

Proposed Revision of Key Performance Indicators

Introduction

The Tribunal currently has five Key Performance Indicators (“KPIs”). These were last reviewed in 2016 and the LSB approved the current KPIs in October of that year.

Given the time elapsed it is appropriate for the KPIs to be reviewed again and revised KPIs proposed for consideration by the LSB in October 2019.

KPI 1

KPI 1 is currently:

(a) Issue of Proceedings (Solicitors, Former Solicitors, Registered Foreign Lawyers, Registered European Lawyers, Clerks and Recognised Bodies)

Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 7 calendar days of date of receipt of Originating Application (in the correct format) at the SDT

(b) Issue of Proceedings (Lay Applications, Restoration to the Roll, Revoke a s.43 Order, Application to Determine Indefinite Suspension, Application for a Re-hearing, Application to Vary a Condition on Practising Certificate, Appeal S44E, Costs Order and Application to Activate Suspension)

Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 7 calendar days of date of receipt of Originating Application (in the correct format) at the SDT.

It is proposed that KPI 1 is amended as follows:

(a) Issue of Proceedings (Solicitors, Former Solicitors, Registered Foreign Lawyers, Registered European Lawyers, Clerks and Recognised Bodies)

Target: In 90% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 5 working days of date of receipt of Originating Application (in the correct format) at the SDT

(b) Issue of Proceedings (Restoration to the Roll, Revoke a s.43 Order, Application to Determine Indefinite Suspension, Application for a Re-hearing, Application to Vary a Condition on Practising Certificate, Appeal S44E, Costs Order and Application to Activate Suspension)

Target: In 90% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 5 working days of date of receipt of Originating Application (in the correct format) at the SDT

(c) Issue of Proceedings (Lay Applications)

Target: In 90% of cases, the Lay Application to be considered by a Member of the Tribunal and if required a Division of the Tribunal within 8 working days of date of receipt of Originating Application (in the correct format) at the SDT .

By separating out Lay Applications from the other applications in KPI 1(b) the Tribunal's actual performance against this KPI will be much clearer. KPI 1(b) as currently drafted is distorted by the fact that lay applications are frequently referred to the SRA for investigation. The proposed KPI 1(c) measures whether the Tribunal progresses such applications in a timely manner when received. In terms of performance this is the key factor within the Tribunal's control. The proposed KPI 1(a) and 1(b) wording increases the level of performance from 85% to 90% of cases.

The wording has been amended to refer to working days rather than calendar days as the Tribunal only operates on working days and this is a more appropriate measure than calendar days.

KPI 2

It is proposed that the current target is amended and split into two parts – 2(a) and 2(b). The proposed new KPI 2(a) would be that 75% of cases are first listed for a substantive hearing within 6 months of issue. This would measure how well the Tribunal was performing in terms of listing matters.

KPI 2 currently states:

No. of cases concluded within 6 months of issue (Target 60%)
No. of case concluded within 9 months of issue (Target 20%)
No. of cases concluded within 12 months of issue (Target 15%)
No. of cases concluded within 24 months of issue (Target 5%)

This KPI is affected by a number of factors outside the Tribunal's control, in particular adjournment applications. In light of this and the introduction of KPI 2(a) no amendment to KPI 2 is proposed except to make the target cumulative. The proposed KPI 2(b) would therefore be:

No. of cases concluded within 6 months of issue (Target 60%)
No. of cases concluded within 9 months of issue (Target 80%)
No. of cases concluded within 12 months of issue (Target 95%)
No. of cases concluded within 24 months of issue (Target 100%)

The effect of the proposed change is that the Tribunal's ability to list matters first within 6 months will be measured and reported on providing more detailed information to the LSB (and in due course the profession and public via the Annual Report). By making KPI 2(b) cumulative the percentage of cases concluded within each timescale will be clearer.

KPIs 3 and 5

KPI 3 measures the cost per court and KPI 5 the number of appeals. No revisions to these KPIs are proposed.

KPI 4

KPI 4 is currently:

Following final determination of the application, Judgment to be served on the parties within:-

35% - 4 weeks

10% /45%- 4-5 weeks

20%/65% - 5-6 weeks

15%/80% - 6-7 weeks

10%/90% - 7-9 weeks

10% /100% - 9-15 weeks

The proposed KPI 4 is:

Following final determination of the application, Judgment to be served on the parties within:-

35% of all Judgments within 4 weeks

50% of all Judgments within 5 weeks

70% of all Judgments within 6 weeks

85% of all Judgments within 7 weeks

95% of all Judgments within 9 weeks

100% of all Judgments within 15 weeks

The effect of the proposed change is that if the target is achieved more Judgments will be sent to the parties within 5 weeks, 6 weeks, 7 weeks and 9 weeks of the hearing.

Recommendation

The SDT/SDTAL Board considers that these are the appropriate KPIs for 2020 and asks the LSB to consider and agree the proposed KPIS for introduction from 1 January 2020.

SDT/SDTAL

September 2019