



LEGAL SERVICES
BOARD

Legal Services Board
One Kemble Street
London
WC2B 4AN

www.legalservicesboard.org.uk

Fol request (Ref: 20181221-01)

Thank you for your email of 21 December 2018 requesting information. Further to subsequent correspondence we have now had the opportunity to fully consider your request.

We have dealt with your request under the Freedom of Information Act 2000 (“FOIA”). You have asked for information on:

“the extent to which the issue [Leigh Day proceedings] was raised [with the SRA] and the conclusion of your [LSB] particular engagement in this respect”

The LSB holds notes of monthly meetings between the Chief Executives of the LSB and the SRA in which the Leigh Day matter was mentioned held on 14/11/2018, 12/01/2018, 17/10/2017, 15/09/2017, 25/07/2017 and 18/03/2016. We can advise that no conclusion was reached other than reference to the Leigh Day matter in the course of discussions over a range of other separate matters.

We are withholding the notes of the meetings under s36(2)(b)(ii) and (c) FOIA. In the opinion of the qualified person, its disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation, and would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

As s36 is a qualified exemption, we have considered whether the public interest test in s2(2)(b) favours the release of the information.

There is a public interest in transparency and accountability of the LSB functions as a public body and thus public trust and engagement, and in informing the public discourse given the level of public interest and the costs involved in the Leigh Day matter.

Against this, there is strong public interest in the LSB having a free and frank ongoing open dialogue with the SRA. The meetings notes are taken by the Chief Executive of the LSB of monthly meetings with the Chief Executive of the SRA; no one else is present. These meetings provide an informal forum and safe space for the free and frank exchange of views and opinion at the most senior levels within the respective organisations. They

provide a valuable opportunity for the LSB to gain insight into operations and functions of the SRA, of which it has statutory oversight, and provides both parties with an informal forum in which to raise issues in candour. These meetings are essential to inform the LSB's consideration and discharge of its statutory role as the oversight regulator of the SRA.

Disclosure of the Chief Executive's notes of the meetings would, or would be very likely to inhibit the free and frank exchange of views and opinions between the LSB and SRA at chief executive level for the purposes of deliberation (s36(2)(b)(ii)), and would otherwise prejudice, or would be very likely to otherwise prejudice the effective conduct of public affairs (s36(2)(c)).

We can advise that what information there is on the Leigh Day matter in the notes is already in the public domain. It is covered by disclosures made by the SRA, Ministry of Defence, and Ministry of Justice, as well as the SDT and High Court judgments. Therefore, we do not consider that the disclosure of the information we hold would add significantly to the public discourse.

Having considered the public interest, our decision is to withhold the information. This is because in all circumstances of this case, the public interest in maintaining the s36(2)(b)(ii) and (c) exemptions outweighs the public interest in disclosing the notes and minutes.

If you are dissatisfied with this response to your request for information, you have the right to ask for an internal review / to submit a complaint (see [LSB's Freedom of information – Complaints procedure](#)).

If you are dissatisfied with the outcome of your complaint, you may refer the matter to the Information Commissioner for a decision. Please be aware that the Commissioner will be unlikely to make a decision until you have been through our internal complaints procedure first. You can write to the Commissioner at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The reference for your request, which should be quoted in all correspondence, is: 20181221-01.