

**Solicitors Disciplinary Tribunal**  
**Delivering continuous improvement and value for money**  
**2023 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 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 2022 budget submission, and our plans for 2023 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 2022 budget submission**

### **Member Recruitment**

Following the Master of the Rolls' publication of the SDT's Appointment Protocol in summer 2021 we launched a Member recruitment campaign in October 2021. We worked with the Master of the Rolls' Appointment Panel Chair, Lady Justice Carr, and a specialist in judicial recruitment throughout the process.

Advertisements were placed in a range of publications and online forums to try and ensure that we received applications for a diverse range of applicants. We also held an online event in early November 2021 to allow potential applicants to hear more about the work of the SDT and better understand the role of Member.

We received a much higher level of applications than we had anticipated, and these were sifted during December 2021 with remote interviews held in January and February 2022. Applicants' names, educational and work histories were removed from the application forms seen by those sifting and interviewing the candidates.

The recruitment process has now been completed and the Tribunal welcomed 9 new solicitor and 8 new lay Members from 1 June 2022 with a further 4 Members (2 solicitor and 2 lay) starting from 1 January 2023. The 2022 and 2023 Members will all complete an induction programme, prior to being allocated hearings as part of a 3-person Panel in due course.

A key aim of the recruitment campaign was to increase the diversity of the Tribunal's membership. As part of the recruitment exercise, and in accordance with the Appointment Protocol, an equal merit provision was applied both at sift and interview stage in relation to gender and ethnicity.

The outcome of the campaign was that a greater gender balance in the Tribunal's Membership was achieved and there are now more Members who have a disability as well as increased representation of other protected characteristics. In terms of ethnicity, whilst the overall diversity of the Members broadly reflects the general population the appointments did not significantly increase the ethnic diversity of the SDT's membership.

A review of the Member recruitment process is being undertaken to identify any lessons that can be learned with the aim of further increasing diversity of the membership when the next round of Member recruitment is undertaken. New Members are being remunerated, at a reduced daily rate, for the time spent observing existing Tribunal Members as we recognise that there are financial implications of the time commitment required to complete the induction process.

## **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 continue to develop and streamline the process and the feedback questionnaire. We are currently part way through a round of Member appraisal. By the time this process is completed, all pre-2022 Members will have had a recent 360 appraisal with both their peer Members and the staffing team providing feedback.

The process continues to be coordinated by the same third-party supplier that we have used since the implementation of the Member appraisals (who also provides the user satisfaction survey for us). We have a positive and established working relationship with the supplier and consider the arrangements represent value for money as they are based on the number of appraisals and reports completed.

## **Appointment of New Leadership Team**

In February 2022, Alison Kellett was appointed as the new President of the SDT, succeeding the outgoing President, Ed Nally, who had completed his second and final term as President.

Following Alison's election as President, Paul Lewis was appointed as SDT Solicitor Vice-President. Stephanie Bown, the current Lay Vice-President, was re-elected for a second term in March 2022. Bellamy Forde and Rob Slack also continue in their roles as Board members.

## **Accommodation Review/Gate House**

The lease of the SDT's Gate House premises ends in December 2022. We explored several options, including re-location of the administrative offices and the use of external hearing rooms. After very careful consideration, we concluded that the most appropriate and cost-effective option is to remain in Gate House with a reduced footprint. As from December 2022 the 5<sup>th</sup> floor of Gate House will be relinquished and the SDT will be based on the 3<sup>rd</sup> and 4<sup>th</sup> floors only, with alterations to provide additional staff accommodation on those floors. The alterations are being kept to a minimum in order to minimise expenditure.

The Tribunal has agreed new terms with the landlord for 10-year leases of both floors, with a tenant's only break clause at 5 years. A capped service charge has also been agreed together with various improvements that the landlord will make to the fabric of the building and facilities at Gate House.

As well as savings in relation to the rent, there will be associated savings in relation to the service charges, business rates, utility bills and other operational expenses.

