*

Many firms will have contingency plans in place for the illness of their compliance officer for legal practice (COLP) and compliance officer for finance and administration (COFA). Some firms will have deputies in place that may support the practice.

Rule 8.1 of our Authorisation of Firms Rules sets out that law firms must have an individual who is designated as a COLP and a COFA.

We would not need to be informed if a compliance officer is off unwell for a week or two. However, if a firm ceases to have a COLP or COFA who can do the role - for instance, as they leave or are off on long term sickness - then the firm can apply to us for temporary emergency approval of a compliance officer under 15.2 of the Rules. You should contact our authorisation team [[/contactus](#)].

#### *What should I do if my MLRO or MLCO is taken ill?*

MLROs and MLCOs are required under regulation 21(2) and (3) of the Money Laundering, Regulations 2017.

As part of their risk systems and controls, many firms will already have in place plans for the long-term unavailability through eg illness of their money laundering reporting officer (MLRO) or a money laundering compliance officer (MLCO). Some firms will have deputies in place that may support the practice if these role holders are off on long term sick leave.

If the current MLRO or MLCO leaves or can no longer carry out that role, because of long term sickness, then the firm needs to notify us of the new role holders within 14 days of them changing. You can do this through using form FA10b [[/globalassets/documents/solicitors/firm-based-authorisation/fa10b.pdf?version=49f113](#)]. A Disclosure and Barring Service (DBS) check may be required [[/solicitors/firm-based-authorisation/disclosure-barring-service-checks](#)].

### *Client Due Diligence and ID checks*

Open all [#]

#### *What are your rules around doing client ID checks, where you cannot meet someone in person?*

Our Code of Conduct for Solicitors (rule 8.1) says you must identify who you are acting for, but this is not prescriptive and up to you to determine what is necessary. So you have discretion to put together a risk-profile for your work and come up with appropriate requirements. Face to face contact is not necessarily required - you may consider whether using other means, such as email, telephone and virtual appointments is enough.

However, you need also to be aware that you may also need to make sure you comply with the need for client due diligence (CDD) as set out in the Money Laundering Regulations.

The Legal Services Affinity Group, of which the SRA is a member and includes regulators across the UK, has drawn up more detailed guidance [[solicitors/resources/money-laundering/money-laundering/covid-19-preventing-money-laundering-terrorist-financing/](#)] on dealing with anti-money laundering compliance during the coronavirus pandemic.

### *How do I carry out client due diligence (CDD) if I am working from home?*

Identifying your client and verifying their identity is a key part of the CDD process. The exact measures you take will vary from case to case and will depend upon your assessment of the risk arising in the circumstances.

There are situations where you should conduct more identity checking than usual - this is called enhanced due diligence (EDD).

Not meeting a client in person is identified in the Money Laundering Regulations as a risk factor, and so this would normally (but not always) warrant enhanced due diligence. CDD is also about assessing the purpose and intended nature of a business relationship. If anything about the client's instructions strikes you as high risk then, again, you should consider conducting further EDD.

The Legal Services Affinity Group, of which the SRA is a member and includes regulators across the UK, has drawn up more detailed guidance [[solicitors/resources/money-laundering/money-laundering/covid-19-preventing-money-laundering-terrorist-financing/](#)] on dealing with anti-money laundering compliance during the coronavirus pandemic.

### *Can e-verification be enough for enhanced due diligence (EDD)?*

E-verification can be useful. It may be sufficient as a form of EDD, so long as the service provider uses multiple sources of data in the verification process. And e-verification will only confirm that someone exists - not that your client is the said person. In this situation, you will need to assess the risk: is there anything which might suggest the client is not who they say they are? If so, you should conduct further EDD.

You may also want to look at the helpful guidance [<https://www.fatf-gafi.org/publications/fatfrecommendations/documents/digital-identity-guidance.html>]<https://www.fatf-gafi.org/publications/fatfrecommendations/documents/digital-identity-guidance.html>] the Financial Action Task Force (FATF) have put out on electronic due diligence.

The Legal Services Affinity Group, of which the SRA is a member and includes regulators across the UK, has drawn up more detailed guidance [[solicitors/resources/money-laundering/money-laundering/covid-19-preventing-money-laundering-terrorist-financing/](#)] on dealing with anti-money laundering compliance during the coronavirus pandemic.

### *What measures should I consider if enhanced due diligence (EDD) is required?*

Section 4.9.1 of the Legal Sector Affinity Group guidance [[globalassets/documents/solicitors/code/sag-anti-money-laundering-guidance.pdf?version=498304](#)] sets out various additional sources of ID verification you could consider requesting to help establish a client's identity. If, however, you cannot adequately establish and verify a client's identity then you shouldn't proceed with the transaction.

The Legal Services Affinity Group, of which the SRA is a member and includes regulators across the UK, has drawn up more detailed guidance [[solicitors/resources/money-laundering/money-laundering/covid-19-preventing-money-laundering-terrorist-financing/](#)] on dealing with anti-money laundering

compliance during the coronavirus pandemic.

