

Solicitors Disciplinary Tribunal
Delivering continuous improvement and value for money
2022 Budget Application

Introduction

The SDT/SDTAL aims to balance high standards of service and the timely delivery of justice with efficiency and cost-effectiveness. Our overarching economic goal is to contribute to cost-efficient regulation of the legal sector, and the solicitors profession in particular, by using resources effectively to provide value for money for stakeholders.

We have set out below the steps we have taken since our 2021 budget submission, and our plans for 2022 and beyond, to deliver best value in return for budget spend and pursue our strategic and operational objectives, improving performance and delivering operational efficiencies where we can.

Strategic and operational objectives

Our key objectives and priorities for the 3-year period from 2020-23 are set out in our Strategic and Operational Plans, published in October 2019 and reviewed at the end of 2020. These plans are the basis on which we determine how we allocate our available resources across projects and activities to further the key priorities that are important to us and to our stakeholders, and which govern how we assess our budgetary requirements each year.

Our 3 strategic objectives are:

1. Increase the confidence and understanding of the public and the solicitors profession in the SDT, its powers and decision-making processes, and its commitment to treating all people fairly and with respect.
2. Continuously improve the Tribunal's processes and procedures, using technology where possible to maximise efficiency and resilience.
3. Value for Money.

What we have done since our 2021 budget submission

Reserves Policy

The implementation of our Financial Reserves policy from the financial year commencing 1 January 2020 provides more certainty about available operating and investment funds, enabling us to take a strategic approach to business planning and capital expenditure. An example of this was the introduction of our new case management system, where we were able to make a long-term financial commitment to secure best value for money and create saving opportunities in the longer term. This project commenced at the end of 2019 and the new system was deployed in April 2021.

CaseLines

The use of the CaseLines evidence management platform has increased consistently since its implementation, from around 50% of cases in 2018 to 85% in 2019 and, from March 2020 (following the Covid-19 lockdown), all but a very few cases. As a result we have made savings in the areas of post and courier services, stationery, photocopying and printing.

Our early investment in CaseLines enabled us to move effectively to managing and hearing cases remotely during the Covid pandemic, minimising disruption to scheduled hearings. We were able to make online evidence bundles available to all those involved in the case, thereby avoiding the logistical challenges of providing hard copy papers. We were also able to convene panels at short notice to consider lay and other procedural applications on the papers, without geographical location acting as a barrier to the speed of service.

Although Caselines usage has increased, the 2022 budget application is again based on 200,000 pages of evidence to be uploaded. This is the result of engagement with external users (who are responsible for uploading evidence to the system) to help them use it to best effect and minimise the number of pages uploaded unnecessarily or in error.

Digitisation of Judgments

We have almost completed the process of digitising historic Judgments, creating a more efficient, streamlined and cost-effective way of accessing Tribunal decisions. We will have achieved this below budget in spite of delays due to remote working. Judgments which were previously only held in a non-searchable hard-copy format can now be accessed electronically. No longer having to store the hard-copy Judgments where they can be accessed immediately is something we will take into account as we consider our accommodation options.

Enhanced provision of information for service users

The Covid lockdown highlighted an increased demand for information and guidance for Tribunal users to be available electronically, and for systems and processes to be capable of being accessed remotely. Alongside this, responding to the needs of those service users who find it more difficult to engage with the SDT's processes, and ensuring they can access information which is clear and accessible, remains an ongoing priority.

Since our last budget submission, we have improved the range and content of information available for the public on our website, including producing or updating guidance and information documents to help people understand and access our processes and procedures more easily. We have also produced guidance to support people accessing hearings and case management processes remotely. As the work has been completed in-house, this has been done at no additional cost (ie other than the cost of existing staff resources).

Covid 19

The SDT temporarily closed its offices in March 2020 in response to the Covid pandemic. Thanks to previous technology investments (including CaseLines, developments to our IT platform, and the purchase of laptops and other portable devices), we were able to maintain business operations by working from home and conducting hearings remotely using Zoom video conferencing technology. This meant we continued to manage cases and determine applications in accordance with agreed time targets. The very small number of cases which were not suitable for a remote hearing were adjourned until a face-to-face hearing could be arranged.