We consider that we have achieved our goal of having fit-for-purpose accommodation at the same or lower cost as now, in a location which is suitable for the nature of our business.

### **Organisational Changes**

The SDTAL's staffing structure consists of 16 posts. The SDTAL currently employs 12 full-time and 3 part-time staff. Whilst each staff member has their own primary duties, we work across teams to support the functioning of the Tribunal as a whole and to ensure that the cases we deal with are dealt with as efficiently and effectively as possible. 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.

Our view is that current staffing levels should be maintained 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 number of applications that it lodges at the Tribunal will increase in 2023.

However, the Tribunal needs to consider its staffing structure as the current structure has been in place for some time and is not necessarily the optimum one to support the Tribunal's current hybrid model of remote and in-person hearings. The Tribunal's reliance on IT has evolved considerably over recent years and a staff role to support and co-ordinate the IT infrastructure is likely to be required.

The previous Head of HR and Office Services decided to move on in June 2022. Instead of recruiting on a like for like basis an Interim Business Operations Manager was recruited, initially on a 12-month fixed term contract. As well as delivering the planned changes to the SDT's accommodation this role will focus on reviewing the SDT's IT services to streamline them and will review business operations across all the staffing teams to enable us to identify what support is required both in-house and externally to maximise operational efficiency.

### **Corporate Responsibility Strategy**

The Tribunal does not currently have a formal Corporate Social Responsibility (CSR) strategy but does a number of things that would be included in such a strategy. It does have an Equality, Diversity and Inclusion (EDI) Strategy.

The new Policy Committee decided in March 2022 that a working party be set up to devise and implement a Responsibility Strategy for the SDT that combines a CSR strategy and a new EDI strategy.

As a first step in that process a survey of staff and Members was commissioned, on an anonymous basis by an independent organisation, to understand perspectives and experiences of discrimination and the effectiveness of the current EDI strategy. The results of this survey will identify areas which require improvement and inform strategies which effect a change in culture.

On 24 August 2022 the Policy Committee received a presentation in relation to the surveys findings. The Working Party has been convened and it is hoped that the new Responsibility Strategy will be launched in late 2022.

### **Review of Listing Strategy**

In Spring 2021 we sought stakeholders' views on our listing strategy. We received 26 questionnaire responses (24 from individuals and the other two from the SRA and the Law Society).

The responses to the questionnaire expressed a range of views. Having taken all the views expressed into account the Policy Committee decided that with effect from 1 June 2022 the Tribunal's listing strategy would be:

- Case management hearings and interim applications will be listed to be heard remotely by default. Parties can apply for an in-person hearing if they wish to, and applications will be considered by the Tribunal. If the parties to the case are agreed as to the type of hearing they would like this will still be determined by the Tribunal.
- All substantive hearings (including Restoration to the full etc) will be listed in person by default. Parties may apply for a remote hearing if they wish, and any such applications will be considered by the Tribunal. If the parties agree that they want a remote hearing, then they will still need to make an application for this type of hearing and this will be determined by the Tribunal.
- The Tribunal's Guidance "Points to Note: In-Person/Hybrid and Remote Hearings at the Tribunal" will no longer be used and for first instance proceedings the Overriding Objective (Rule 4 of The Solicitors (Disciplinary Proceedings) Rules 2019) and the specific facts of the case will inform the Tribunal's decisions as to the appropriate type of hearing.
- Agreed Outcome applications will continue to be considered as now (which is normally on the papers with a case management hearing listed if required).

### **Review of Guidance in Respect of Remote and Hybrid Hearings**

The Tribunal is now holding in-person, remote and hybrid hearings. To assist all parties the Tribunal issued an updated Practice Direction dated 20 July 2022 in relation to remote and

hybrid hearings. This supersedes the Practice Direction dated 28 August 2020 in respect of remote hearings.

