



LEGAL SERVICES
BOARD

Legal Services Board
The Rookery
2 Dyott Street
London WC1A 1DE

www.legalservicesboard.org.uk

FOI request (Ref: 20200416-01)

Thank you for your email of 16 April 2020 requesting information from the Legal Services Board (the "LSB") under the Freedom of Information Act 2000 ("FOIA").

Your request was for the following information:

"Please provide a copy of all internal documents which record or evidence the LSB's handling of request 20200122-01, including (but not limited to) any documents which show (i) which exemptions (if any) the LSB considered applying and (ii) the LSB's consideration of the application of sections 167 and 168 of the Legal Services Act 2007."

I confirm that the LSB holds information responsive to your request.

I have enclosed the following documents:

1. Email chain between LSB staff with subject line 'Re: Fol request - SRA responses to SQE application Deadline 19 February'; and
2. Email chain between LSB staff with subject line 'Re: FOI Request - 20200122-01'.

The LSB has considered the exemptions in Part II of FOIA in relation to these documents.

The LSB has concluded that the exemptions in s40 FOIA apply in relation to the personal data of LSB staff (i.e. names and email addresses), having regard to the ICO Guidance on 'Personal Information (section 40 and Regulation 13)'. While the public interest in disclosure outweighs that in withholding the information in respect of the personal data of staff at senior management level, the public interest balance is reversed with regard to more junior staff. This is for reasons of personal privacy and because it would be inappropriate, at their level, to be generally identified and exposed to communications from the public at large. While those interests are not of the greatest weight, the identities of the junior staff concerned are incidental to this matter, and the LSB has identified no material legitimate interest in, or necessity of, disclosing their details to the general public. The LSB has applied redactions accordingly.

The LSB has also concluded that the exemption in s42 applies to material subject to legal professional privilege. Having considered the factors referred to in the ICO Guidance on 'Legal Professional Privilege (section 42)' (paragraphs 52-55), the LSB has concluded that there is no strong public interest in disclosure here to outweigh the strong general public interest inherent in this exemption (reflecting the importance of safeguarding openness in all communications between

client and lawyer to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice). No clear, compelling and specific need for accountability or transparency is present to override the inherent public interest protected by s42, so material subject to legal professional privilege has been redacted or withheld.

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: 20200416-01.

Enclosures:

From: Holly Perry <Holly.Perry@legalservicesboard.org.uk>
Sent: 11 February 2020 10:15
To: [REDACTED]@legalservicesboard.org.uk>; Stephanie North <Stephanie.North@legalservicesboard.org.uk>; [REDACTED] <[REDACTED]@legalservicesboard.org.uk>
Cc: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>
Subject: Re: FOI Request - 20200122-01

[REDACTED]

Many thanks for this.

I am content for this to now be sent. Steph / [REDACTED] – can you make the necessary arrangements for it to go out before the deadline?

[REDACTED] – can you advise when this will be published on the FOI log?

Thanks

Holly

From: [REDACTED]@legalservicesboard.org.uk>
Sent: 10 February 2020 16:11
To: Holly Perry <Holly.Perry@legalservicesboard.org.uk>; Stephanie North <Stephanie.North@legalservicesboard.org.uk>
Cc: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>
Subject: FOI Request - 20200122-01

Hi both,

This is the FOI request recently received in relation to the SRA's first SQE application.

My proposed reply can be found here: [https://lsbcloud-my.sharepoint.com/:w/g/personal/\[REDACTED\]](https://lsbcloud-my.sharepoint.com/:w/g/personal/[REDACTED])

[REDACTED] (on my one drive so happy of course for you to save in the appropriate place or simply write the reply in email text if that is appropriate...). The reply should be sent with the two attached documents.

Both Chris and [REDACTED] Chris had no concerns with the disclosure [REDACTED] As a courtesy I notified the SRA and indicated an intention for the response to be sent on **Wednesday 12 February**. They have confirmed they have no comments.

[REDACTED] has kindly saved [REDACTED] and the SRA correspondence into the relevant folder. Is the next step for you to have the final look and then send the response once you are happy with the content and format or is there anything further I need to do?

Happy to discuss.

Best,



[Redacted] | Regulatory Policy Manager | Legal Services Board

The Rookery | 2 Dyott Street | London | WC1A 1DE

T [Redacted]

E [Redacted]

W www.legalservicesboard.org.uk

T [@LSB_EngandWal](https://twitter.com/LSB_EngandWal)

L www.linkedin.com/company/legal-services-board/

From: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>
Sent: 31 January 2020 17:42
To: [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>
Subject: Re: FOI request - SRA responses to SQE application Deadline 19 February

Thanks [REDACTED] I don't see anything in this that would be a concern for us to share. However, we should probably alert [REDACTED] at SRA to the fact that we will be disclosing this in response to an FOI request [REDACTED]
[REDACTED]

Chris

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From: [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>
Sent: Friday, January 31, 2020 3:40:13 PM
To: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>
Subject: RE: FOI request - SRA responses to SQE application Deadline 19 February

Hi Chris,

Given the treatment of this as an FOI Request. the letter back to the requester becomes very straightforward if we are satisfied with my view on what is being requested.