A benefit of remote hearings was the ability to schedule hearings without having to factor in the number of available courtrooms or rely on already convened panels. This has meant that matters other than substantive hearings (eg Agreed Outcomes, disclosure applications, case management hearings pending a substantive hearing etc) could be listed more flexibly and quickly. We made cost-savings by establishing a new temporary member fee structure with reduced fees for these shorter remote listings. Further savings were made on member travel and overnight accommodation as well as on office and other costs associated with face-to-face hearings and hard copy documentation eg printing, stationery, courier, postage etc.

Costs associated with remote working

Savings were inevitably offset by the additional costs incurred to support home working and remote hearings, including Zoom licenses for remote hearings and virtual meetings and the provision of office furniture and additional IT equipment for staff working from home. We

sourced health and safety training for remote workers free of charge from our regular health and safety training provider.

Face-to-face and hybrid hearings

To facilitate the return in due course to face-to-face hearings in Gate House and enable us to list cases which were not suitable for a remote hearing, we set up Covid-secure courtroom facilities for hybrid and/or face-to-face hearings in Gate House from September 2020 onwards. A hybrid hearing is one where some parties attend in person and some remotely, minimising the extent and duration of face-to-face contact between attendees in line with the prevailing UK Government guidance.

This work incurred unplanned but unavoidable capital costs, including installing additional video conferencing facilities and protective screening in one of our courtrooms, making changes to room layouts in order to enable social distancing and minimise contact, carrying out essential safety checks, providing PPE and hygiene products for staff and parties, and putting in place other essential safety measures. Although these costs were unanticipated, we are confident that the investment made will support an increased remote/hybrid hearing capability for suitable hearings, with an associated reduction in costs, in future years.

Staff Team costs

Solicitors Disciplinary Tribunal Administration Ltd employs 12 permanent full-time and 4 part-time staff, working across 3 teams to manage and clerk cases and provide overhead and administrative support. In November 2020, an additional part-time employee joined on a fixed term project-based contract to support the implementation of the new CMS.

We undertake periodic reviews of staffing levels in light of prevailing and anticipated caseload and we have undertaken such a review as part of this budget application - in particular an assessment of clerking and case management capacity in relation to anticipated sitting days. Our view is that current staffing levels should be maintained at least for the time being to ensure we can continue to respond flexibly and quickly to fluctuations in caseload without detriment to performance and deliver on our wider strategic and operational commitments. Current indications from the SRA are that the dip in caseload in the recent past and immediate future is unlikely to be sustained going forward.

We are a small staff team and have equipped employees with the skills to multi-task across roles and teams as necessary. We have been able to deliver a number of key initiatives to improve services and deliver productivity benefits with minimal need for additional headcount by capitalising on the skills, flexibility and willingness of our staff team supported by external specialist resource as required. Recent examples of this include the deployment

of existing staff on the CMS procurement project, and our ability to respond flexibly and quickly to the Covid-19 situation.

We will continue to review staffing levels in light of ongoing workload and priorities, and the capability of new systems to improve process efficiency in the longer term.

Technology Investments

Case Management System

The SDT's Case Management System (CMS) is a key element of our IT infrastructure and is fundamental to our ability to manage cases smoothly and efficiently within existing staff resources and in line with performance targets.

From late 2019 and continuing into 2021, we embarked on a project to procure and implement a new case management system to replace our existing CMS which was becoming obsolete and no longer met our business needs. The new system will support more efficient case management, workflow and process automation and efficiencies over the longer term. We selected a Microsoft Dynamics system which will benefit from Microsoft product development and so reduce future development costs.

To benefit from in-house experience and expertise, and minimise costs, we brought together a project team from existing staff, with one additional part time (0.4 FTE) employee on a project-based contract. We engaged external consultants to bring the necessary rigorous project-management and IT expertise and advise on any technical issues and challenges, to ensure we obtained the best and most cost-effective system for the future.