### **Listing and Court Utilisation**

Although the Tribunal's physical courtrooms have not been used as much as they had been pre-pandemic, we expect to see a return to more in-person hearings. We review physical and virtual court utilisation on an ongoing basis and use this to inform potential ways to improve cost-efficiency.

We continue to maximise hearing day usage by bringing other cases forward where possible to replace hearings which become ineffective at short notice e.g. because of adjournments and Agreed Outcomes.

### **User Satisfaction Survey**

In May 2020<sup>1</sup> 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.

For the first time the 2021 Annual Report presented information in respect of the SDT's user satisfaction information. As we gather, record and analyse more data relating to the user experience our understanding of how users experience the SDT will increase and inform how we can improve their experience.

We are seeking to further develop the survey to provide more detailed information about the responders to the survey so that we can better understand different users' experience.

### **Information Gathering and Developing Reporting Capacity**

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 was introduced at the end of April 2021.

In the 14 months since the CMS went live, we have seen the benefit of the workflows and single source of information that it provides, and this supports more efficient case management.

During 2022 we have been working to develop our reporting capacity to help us monitor and improve in key performance target areas. We are already seeing significant benefits in the level of detailed information available to us and the level of information available will significantly increase over coming months.

### **Judgment Review**

The Tribunal's decisions are set out in the Tribunal's Judgment. During the last quarter of 2021 we undertook 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 carried out using in-house resource and therefore involved no extra cost.

The project culminated with a new Judgment template being introduced from 1 January 2022. The new template means that at the beginning of each judgment there is an 'Executive Summary' setting out the following:

- Overview of the case
- Allegations- proved/not proved
- The sanction

The Executive Summary enables the reader to have a summary of the case and allegations and to know the outcome without needing to read the whole Judgment. The Executive Summary also contains links to the sections of the Judgment in which the Tribunal's key decisions are set out. This is intended to make the Judgments easier to navigate for those seeking quick access to the key elements of the decision and the reasons for it.

### **Liaison with Key Stakeholders/ User Group Committee**

The terms of reference for the Tribunal's User Group Committee were reviewed and updated in 2021.

The User Group Committee continues to meet twice a year. The revised Terms of Reference have placed more of an emphasis on the discussion of key issues rather than data about our cases. The data previously discussed at the meetings is circulated in advance and any questions arising are addressed at the meeting.

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.

In addition to the UGC we have continued to liaise with key stakeholders and to respond to consultations as appropriate.

### **Covid 19 – Impact, Response and Progress**

The Tribunal's offices are fully open to Members, staff and the public. The staffing team continue to work on a hybrid model. The level of attendance in the office is determined by the needs of the business and is likely to increase as we see more in-person/hybrid hearings from Autumn 2022.

During late 2021 and the early part of 2022 the changing situation in relation to the pandemic meant that operational changes were often required at short notice. Throughout this period the SDT continued to hear cases, utilising remote hearings as required in appropriate matters.

Covid specific risk assessments were undertaken as required and increased liaison with the landlord's agents and other tenants in Gate House enabled any concerns and issues arising to be swiftly addressed.

At the time of writing there are no Covid specific measures in place within Gate House (which accords with the overall position in England). However, should the situation change, we will review what measures, if any, are required and implement any that are identified immediately.

### **Learning and Development**

We have continued to promote 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 effectively, including training for relevant staff on the use of the new CMS;
- equality and diversity training for those involved in the Member recruitment campaign and for the new Members;
- training and updates for Members and clerks on key areas of procedure and developing areas of law, for example around cases involving counter-inclusive misconduct; 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.

We recently sought feedback from Members and staff as to the future format of our twice-yearly Member training days and the content that would be most beneficial. The feedback received is being used to plan future Member training, including the November 2022 training day.

### **Statutory Finance Audit**

We again conducted the statutory audit of our 2021 accounts remotely and anticipate continuing this approach in future. The statutory accounts are now produced in-house to reduce costs. We have decided not to tender for the statutory audit work at this time as we are confident that the existing arrangement provides robust scrutiny.

