

Summary and analysis of SDT performance report 2021

Summary

1. The SDT reports to us annually on key performance measures. Overall, the SDT is largely meeting its KPIs, which should be seen in the context of the disruption caused by Covid-19. However, the cost per court rose significantly compared to last year, to nearly £13k; the SDT explains this is due to administrative expenses, which are largely fixed costs, being spread over fewer hearing days.
2. As context, the SDT heard 12% fewer cases (114 cases in 2021 compared to 129 cases in 2020) and sat for 5% fewer hearing days (239 days in 2021 compared to 253 days in 2020). This year there was a 25% decrease in agreed outcome applications, from 55 to 41. Nearly one in five applications were refused – the most common reason being that the proposed sanction was considered too lenient.
3. This year is the first year the SDT is reporting on its new performance measures for diversity and user satisfaction. The figures for diversity show that:
 - a. SDT members tend to broadly match the ethnic background of the solicitor's profession but are older than the profession.
 - b. Men account for 48% of the practising population but 73% of the respondents appearing before the Tribunal.
 - c. Men are 3 times as likely to have their cases disposed of by way of Agreed Outcomes and almost twice as likely to be fined than women (34% men, 19% women).
 - d. Women are almost twice as likely to be subject to a fixed period suspension (15% female, 9% men).
4. The figures for user satisfaction show that legal representatives using the SDT have significantly higher levels of satisfaction than applicants and respondents.

Performance measure 1 – Issue of proceedings

Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to applicant within 5 calendar days of receipt of originating application (in the correct format) at the SDT.

(A) Issue of proceedings (Solicitors, Former Solicitors, Registered Foreign and European Lawyers, Clerks and Recognised Bodies)

Achievement: 100% of cases across 2021 (100% in 2020).

(B) Issue of proceedings (Restorations to the Roll, Revocation of s.43 Order, Application to Determine Indefinite Suspension, Application for Re-hearing, Application to Vary Condition on Practising Certificate, S44E Appeal, Costs Order, Application to Activate Suspension)

Achievement: 92% of cases across 2021 (100% in 2020).

Target: 90% of lay applications to be considered by a Member of the Tribunal and, if required, a Division of the Tribunal within 8 working days

Achievement: 92% of cases across 2021 (92% in 2020)

Agreed outcomes

5. There was a 25% decrease in agreed outcome applications, from 55 to 41. Of these 18% were refused (29% in 2020). The most common reason for refusal was that the proposed sanction was considered too lenient. Just over a third (36%) of applications for agreed outcomes were received within the target of 28 days before the scheduled hearing (down from 48% in 2020). Short notice applications are an issue because it can be difficult to reschedule other hearings to fill the freed-up court days.

Performance measure 2 – Determination by Hearing

Target: 75% of cases first listed for substantive hearing within 6 months of issue

Achievement: 99% (96% in 2020).

Target: Determination of application, by substantive hearing or otherwise, from the date of issue of proceedings – see below

	2021	2021	2020	2020
	Total cases heard	%	Total cases heard	%

Within 6 months (target: 60%)	95	83%	90	70%
6-9 months (target: 20%)	6	5%	15	12%
9-12 months (target: 15%)	1	1%	7	5%
12-24 months (target: 5%)	12	11%	17	13%

6. There has been an improvement in the proportion of cases concluded within six months (83% in 2021, 70% in 2020, 64% in 2019, 39% in 2018). In addition, 99% of cases were first listed for a substantive hearing within 6 months of issue, although adjournments and part-heard hearings meant that not all were concluded within 6 months.
7. The most frequent reasons for adjournment applications were the ill-health of a party, a party not being ready, and the unavailability of parties. Following the successful introduction of remote hearings at the Tribunal in 2020 and the parties becoming more familiar with this type of hearing, the number of applications to adjourn matters on the basis they were not suitable for remote hearing dropped from 14 applications in 2020 to none in 2021.
8. This year the SDT heard fewer cases (114 in 2021, 129 in 2020, 144 in 2019) and sat for fewer hearing days (239 in 2021, 253 in 2020, 308 in 2019). Throughout 2021 the Tribunal continued to operate under the unusual conditions imposed upon it by the pandemic. Nevertheless, the average length of cases remained consistent with previous years and the Tribunal has improved its efficiency in increasing the number of cases concluded within 6 months of issue.

Performance measure 3 – Cost per court

Target: No target is included in the report – a trend measure.

Achievement: The average cost per court for 2021 was £12,894 (£10,971 in 2020, £9,446 in 2019 and £10,333 in 2018).

9. Cost per court increased by £1,923 (17.5%) compared to 2020. The main reason for the increase was because administrative expenses, which are largely fixed costs, were spread over fewer hearing days. There were savings in member fees and expenses due to fewer hearing days and the transfer to predominantly remote hearings.

Performance measure 4 – Production of judgment

Target: Following final determination of the application, judgment to be served on the parties within a set number of weeks (see below).