Although the chosen solution came at a higher overall cost than other options, it is a tailored solution configured to include workflows for our case specific processes. Its potential over the long term to provide a resilient infrastructure which will enable us to work better and more efficiently in the longer term made it the best overall fit and the most cost-effective solution in the longer term. The solution includes a powerful reporting tool to help us monitor and improve in key performance target areas. Implementation was completed in May 2021.

Office 365

As a necessary part of the move to a Dynamics CMS, we also moved from our hosted IT environment to Microsoft Office 365. This will be an area for further development in order to get the best value for money from our investment.

Telephony

Our new telephony, implemented in November 2020, enabled us to ensure communication with service users during lockdown was not compromised. It has also resulted in enhanced broadband and internet capacity to support remote hearings and flexible working and will reduce the overall cost of telephony services.

Listing and Court utilisation

Although the Tribunal's physical courtrooms have not been used as much as usual this year, we review court utilisation data on an ongoing basis and use this to inform potential ways to improve cost-efficiency. We have used available data from previous years/months to inform listing practices and monitor the reasons for hearing days not being used, so we can identify at an early stage any issues arising and take steps to ensure hearings remain effective wherever possible. We continue to maximise hearing day usage by bringing other cases forward where possible to replace hearings which become ineffective at short notice eg because of adjournments and Agreed Outcomes.

Corporate Social Responsibility

In a climate of heightened awareness of the potential impact of business and working practices on society and the environment, we try to balance cost and value for money with a socially and economically ethical approach.

We had to delay the development and publication of an ethical and environmental framework this year, to focus on adapting to the Covid-19 situation. However, steps we have been able to take since our last budget application include:

- paying the London Living Wage to cleaning and security staff from January 2020 as planned;
- increasing the use of sustainable products and recycling to offset an increase in the use of disposable products necessarily introduced as a Covid-19 safety measure;
- reducing reliance on paper by completing the transition to CaseLines and service by email; and
- working with contractors to ensure a responsible approach to continuity of employment during lockdown.

We intend during 2022 to commence a review of our policies, practices and third party contractor arrangements to ensure that these are compatible with our wider corporate social responsibility agenda.

Learning and development

We have promoted staff development and membership training in line with our strategic and operational priorities, via a mix of formal and informal training, attendance at seminars and networking events and training days for members, and hands-on research and experience.

Key focus has been given to:

- the development and maintenance of skills to enable staff to work remotely and use technology to conduct virtual and hybrid hearings; and
- equality and diversity training for staff and members, as part of our ongoing commitment to developing our understanding and capability in this area and to supporting EDI in the legal sector more widely. The training focused on the legal framework surrounding equality, diversity and inclusion, the SDT's statutory equality duties and recognising and avoiding the effects of unconscious bias;
- training and updates for members and clerks on key areas of procedure and the law relating to remote hearings; and
- providing briefing notes for members and clerks on key Administrative Court and other decisions including detailed notes addressing the outcome of appeals against the Tribunal's own decisions.

We do not produce thematic reviews of the cases that come before the Tribunal to ensure that each case is considered on its own facts. However, where themes are identified, particularly from appeal decisions, tailored training is provided to members and clerks in these areas.

Investors in People

We have invested in retaining Investors in People (IiP) accreditation as we believe this offers a valuable means of improving leadership, development and engagement, and will help us to attract high calibre people to the organisation and retain key talent. Following an online re-assessment in August 2020, we maintained our IiP status at the Standard level with an increase in the number of indicators achieving higher performance levels.

Accreditation lasts for 3 years, and we will carry out a cost benefit analysis of before making a decision about maintaining IiP status beyond this nearer the time.

Since our re-accreditation we have worked closely with our assessor to develop and implement an action plan focusing on the areas that emerged as the most important to our staff during the re-assessment process. We are in the process of developing a set of internal values for the staff team, have reviewed our reward and benefits offering, and made changes

to the parameters of additional leave we can offer to support staff with their work/life balance.

Statutory finance audit

We again conducted the statutory audit of our 2020 accounts remotely and anticipate continuing this approach in future. The statutory accounts are now produced in house to reduce costs. The tender process for our statutory audit contract has been postponed.