## **Future planned investment and savings**

### **EDI Data From The SRA**

In summer 2022 the SRA agreed that it would supply similar anonymised data to that set out in the SRA's Upholding Professional Standards report to us on request.

Having considered what anonymised would best assist us there was a further conversation with the SRA who are currently exploring the possibility of the SRA undertaking a statistical analysis of its data and providing us with an anonymised data set in relation to the cohort of cases referred to in the three published Upholding Professional Standards Reports.

If this is possible this will greatly assist the Tribunal. Depending on what this analysis shows we can then consider what research, if any, would be helpful in understanding the outcome of SDT proceedings for different respondents.

In considering what research if any to undertake we will be mindful of the research that the SRA is already undertaking. The Tribunal will be joining the SRA's external reference group to help it with its key independent research. This research is focussed on understanding the underlying reasons for the longstanding overrepresentation of Black, Asian and minority ethnic groups in the SRA's enforcement work – in both the reports of concerns that come into it and those taken forward for investigation. These stages of the disciplinary process are entirely outside of the Tribunal's remit and we are not involved at those points. However, the cases taken forward for investigation ultimately determine the cases issued at the Tribunal.

Looking ahead, in order enable the SRA, over time, to provide diversity information for individuals at the point of referral, the SRA is also reviewing the data privacy notice it applies when collecting diversity data through mySRA. Changing this notice to specify that data will be shared with the Tribunal, and putting in place appropriate processes to do so, will mean that this information can more readily be provided to the Tribunal to help it to better understand what happens to individuals as they move through the system.

### **Board – Policy Committee Objectives**

In May 2022 the Board unanimously supported the development of objectives and agreed the following objectives for 2022:

1. To decide the Tribunal's place/way of work for the next 5 years and secure appropriate accommodation to service that model.

2. To undertake a governance assessment to consider the structure of the Tribunal, the SDTAL and Policy Committee, the roles of the Vice-Presidents, and to conduct a skills assessment for the Board and Policy Committee with a view to identifying any gaps and how these could be addressed.

3. To develop and implement the Tribunal's Responsibility Strategy building on the findings from the questionnaire.

In October 2022 the Board and Policy Committee have planned a day focussing on the development and implementation of these objectives and a review of the SDT's current strategic and operational plans.

### **Improvements to Gate House**

Although we will have a reduced footprint in Gate House from December 2022 there is no reduction to the amount of court space we have available.

As part of our negotiations with our landlord, they have agreed to install a new ground floor disabled toilet and to make some improvements in the end of journey facilities available for staff. This will enhance the facilities available in the building.

Planned works by the landlord to improve the buildings energy efficiency will be beneficial for service users and Members and staff alike.

Once alterations have been made to the staffing area on the 4th floor, all staff will be co-located on one floor. This will help promote increased cohesive working across the staffing teams. This should have a positive impact on the working environment and staff well-being, providing a productive balance between remote and office based working.

### **Liaison with Key Stakeholders**

Work is currently being undertaken with the SRA to develop a shared understanding of the cases that the SRA intends to refer to the Tribunal following the increase in its fining powers. Whilst ultimately it is a matter for the SRA as to whether to issue proceedings at the Tribunal this is an important dialogue as it provides a level of reassurance that the most serious matters will still be considered independently by the SDT.

Further, the SRA and SDT have agreed that the SRA will provide more forecasting information twice yearly to help the SDT understand both the number and nature of cases that we can expect to receive.

Following feedback at the Solicitors Assistance Scheme AGM we are reviewing our Standard Directions to ensure that they remain proportionate and are developing an explanatory note to explain what the directions mean and their purpose. We hope that this will assist unrepresented parties.

We are also taking a more flexible approach to the Standard Directions made when proceedings are issued when health or other issues that are likely to impact on the proceedings are identified from the outset. Such cases are being listed for an early case management hearing to enable the Tribunal to exercise robust, but appropriate, case management from the outset.