	2021		2020	
	Total cases heard	Cumulative %	Total cases heard	Cumulative %
<4 weeks (target: 35%)	81	71%	84	65%
4-5 weeks (target: 50%)	10	80%	5	68%
5-6 weeks (target: 70%)	5	84%	10	76%
6-7 weeks (target: 85%)	6	89%	8	82%
7-9 weeks (target: 95%)	7	96%	9	89%
9-15 weeks (target: 100%)	5	100%	14	100%

10. This target continues to be met consistently with four out of five judgments being delivered in under 6 weeks. The data showed that the Tribunal missed its 95% target for 7-9 weeks by 1%. The complexity of cases is a key factor here.

11. In the last quarter of 2021, the Tribunal carried out a review of how it produces its judgments to ensure that the judgments meet the requirement to give reasons, and that they are easy to read and can be understood by a range of audiences. The review delivered several recommendations which are being implemented in 2022.

Performance measure 5 – Appeals

Target: No target is included in the report – a trend measure.

12. 17 appeals were lodged against the SDT's decisions in the year, which represents 15% of all cases heard. This is a higher proportion than in 2020 (12%), which was itself an increase from 9% in 2019. The SDT states that of the 6 appeals of 2021 judgments heard to date 3 have been dismissed. The SDT states that for the 11 appeals heard so far for 2020 judgments 8 appeals were dismissed.

Performance measure 6 – Diversity Profile

Target: No target is included in the report – a trend measure.

13. The SDT is reporting on this measure for the first time this year. The tables below compare the SDT's members¹ and staff² diversity profiles with those of the wider population of practising solicitors as mapped by the SRA³.

Ethnic Background	Practising Population	SDT Members	SDT Staff
White	82%	82%	70%
Mixed/Multiple Ethnic Groups	2%	0%	6%
Asian/Asian British	12%	7%	6%
Black/African/Caribbean/Black British	3%	7%	18%
Other Ethnic Group	2%	4%	0%

14. The ethnic make-up of the SDT membership reflects that of the solicitors profession as a whole, with 82% of members from a white background and 18% from black, Asian and minority ethnic backgrounds.

15. The SDT staff team has a higher proportion of employees from black, Asian, Mixed or other ethnic groups than the profession as a whole, with 70% white and 30% from black, Asian and minority ethnic backgrounds.

Gender	Practising Population	SDT Members	SDT Staff
Female	52%	48%	76%
Male	48%	52%	24%

16. The gender profile of the SDT's membership largely reflects the gender characteristics of the profession, with men making up just less than half of members (48%) and women making up just over half (52%). However, within the staff team, the number of male employees is significantly less than are employed across the profession as a whole.

Age	Practising Population	SDT Members	SDT Staff
16-34	24%	0%	12%
35-44	33%	8%	25%

¹ The SDT's data is based on information provided in response to an equality and diversity survey of members and staff carried out in May 2020. Of the 31 Members of the SDT as at 31.12.21, 4 did not respond to the survey

² Page 6 of The [SDT annual report](#) for 2020 sets out that the SDT has 12 full-time employees and 4 part-time employees.

³ For the purposes of this report, SDT have compared the percentage of the SDT's staff and membership teams with the population of people for whom the SRA hold diversity information, published in the Diversity Monitoring, Supporting Report which accompanied the publication of the SRA's Upholding Professional Standards 2019/20' report.

45-54	24%	15%	38%
55-64	14%	50%	25%
65 and over	5%	27%	0%

17. The data shows that the SDT has a markedly older member age profile than that of the profession as a whole. The relative lack of members in the lower age brackets is to some extent inevitable, given the statutory requirement for solicitor members to have 10 years' post qualification experience together with a focus, when recruiting new members, on ensuring they are sufficiently experienced to undertake a role which requires them to bring professional knowledge and judgement gained over time to bear on critical decisions affecting the lives and livelihoods of solicitors.

18. It is hoped that the current recruitment campaign for new members will have a positive impact on moving the member age profile more closely to reflect that of the wider profession.

Disability	Practising Population	SDT Members	SDT Staff
No Disability Recorded	99%	93%	94%
Disability Recorded	1%	7%	6%

19. The number of SDT members and staff who have declared a disability is higher than the proportion in the practising population as a whole.

Sexual Orientation	Practising Population	SDT Members	SDT Staff
Bisexual	1%	0%	0%
Lesbian/Gay	2.5%	0%	0%
Heterosexual/straight	89.3%	87%	100%
Other description	0.3%	0%	0%
Undisclosed	6.9%	13%	0%

20. The SDT membership has a slightly lower percentage of members and staff declaring a non-heterosexual orientation than the practising population. The figures show that 13% of SDT members did not disclose their sexual orientation and 100% of SDT staff declared themselves as hetero-sexual. In 2018, the ONS ⁴estimated that 2.2% of the UK population identified as LGB, with the "Other" figure remaining at 0.6%.

Religion/Belief	Practising Population	SDT Members	SDT Staff
Buddhist	1%	0%	0%

⁴ONS [latest figures for sexual orientation](#)

Christian	43%	55%	70%
Hindu	2%	6%	6%
Jewish	3%	0%	0%
Muslim	5%	0%	0%
Sikh	2%	0%	0%
No religion or belief	33%	23%	12%
Other religion of belief	2%	0%	0%
undisclosed	Not stated	16%	12%

21. The majority of people whose religion/belief is Christian is higher amongst SDT Members and staff than the practising population (as shown in the data published via the SRA diversity monitoring tool), with consequently lower numbers in the other religious groups.