Court catering

We have reduced our court catering budget by introducing a new receipted actuality arrangement for members attending hearings in person.

Key Performance Measures (KPMs)

Building on the KPM review in 2019, we undertook a further first principles review of our performance measures to ensure that we are measuring those things that are important to stakeholders and which will continue to drive high performance.

As a result, we have introducing 5 new KPMs for measurement from 2021, to help us focus on improving service levels, responding to feedback and working towards our diversity targets. These are:

- Ensure that the diversity profile of the SDT's staff team and its membership reflect the diversity of the population it serves, and the solicitors profession (of England and Wales) in particular.
- 70% of those who contacted the Tribunal's administrative team felt that their needs were listened to and understood by the staff they contacted.
- 90% of parties and advocates could access the hearing effectively (including those hearings held remotely).
- 70% of those who are a party or advocate in a case and who referred to the Tribunal's website found the information on the website was useful/helped them prepare for their hearing/case.
- 85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing.

Reporting capability to support KPM reporting was a key area of focus in developing the new CMS.

User satisfaction survey

In May 2020¹ we launched a user satisfaction survey to gather feedback from respondents, applicants, legal representatives and witnesses about their experience of the Tribunal. Feedback from the survey will be used to monitor progress against the new performance measures and inform decisions about ways to improve our service to stakeholders;

The survey is being administered by a trusted third party (who also deliver our member appraisal process) as the most efficient and cost-effective means of delivery, and to give recipients confidence in its anonymity and objectivity.

Member appraisal

Member appraisal is a requirement of the Master of the Rolls Appointment Protocol and, we believe, an important element of member development.

We launched the second round of member 360° appraisals at the end of 2020, having reviewed and streamlined the process and feedback questionnaire. We capitalised on our positive working relationship with the existing supplier, to negotiate a beneficial financial arrangement with development and consultancy provided free of charge, and costs based only on the number of reports and feedback sessions.

Review of supplier arrangements

Plans for a value for money review of supplier arrangements were delayed as contracts in 2020 were generally renewed with existing suppliers to maintain continuity during lockdown. However, some steps we took to reduce costs included:

- discontinuing our DX service, following the shift to electronic delivery of documentation during lockdown;
- reducing the cost of our online legal resource by more than half, resulting in a saving of over £10k; and
- negotiating new printing/photocopying contracts at a reduced cost.

Working with our User Group Committee

The terms of reference for the Tribunal's User Group Committee have been reviewed and updated. We publish a summary of User Group Committee discussions and the information provided as part of this has been expanded to make it more informative.

Guidance Note on Health Issues

A key issue in proceedings before the Tribunal is health, and the Tribunal's Policy Committee decided that a Guidance Note on Health Issues should be produced. This guidance note is intended to assist applicants and respondents wishing to raise a health issue before the Tribunal and applies to all proceedings. It was recently issued as guidance, having been developed with input from Tribunal members and clerks and key stakeholders (including the User Group Committee).

We hope that, by documenting and publishing this guidance note, it will enable all those involved in proceedings before the Tribunal to understand our approach to health issues and the type of evidence that is required.

Future planned investment and savings

Gate House

The lease of the SDT's Gate House premises ends in December 2022. In considering accommodation options beyond this point, our goal is to secure fit-for-purpose accommodation at the same or lower cost as now, in a location which is suitable for the nature of our business.

Working with an external property agent, we have explored a number of options, including moving to premises outside London. However, although rents outside London are lower, our view is that locating the Tribunal outside London is not a viable option given the nature of the business and the need for us to be accessible both within legal London and via transport links from diverse parts of England and Wales.

We are, therefore, now actively considering 2 options:

- Remaining in Gate House but taking advantage of improved remote working capability to relinquish the 5th floor. This will generate a saving of c£130k per year on rent, business rates and service charges. Our landlord has indicated in principle that they would be prepared to offer us new leases on this basis. This is likely to be the cheaper option over the duration of the lease but would incur refit costs (estimated at c£40k) and dilapidation costs in the short term.

or

- Moving to alternative premises in London. This would have the advantage of providing us with more modern and better quality accommodation compared to Gate House. However, rents are likely to be higher than at Gate House, and we would incur considerable fit out costs. It might be possible to obtain favourable terms (eg reduction in initial rent per square foot, contribution to fit-out costs, rent-free period) by negotiation with the prospective landlord.