### **Benchmarking of Salaries**

The Tribunal is fortunate to have an effective and experienced staff team. Concerns have been raised by staff about the impact of cost-of-living increases following a pay increase of 1.5% from 1 January 2022.

In order to ensure that the Tribunal's salaries remain competitive across the range of administrative roles, a benchmarking exercise will be carried out and will inform recommendations for staffing salaries from 1 January 2023 (within budgetary constraints).

### **Review of Supplier Arrangements**

Now that we know that we are remaining in Gate House on a reduced footprint we have been able to commence a review of supplier contracts. All operational supplier contracts will be reviewed and reduced to reflect the change in the service needs.

We expect to make savings in:

- The reduction of facilities management;
- Reducing the IT costs for support and infrastructure by seeking to decrease the number and negotiating better contracts.

### **Website Review and Redevelopment**

A review of the current external website is currently being undertaken to improve the profile and user experience. This is in part due to the changes in the platform used to support the website.

We know from the feedback that we receive, both through the User Satisfaction Survey and from other sources, that there is a general level of dissatisfaction with the website, particularly in terms of the user's experience in being able to locate the information required.

We have reviewed the content of the website. We have also reviewed the format and content of the websites of a number of organisations in the regulatory sphere.

The development of the new website will be completed as phased works carried out by an

external company. We will seek to respond to the external feedback we have received and improve the user experience. A fundamental component of this will be ensuring that the new site enables users to reach the required content in as few clicks as possible and that the terminology used is easy to understand so that the user can navigate to the required information without requiring specialist knowledge of the terminology we use in order to locate the required information.

As part of this process, we also be looking at whether we can get better value for money in terms of the hosting and maintenance of the website.

### **Further IT Developments**

Having implemented our new Case Management System and wider Microsoft Office 365 IT changes, we 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.

During the last year we have continued to use Microsoft Office 365 effectively, but we know that we can make changes to maximise the use of this technology. We remain committed to ensuring that we have appropriate IT security in place and are working towards achieving Cyber Essentials accreditation.

Having explored a number of potential options to support our IT provision we have concluded that the most effective way forward is to procure a revised package of external IT support from an IT provider who is able to assist is to maximise the use of Microsoft Office 365 and who can provide in person and online support for the staffing team.

We will be reviewing our current technological providers with the aim of streamlining some of the services to reduce the number of providers wherever possible to deliver a more holistic and fit for purpose service going forward.

As well as reviewing the IT infrastructure and support we will be reviewing the IT functionality in the court rooms. We will review the hardware and software to ensure that it is fit for purpose for in-person, hybrid and remote hearings and that we are able to facilitate external press and public attendance at the majority, if not all, of our hearings.

The way in which we record hearings that are hybrid or fully in-person will also be reviewed with a view to utilizing technology to enable us to more effectively undertake this process, including the provision of recordings on request, and to make savings on the existing arrangements which were put in place when the vast majority of hearings were held in-person.

## Telephony

Our current telephone system is landline based and predates our significant use of Microsoft Teams and Zoom. We will be investigating the possible introduction of cloud-based phones to better support hybrid working. This will represent a more cost effective and flexible option going forward. Our priority is to ensure that those who want to reach us by telephone are able to do so quickly and easily and that we are able to transfer calls to the relevant member of staff whether they are in the office or working remotely.

## Connectivity

The current internet provision at Gate House is set up on the basis of a private and a public network and was put in place when most hearings took place in-person and when the staffing team were predominantly office based. The provision predates the extensive use of Zoom and Microsoft Teams.

We need to ensure that our internet capacity can support in-person and hybrid hearings as well as remote hearings conducted from the office and the use of various IT systems by the staff who are in the office on any given day. We need to ensure that there is resilience in place in our arrangements in case of service disruption.

A review of our broadband services is currently underway to ensure that as part of the planned changes to our accommodation we can ensure that the provision we have in place is fit for purpose and flexible to meet any future changing requirements.

SDT/SDTAL

September 2022