The request was succinct and merely stated: **The LSB's Decision Notice dated 12 January 2018 concerning the SRA's application in respect of the proposed Solicitors Qualifying Examination contains a number of references to responses by the SRA to points put to it by LSB in the course of the LSB's consideration of the application. I would be grateful if you would provide copies of these responses or, if they have been published, indicate where they can be found.**

My interpretation of the above is that this is a request for copies of responses the SRA provided to the LSB which are referenced in the SQE decision notice – the request states the notice is dated 12 January – however, that was the date of the application. The decision notice is dated 26 March 2018.

My review of the decision notice and all correspondence with the SRA has identified two documents that I identify as “responses” from the SRA that we reference in the SQE decision notice. The two documents were provided via email on [19 February 2018](#) and [15 March 2018](#) (I have attached the documents as the attachments won't show when you click on the links) – You may wish to consider whether we provide just the word documents or also the emails to which they were attached. My view is just the word documents – there is no substantive content in the emails. The responses are also helpful as they contain the questions we posed to the SRA as well.

There was some further correspondence with the SRA on the application and there are two brief telephone notes – I do not consider the further correspondence or telephone notes to fall within the scope of the request as they were not referenced in the decision notice. I can elaborate on content if needed but the correspondence was on judicial engagement and assessments in Wales.

Mr draft and very dry response to the request is here: [https://lsbcloud-my.sharepoint.com/:w:/g/personal/\[REDACTED\]](https://lsbcloud-my.sharepoint.com/:w:/g/personal/[REDACTED])

[REDACTED] (with the two responses yet to be annexed and no confirmation on who the response would be formally from).

My further analysis of the references to “responses” in the decision notice is set out below this email.

Happy to discuss – once you are happy we can get this on to [REDACTED] Holy/Steph for their checks before a response goes.

Best,

[REDACTED]

[REDACTED] | Regulatory Policy Manager | Legal Services Board

The Rookery | 2 Dyott Street | London | WC1A 1DE

[REDACTED]

E [REDACTED]

W www.legalservicesboard.org.uk

T @LSB_EngandWal

L www.linkedin.com/company/legal-services-board/

I took a look at the [decision notice](#) and we reference SRA correspondence in the following places:

Para 12

Having considered the application and accompanying material, **further information provided by the SRA during the application process**, and additional information that was considered relevant to the application, the LSB has decided to grant the application **(This is a general reference and not a specific reference to a “response”)**

Para 21

The approach taken by the SRA in its application, of identifying and responding to the main concerns that it has received, meant that in some instances, the LSB did not require further information from the SRA to support its assessment. **In other areas, the LSB did raise issues with the SRA. The most significant issues that the LSB considered, on which additional information or assurance was required, are highlighted in this decision notice.** **(This is a general reference and not a specific reference to a “response”)**

Para 29

The **LSB sought further clarification from the SRA on what additional regulatory arrangements it anticipates will be required to give effect to regulation 1.1(a)**. The SRA clarified that it expects to develop Awarding Rules that would cover:

- Rules on re-sits
 - Rules about the time taken to pass the SQE
 - Rules about the timing of taking assessments. For example, to specify that SQE1 must be taken and passed before SQE2 can be attempted
 - Rules about making a complaint or appealing the outcome of an assessment.
- (This is a specific reference to our first set of queries to the SRA and its response)**

Para 31

The SRA confirmed that these rules will likely sit within a wider Assessment Specification, which will contain the detail on how SQE assessments will operate

(This is a specific reference to our first set of queries to the SRA and its response)

Para 41

The LSB asked the SRA for further detail on whether there would be any implications for a provider's ability to use the SQE trademark if another agency had found substantiated concerns about a provider's conduct.

(This is a specific reference to our first set of queries to the SRA and its response)

Para 42

The LSB is concerned about the potential consequences for students if the SRA were to take no action to revoke a licence in circumstances where another regulator had found substantiated concerns about a training provider's conduct. The assurance provided by the SRA in this regard was not sufficient to fully mitigate the LSB's concern

(This is a specific reference to our first set of queries to the SRA and its response)

Para 44

The LSB sought assurance from the SRA that it is effectively managing risk through the development and implementation of these reforms. In particular, the LSB sought assurance that the SRA had considered the risks associated with appointing a single assessment provider

(This is a specific reference to our first set of queries to the SRA and its response)

Para 48

These issues were referred to in the SRA's application. For example, paragraphs 42 to 49 summarised why the SRA has ruled out retaining a requirement to complete prescribed pathways as a condition of admission. The issues were also addressed in more detail through the SRA's consultations. Nonetheless, to further inform its assessment of the likely impact on the regulatory objectives, **the LSB invited the SRA to provide additional detail and assurance to address the specific issues identified above.**

(This is a specific reference to our second set of queries to the SRA and its response)

Para 49

The SRA's response set out the justification for its approach, identifying how the concerns raised by stakeholders had been considered and addressed through its public consultations. Its explanation included the following points

(This is a specific reference to our second set of queries to the SRA and its response)

Para 53

The LSB also clarified some drafting points with the SRA, particularly concerning commencement of the regulations. The LSB was satisfied with the responses it received from the SRA with regards to the drafting points and no amendments to the regulations were required.