22. The SDT is in the final stages of a major recruitment campaign for new members. The report sets out that the SDT has taken several steps, such as engaging a specialist diversity consultant to advise on aspects of the recruitment campaign in order to attract a diverse range of applicants and ensure a fair recruitment process.

Diversity data for Respondents

23. This measure provides data on whether protected characteristics or background could result in a differential impact on disciplinary outcomes or on how people experience SDT services. The SDT sends a diversity monitoring questionnaire to all respondents in each case. People who appear at the SDT are, in the main, reluctant to provide diversity information, regardless of at which stage in the process it is requested. Of the 112 questionnaires sent to respondents in 2021, only 6 were returned.

24. The SDT continues to work with the SRA to benefit from the SRA's data gathering capability. However, for data protection reasons, the SRA is unable to share at an individual level the data it holds about solicitors and their employees. So, to generate diversity data for respondents the SDT has looked at personal and professional information gathered as part of the case management process.

Individual respondents in cases brought by the SRA and concluded in 2021		
Male	69	73% of total
Female	26	27% of total
Total	95	100% of total

Outcomes relating to those identifying with a male or female gender prefix

Sanction/outcome	Male	% of total male	female	% of total female
Strike off	35	50%	14	54%
Indefinite suspension	2	3%	0	0%
Fixed period suspension	6	9%	4	15%
Fine	23	34%	5	19%
Reprimand	1	1%	0	0%
s.43 order	1	1%	1	4%
No Order	1	1%	0	0%
Dismissed	0	0%	1	4%
Withdrawn	0	0%	1	4%
total	69	100%	26	100%

25. The data shows that whilst men account for 48% of the practising population they accounted for 73% of the respondents appearing before the Tribunal. Men are 3 times as likely to have their cases disposed of by way of Agreed Outcomes (76% men, 24% women). The figures for Agreed Outcomes align with the fact that there are roughly 3 times as many male respondents as female respondents. Women are almost twice as likely to be subject to a fixed period suspension (15% female, 9% men). Men were fined in greater proportion than women (34% men, 19% women).

26. In April 2021 the Tribunal introduced a new case management system. For future reports, the SDT hopes to be able to provide a more detailed profile of the respondents including gender, whether they were found to have been dishonest, their level of post qualification experience and more information about practice areas and the intersection with the areas of practice giving rise to the misconduct.

Performance measure 7 – User Satisfaction

27. In 2020 the SDT introduced 4 additional performance measures to measure the things that are important to stakeholders. Data in respect of these measures was gathered via a user feedback survey which was sent out 3 times during 2021, each covering a 4-month period.

Target: 70% of those who contacted the Tribunal's administrative team felt that their needs were listened to and understood by the staff they contacted.

Achievement: 83%

Feedback group	Number who answered Yes	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent	57 (71%)	2 (29%)	4
Applicant	3 (50%)	3 (50%)	0
Legal Representative	17 (100%)	0 (0%)	2
Total	24 (83%)	5 (17%)	6

28. Overall, 83% of those who contacted the Tribunal's administrative team felt that their needs were listened to and understood, exceeding the target for this KPM. However, this percentage was lower for respondents and, most significantly, applicants.

Performance measure 8 – User Satisfaction

Target: 90% of parties and advocates could access the hearing effectively (including those hearings held remotely)

Achievement: 81%

Feedback group	Number who answered Yes	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent	35 (50%)	3 (50%)	4
Applicant	1 (33%)	2 (67%)	3
Legal Representative	17 (100%)	0 (0%)	2
Total	21 (81%)	5 (19%)	9

29. 81% of those who responded said that they were able to access the hearing effectively. Notably, most of those to whom this applied were respondents or

applicants, with no legal representatives indicating that they had experienced difficulties in this regard.

Performance measure 9 – User Satisfaction

Target: 70% of those who are a party or advocate in a case who referred to the Tribunal's website found the information on the Tribunal's website was useful/helped them prepare for their hearing/case)

Achievement: 78%

Feedback group	Number who answered Yes	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent	4 (50%)	4 (50%)	2
Applicant	4 (67%)	2 (33%)	0
Legal Representative	17 (94%)	1 (6%)	1
Total	25 (78%)	7 (22%)	3

30. 78% of responders found that the information on the SDT's website was useful and/or helped them prepare for the hearing/case, meeting the target. However, half of the respondents, and a third of applicants who replied to the survey indicated that this was not the case.

Performance measure 10 – User Satisfaction

Target: 85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing.

Achievement: 82%

Feedback group	Number who answered Yes	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent	2 (50%)	2 (50%)	6
Applicant	1 (50%)	1 (50%)	4
Legal Representative	15 (94%)	1 (6%)	3
Total	18 (82%)	4 (18%)	13

31. Only 82% of responders, compared to the target of 85%, said that they had sufficient time and opportunity to present their case to the Tribunal during the hearing, with a marked decrease in the case of respondents and applicants.