## *Conveyancing*

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### *My client is worried about the delay to her house sale? What can I suggest?*

Clients who are in the middle of a property transaction will be understandably concerned to know how and when the matter will be progressed in light of the current government restrictions. We suggest you read the helpful guidance issued by the Law Society and other key parties, its primary purpose is to help conveyancers act in the clients' interests and comply with the latest government regulations and Guidance on home moving.

[<https://www.lawsociety.org.uk/news/press-releases/conveyancing-market-stakeholders-produce-industry-guidance-for-firms-during-coronavirus-crisis/>] It has the support of government departments including HM Land Registry.

Guidance has also been issued about using variation agreements

[<https://www.lawsociety.org.uk/support-services/advice/articles/guidance-for-using-variation-agreement/>].

### *What if I am struggling to comply with a conveyancing undertaking?*

Our rules provide that you should perform all undertakings given by you within an agreed timescale or if no timescale has been agreed then within a reasonable amount of time. Before giving any undertaking in these current circumstances, you should always consider if you can properly implement it and you should have regard to all the eventualities that may affect your ability to perform it. You may want to add something new into your undertakings to take account of the risk of delay due to the effects of coronavirus.

If you find yourself in a situation that you are not able to comply with an undertaking that you have given, you should let your client, or the other side know as soon as possible. If a complaint is made to us about your delay in complying with an undertaking, for reasons that are beyond your control due to the impact of coronavirus, we will take all of the circumstances into account and would be very unlikely to take any subsequent disciplinary action.

## *Appearances in court*

### *If I cannot attend court due the impact of coronavirus, what can I do?*

You should aim promptly to tell your client about the situation and what it means: they may be happy to represent themselves at court if it is within their capability. If not, you could consider appointing an agent or counsel. Alternatively, you could contact the other side and the court to discuss an adjournment or the hearing to be dealt with by phone, video call or other non-contact means.

## *PII Insurance*

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### *I need to renew my PII cover but I am unable to secure cover. What will happen if I cannot get cover?*

The insurance market has been reporting publicly for some time that the PII market is hardening, which may mean premium increases, and that firms should engage with brokers/insurers early to look at renewal terms. Insurers have said that their primary focus is

on renewing existing business rather than taking on new business.

You may wish to consider shopping around and using more than one broker to help you. The quality and completeness of firms' PII proposal forms are also important.

Some brokers might be experiencing delays in their operations because of COVID19. We understand the Law Society are looking to sign post firms to brokers who may be able to help secure cover and we will share any information we may have on this. The Law Society has also confirmed that it is helping firms, including with advice on government support. If you need help about this contact: [coronavirus@lawsociety.org.uk](mailto:coronavirus@lawsociety.org.uk) [mailto:coronavirus@lawsociety.org.uk].

If you cannot obtain a new policy, you will be able to go into the Extended Indemnity Period. This effectively gives you an extra 90 days under your current policy of qualifying insurance to either obtain alternative cover, or to close. There are strict reporting requirements [[solicitors/resources/indemnity/](#)].

We will continue to monitor the situation with insurers, brokers and the Law Society.

*I have entered the extended policy period/cessation period but still cannot secure PII due to practical difficulties because of coronavirus, what can I do?*

Professional Indemnity Insurance (PII) is a vital part of protecting the financial interests of clients. However, we know that some firms have not been able to secure PII because of practical difficulties due to the impact of the coronavirus, for example:

- some firms that need a new insurer may face delays because of operational issues in the insurance market (for example not being able to contact their broker because their operations have been suspended) and need more time
- key personnel in a firm are unable to complete the renewal process due to illness/being hospitalised/caring responsibilities and therefore, need more time to get insurance
- some firms need time to get finance in place to pay for premiums, including potentially access to Government Covid-19 support.

If you are not able to secure PII because of practical difficulties due to the coronavirus outbreak you may be able to agree with your insurer to an extension of the 30 days extended policy period (EPP), the 60 days cessation period (CP) or both.

Insurers can ask that as a condition of any extension to the EPP or CP that you pay any premium due up front. You will need to confirm any payment arrangements with them and confirm in your waiver application that you have or will make payment to the insurer for any additional premium for the extension.

If your insurer agrees to an extension then you will need to apply to us for a 'waiver' using this form [[globalassets/documents/solicitors/innovate/waivers-application.pdf?version=4a5d0d](#)]. Your application will be for a waiver of rule 2.3, 2.4 and 4.2 of SRA Indemnity Insurance Rules.

If you cannot agree an extension with your insurer then you will only have the prescribed periods in which to secure PII. If you cannot secure PII within that period then you must notify us and close your practice.

## *Impact of furlough*

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*Our firm wants to furlough its Head of Conveyancing as we have run out of property work but she is also our firm's COLP. Can we do this and if we can, what do we do about her role as COLP?*

Yes, you can furlough compliance officers (COLPs and COFAs), if they are employees. The Coronavirus Job Retention Scheme is open to all UK organisations that:

- had a PAYE payroll system on 28 February 2020
- have a UK bank account

Those you furlough can be on any kind of employment contract, although they must have been paid through your PAYE system. Further information is on the Law Society [<https://www.lawsociety.org.uk/support-services/advice/articles/coronavirus-job-retention-scheme-guidance-for-law-firms/>] website.