(This is a specific reference to our first set of queries to the SRA and its response)

From: [REDACTED]
Sent: 28 January 2020 16:12
To: [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>; Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>
Cc: Stephanie North <Stephanie.North@legalservicesboard.org.uk>; Holly Perry <Holly.Perry@legalservicesboard.org.uk>; Toakase Tonga <Toakase.Tonga@legalservicesboard.org.uk>
Subject: RE: FOI request - SRA responses to SQE application Deadline 19 February

Thanks [REDACTED]

I expect to find time to send a draft to Chris by the end of this week.

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>
Sent: 28 January 2020 12:20
To: [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>; Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>
Cc: Stephanie North <Stephanie.North@legalservicesboard.org.uk>; Holly Perry <Holly.Perry@legalservicesboard.org.uk>; Toakase Tonga <Toakase.Tonga@legalservicesboard.org.uk>
Subject: FOI request - SRA responses to SQE application Deadline 19 February

Hi All

Here is a link to the saved request which to confirm we are treating as an FOI request:

https://lsbcloud.sharepoint.com/:u:/s/CorporateGovernance/EZ6N1BJkq_1NI4-54Rw0Df8BM9Msxpx5o1ZmMUqlygJ-Qg?e=anymZY

Deadline to respond to this request is 19 February.

So we'll need the relevant information from [REDACTED] before then.

Thanks

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>
Sent: 22 January 2020 16:52
To: Stephanie North <Stephanie.North@legalservicesboard.org.uk>; Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>; [REDACTED] <[\[REDACTED\]@legalservicesboard.org.uk](mailto:[REDACTED]@legalservicesboard.org.uk)>; Holly Perry <Holly.Perry@legalservicesboard.org.uk>; Toakase Tonga <Toakase.Tonga@legalservicesboard.org.uk>
Subject: RE: Contact us query - SRA SQE application

I'm happy to look and draft a response – I've already looked at the folder and there are a range of responses from the SRA to queries.

The requestor is asking specifically for responses that are referenced in the decision notice so I'll cross reference the decision notice with the correspondence we have on file to find the right one(s).

██████████

From: Stephanie North <Stephanie.North@legalservicesboard.org.uk>

Sent: 22 January 2020 16:49

To: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>; ██████████
<██████████@legalservicesboard.org.uk>; Holly Perry
<Holly.Perry@legalservicesboard.org.uk>; Toakase Tonga
<Toakase.Tonga@legalservicesboard.org.uk>

Cc: ██████████@legalservicesboard.org.uk

Subject: RE: Contact us query - SRA SQE application

Here you go:

From: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>

Sent: 22 January 2020 16:41

To: ██████████@legalservicesboard.org.uk; Stephanie North
<Stephanie.North@legalservicesboard.org.uk>; Holly Perry
<Holly.Perry@legalservicesboard.org.uk>; Toakase Tonga
<Toakase.Tonga@legalservicesboard.org.uk>

Cc: ██████████@legalservicesboard.org.uk

Subject: Re: Contact us query - SRA SQE application

Please could someone send me the query as an attachment as I only have my phone and can't access via link.

I suspect we will need to share by FOI so no point in hiding. The SQE file should have a record of the SRA's responses to queries and so I would prefer it if we could share this, noting that we don't routinely publish but do aim to explain the main issues raised and responses given in the decision notice.

██████████ - please could one of you lead on looking into this and advising on / drafting a response?

Thanks,

Chris

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From: ██████████@legalservicesboard.org.uk

Sent: Wednesday, January 22, 2020 4:21:15 PM

To: Chris Nichols <Chris.Nichols@legalservicesboard.org.uk>; Stephanie North
<Stephanie.North@legalservicesboard.org.uk>; Holly Perry
<Holly.Perry@legalservicesboard.org.uk>; Toakase Tonga
<Toakase.Tonga@legalservicesboard.org.uk>

Cc: ██████████@legalservicesboard.org.uk

Subject: Contact us query - SRA SQE application

Hi all

We've received a query in contact us relating to the SRA's SQE application. They are asking us to provide copies of the SRA's responses to LSB questions about the SQE application.

See link:

https://lsbcloud.sharepoint.com/:u:/s/CommunicationsandPublicAffairs/EefDrmzqXh1KoDWDaO_KdV4BF0XxcnYU_X9t6h8F52uSMw?e=e6f3zf

I had a brief chat with [REDACTED] and he mentioned we don't publish these. This is a request for information we hold, so maybe it should be treated as an FoI request?

Please let me know your thoughts on how we should respond to this query.

Thanks

[REDACTED]

[REDACTED] | Administrative assistant | Legal Services Board
The Rookery (3rd Floor), 2 Dyott Street, London WC1A 1DE

T [REDACTED]

E [REDACTED]@legalservicesboard.org.uk