

# The Solicitors Disciplinary Tribunal

Constituted under the Solicitors Act 1974

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Mr Nichols

By Email only: [ongoing.competence@legalservicesboard.org.uk](mailto:ongoing.competence@legalservicesboard.org.uk)

19 May 2020

Dear Mr Nichols

## Call for Evidence: Ongoing Competence

### Introduction

When responding to any Call for Evidence or Consultation, the Solicitors Disciplinary Tribunal (“the Tribunal”) must have in mind that it should not make public statements which might give rise to a complaint at a future date from those appearing before it of predetermination and/or apparent bias.

The Tribunal is able to respond to a Call for Evidence highlighting information it has gathered while sitting to determine cases. That is an appropriate function enabling the Tribunal to pass on knowledge and experience to policy makers. However the Tribunal must not stray outside that parameter.

### Competence in the legal services sector

The Tribunal understands that this section of the Call for Evidence considers, amongst other aspects, potential competency risks that have been identified in some practice areas or for some legal professionals.

From its own experience the Tribunal identified a number of areas that it considers particularly important in terms of continuing competence including:

- understanding the requirements of the roles of the COLP/COFA;
- the requirements in the Solicitors Accounts Rules in relation to client money;
- manifest incompetence (which is being increasingly alleged as a professional conduct breach) and the risks of practising in areas of law in which the solicitor has no experience;
- supervision of more junior staff; and
- the need to keep knowledge and practise up to date generally.

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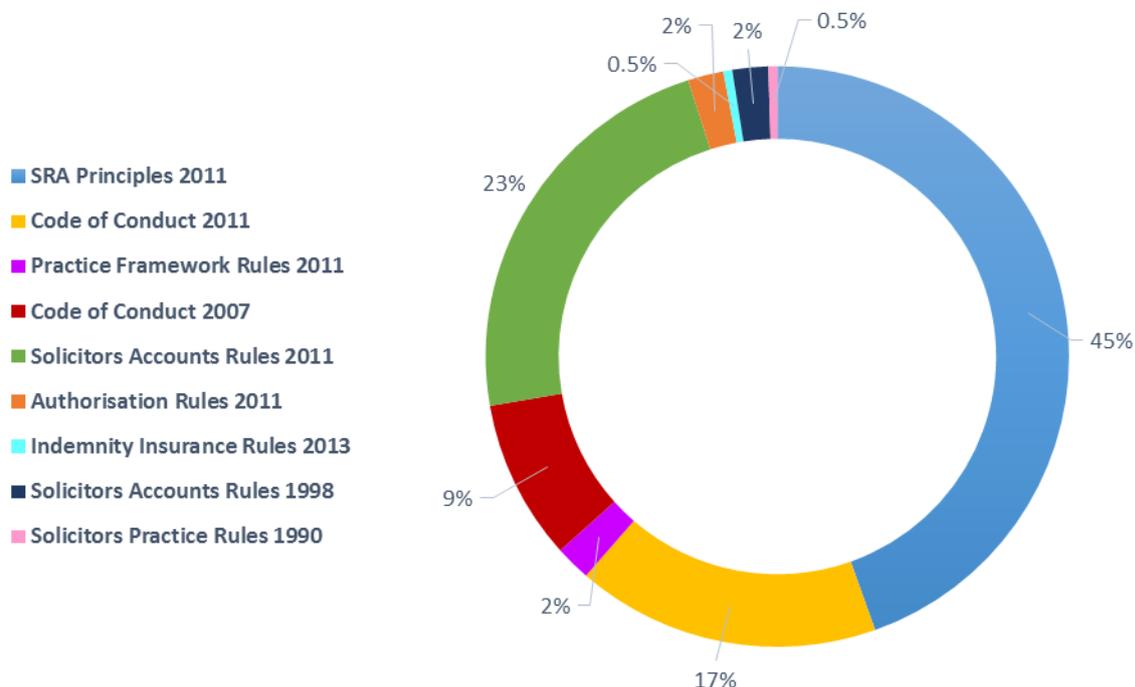
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## Allegations considered by the Tribunal

The LSB has asked for evidence in respect of practice areas which do or could impose greater competency risks and legal professionals that may be more at risk of competency challenges. The Tribunal is not in a position to provide this information but it may be of assistance to you to know more about the types of allegations that come before the Tribunal.

In 2018 Breaches (defined as breaches of the Principles/Code of Conduct/Account Rules/Authorisation and practising requirements and client protection rules) accounted for 47% of substantiated allegations and Solicitors' Accounts Rules Breaches for 22%. For cases concluded by way of Agreed Outcome the comparative figures were 47% and 24%.

For 2019 we are also able to provide a breakdown of substantiated allegations categorised by breach of the relevant rules:



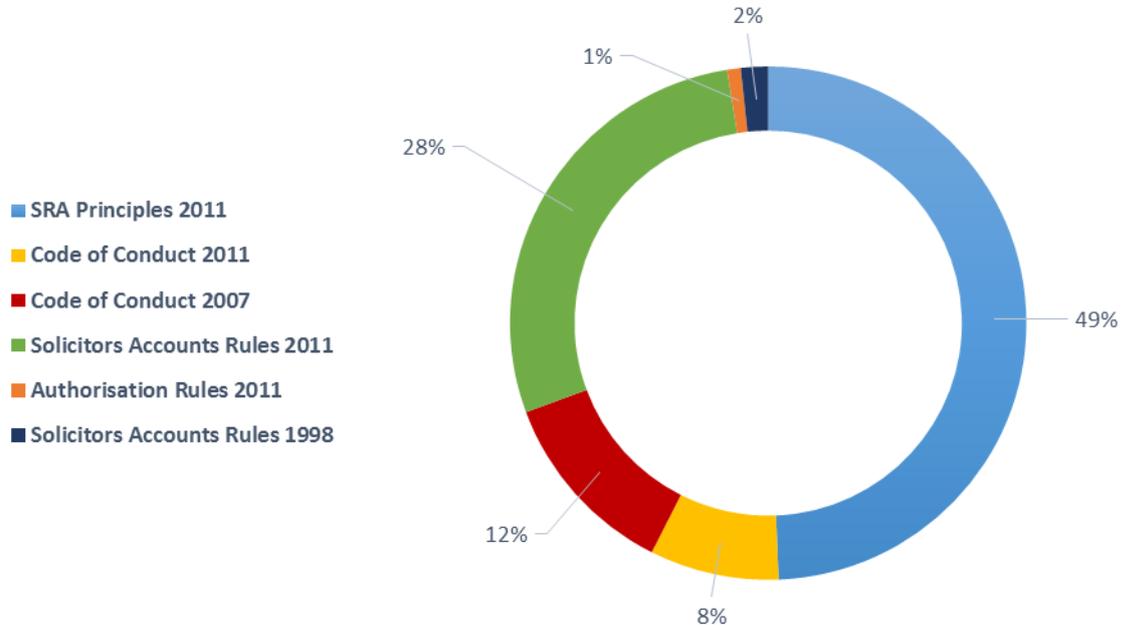
Please note that in some cases there may be more than one allegation breaching the same rule, however for the purposes of this chart each rule has only been counted once. There were 87 substantive hearings in total, 81 of which where the allegations were substantiated, the remaining 6 were found not proved/dismissed.

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For 2019 the breakdown of allegations for cases concluded by Agreed Outcome was as follows:



If the Tribunal can be of any further assistance please do not hesitate to contact us.

Yours sincerely

Edward Nally  
President of the Solicitors Disciplinary Tribunal