Rule 8.1 of SRA Authorisation of Firms Rules [[solicitors/standards-regulations/authorisation-firms-rules/](#)] requires firms to have an individual who is designated as a COLP. Under the job retention scheme, the person on furlough must not do any work for your firm, including providing services. As the minimum period of furlough leave is three weeks, your firm will therefore be without a COLP for that time. It may be useful for you to appoint an informal deputy, since compliance officer roles are person specific and formal deputies cannot be registered with the SRA. You should discuss with your current COLP setting up appropriate measures to cover her absence, for example, nominating an informal deputy to maintain records and update her when she returns. If your COLP will be furloughed for only three weeks, then you should take a risk-based approach as to whether your firm can continue with such measures.

If your firm will be without your COLP for a period in excess of four weeks, you will need to apply (within seven days) to the SRA under rule 15.2 SRA Authorisation of Firms Rules for temporary emergency approval (TEA) of a replacement COLP (or COFA) on this form [[globalassets/documents/solicitors/firm-based-authorisation/temporary-colp-cofa.pdf?version=49926b](#)].

If TEA is granted, it is for 28 days. If you make a substantive application for a replacement compliance officer during the 28-day period, the TEA continues until that application has been determined.

### *I am a furloughed solicitor, can I volunteer to do pro bono work?*

Yes, the government allows furloughed employees to do voluntary work [<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme>]. You should check with your employer before undertaking such work and should read the government's guidance to make sure that what you are proposing to do is in line with the job retention scheme. The Law Society has also issued guidance on such work [<https://www.lawsociety.org.uk/communities/the-city/articles/pro-bono-under-coronavirus-covid-19-summary/>].

You must, of course, comply with our Standards and Regulations when undertaking pro bono work and this will depend on what you are doing and how you are doing it. There are several ways in which such pro bono work could be undertaken.

#### *Organised by your employer*

If you are employed by an SRA authorised firm, your employer may be able to organise pro bono work for you and allow the work to be covered by the firm's professional indemnity insurance. You and your employer must ensure that this arrangement is in line with the government's job retention scheme.

#### *Through a not for profit body*

If you volunteer to do pro bono work through a not for profit body, such as a law centre, then you may provide both non-reserved and reserved legal services but you must make sure that

the body has adequate and appropriate insurance (see paragraph 5.6 of the SRA Code of Conduct for Solicitors, RELs and RFLs). Section 8 of our guidance for the not for profit sector [[globalassets/documents/solicitors/not-profit-guidance.pdf?version=49f457](#)] provides more information about pro bono work.

### *Practising on your own*

If you wish to provide only non-reserved legal services and will do this on your own rather than through a not for profit body then you would fall within regulation 10.2(a) of the SRA Authorisation of Individuals Regulations and must notify us that you are practising on your own. If you also wish to be able to provide reserved legal services then you will fall within regulation 10.2(b) of those regulations and must notify us that you are practising in this way. This regulation sets out various requirements including the need for adequate and appropriate insurance. We have issued guidance on practising on your own [[solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor](#)].

### *Not acting as a solicitor*

You may volunteer to do pro bono work without holding yourself out as a solicitor. You would be able to provide legal advice and other non-reserved legal services but must be careful that you do not inadvertently hold yourself out as a solicitor when providing these services.

### *I have been furloughed. How does this affect my obligation to continue to reflect on my practice and address any learning and development needs?*

There is no need to do training while you are furloughed. However, you should reflect on your practice when you return to work, identify any training needs and take appropriate steps to address them. For example, you may need to update yourself on the law, or brush up your skills.

### *I am a registered European lawyer (REL) currently practising in England and Wales but I have been placed on furlough. I am worried that I may not be able to complete the three years' experience required under Directive 98/5/EC before the current transition period for Brexit ends. Can I still be admitted?*

We understand that RELs who are currently pursuing professional activities in England and Wales may be concerned about meeting the required experience ahead of the current deadline for the Brexit transition period – 31 December 2020. Our aim is to help by being as flexible as possible in this area while meeting the relevant legal requirements- in this case, Directive 98/5/EC and its implementing legislation.

The Directive sets out that the applicant must have “regularly and effectively” pursued professional activities in England and Wales for three years. We understand that “regular and effective pursuit” means the exercise of professional activities without any interruption other than that resulting from everyday life.

We recognise that these are exceptional circumstances that have caused interruptions outside of any individual’s control and have affected everyone’s everyday life. We will therefore take a pragmatic approach to the assessment of any applications we receive for admission during this period. Given that each individual’s experience will be different, we will adopt a case by case approach to each application, taking account of the length and impact of the furlough on the criteria that we need to apply.

We encourage any RELs who meet the admission criteria and who wish to be admitted as

solicitors to apply to us as soon as possible.

For more general information about the impact of Brexit on our regulated community see our [Brexit guidance](#) [solicitors/guidance/ethics-guidance/uks-exit-eu] .

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