The decision we make will take account of market factors, balancing value for money and business continuity considerations with the need to provide fit for purpose and accessible courtroom and office facilities for service users, Tribunal members and staff.

Member Recruitment

Following recent and anticipated member retirements in 2020/21, and despite the appointment of 5 members from the 2015 reserve list, the need to appoint a number of new

Tribunal members to enable hearings to continue effectively within target timescales is now urgent. There are currently only 33 (22 solicitor and 11 lay) members.

The member recruitment campaign was delayed in 2020 and 2021, in part because of Covid. Preparations for the campaign are now underway and it is anticipated that the recruitment campaign will commence in late 2021, with budget provision having been carried over from 2020.

In view of the need to complete a large scale and high-profile recruitment exercise within a short timeframe and with limited in-house resource available, it is our intention to utilise external expert consultancy to support this project. Any costs in excess of existing budget provision will be met from our financial reserves.

Website review

We intend next year to undertake a review of our external facing website, in part because an upgrade to the Drupal platform on which it is provided is anticipated in November 2022 and this will, in any event, incur costs. In addition, early feedback from the User Satisfaction Survey, as well as anecdotal evidence, indicate that this is an area which will benefit from improvements to content and user experience.

Following the introduction of a new member portal (previously part of our website) as part of the new CMS implementation, we will also be looking at whether we can get better value for money in terms of the hosting and maintenance of the website.

Any costs associated with the website upgrade beyond what has been budgeted will be met from our financial reserves.

Return to face to face hearings

We began the transition to more face-to-face hearings in September 2020, and this will continue throughout 2021, with case management and shorter hearings initially listed remotely and parties able to apply for a face-to-face or hybrid hearing if they wish. For cases with a time estimate of 3 days or more, a Tribunal panel will decide whether or not they should be heard remotely or in person, having heard from the parties as to their views.

Whilst we anticipate that this will result in an increase in the number of face-to-face hearings (and associated costs), it is difficult at this time to anticipate the relative proportion of face-to-face vs remote hearings. Our intention is to strike the right balance between the administration of justice and capitalising on the benefits that gained from the introduction of

remote hearings, which include improved hearing capacity, cost savings (eg travel and hotel costs, office accommodation requirements etc) and being able to list and conclude cases more quickly as well as improved flexibility for staff, members and parties in cases.

In order to maximise capacity for fully or partially face-to-face hearings in Gate House, whilst maintaining the ability to respond quickly and flexibly to any future Covid-19 restrictions, we will be equipping an additional courtroom with enhanced video conferencing and recording equipment to facilitate hybrid hearing capability.

Further IT developments

Having implemented our new Case Management System and wider Microsoft Office 365 IT changes, we have identified a gap in the level of in-house knowledge required to maintain and develop the new IT environment and maximise the potential of the new systems to deliver improvements and process efficiencies in the longer term. We therefore intend investing in external support in the short to medium term to fill this gap and capitalise on the potential of the new systems to streamline and improve our case management and administrative processes and working practices. In the short term, costs will be met from existing IT budget and/or reserves. Any longer-term costs, if incurred, would be offset from other areas of the staffing budget.

We will also be reviewing our IT security arrangements with a view to achieving Cyber Essentials accreditation during 2021/22. Cyber Essentials is a government backed certification scheme that helps organisations understand their cyber security level and protect themselves against common online threats.

The SDT's Judgments

The Tribunal's decisions are set out in the Tribunal's Judgment. During the last quarter of 2021 we will be undertaking a fundamental review of the format and content of our Judgments to ensure that they not only tell the parties why the panel reached their findings and imposed the sanction that they did, but also so that any member of the public reading the Judgment can also fully understand what was alleged and decided. This project was originally planned for 2020 but was delayed as we focused on Covid-related issues. It will be carried out using in-house resource and therefore no extra cost.

SDT/SDTAL

September 2021