

By email only

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Dear Jane

SRA Case Handling Procedures

Further to ongoing discussions between our teams over the last few months around the SRA's enforcement processes, I am writing to confirm our agreed way forward.

Our discussions have focused on the SRA's improvement programme for case handling and progression, and we are grateful that you have agreed to provide an action plan which addresses the issues that you have identified in the Annex. We note that the SRA has already committed to a series of activities to improve its case handling. We consider that a plan of action is required that reflects the detail and implementation timings of your intended improvements and remedial steps to be taken. This aligns with the conclusions from the LSB's 2022 performance assessment, in which we expressed concerns around the quality of the SRA's case handling procedures.

We are pleased to note that a number of steps are already in place, including the implementation of a new IT case management system and improvements to your updates to complainants on their cases. We expect these steps will form a solid foundation for your continuous improvement programme.

The Annex sets out the areas and strategies for improvement that you have identified, which include the long- and short-term solutions you have cited as part of your continuous improvement programme. However, in order to achieve an action plan that provides sufficient assurance please consider the additional action points that we have set out. The overall aim will be to ensure that the final action plan is:

- sufficiently comprehensive in addressing processes,
- manifestly transformative; and
- specific around activities, deliverables, timescales and outcomes.

It may be simpler to set up a meeting to discuss the points in the Annex, but we will be content with a written response if this is preferred. We also welcome any additions to the areas in the Annex which reflect further plans for improvement that you intend to pursue.

We have also encouraged other regulators to be transparent about performance improvement plans and we therefore plan to publish this correspondence and your action plan to demonstrate to consumers and the profession of the steps that you are taking to improve your procedures. You may also consider publishing the material on the SRA website.

Under the LSB's performance framework we will ask for regular updates on the progress of your improvement programme, which we will publish on the LSB website from time-to-time.

We ask that you submit your response and action plan by 30 June 2023.

Yours sincerely

A handwritten signature in blue ink that reads "Angela Latta". The signature is written in a cursive, flowing style.

Angela Latta
Head, Performance and Oversight

SRA Plan of action for improvements to SRA case handling and progression procedures

A. Item 1: Reducing the time for resolution of complaints and improvements in monitoring case progression

1. Areas identified for improvement:
 - a) Improve handling where there is a lack of cooperation from regulated persons;
 - b) Improve handling of cases with multiple complaints;
 - c) Developing exceptional case indicators to limit the occurrence of complaints that remain unresolved beyond the SRA's performance targets;
 - d) Reduce timescales between the point of deciding to prosecute at the Solicitors Disciplinary Tribunal ("SDT"), to lodging allegations [Please can you also clarify whether the above time saving plan also impact the overall enforcement timeline across the life of a case, and whether other time saving plans are contemplated]; and
 - e) More efficient and seamless handovers of cases between SRA employees.
2. Action Points
 - a) Develop guidance, through the SRA's continuous improvement programme, for processing cases effectively when the SRA encounters non-compliance with requests or otherwise experiences uncooperative behaviour;
 - b) Develop guidance through the SRA's continuous improvement programme, for handling and prioritising cases with multiple complainants and where the allegations increase materially during the course of proceedings. Support timeliness and consistency by developing protocols to address common issues and blockers, including interim conditions/safeguards, delays by third parties and cases involving multiple complaints/allegations;
 - c) As part of its continuous improvement programme, the SRA will conduct an end-to-end review of its processes for managing cases, which will include making sure that, should a matter suffer from avoidable delay, the case will be prioritised at subsequent stages, rather than join any new allocation queues. The aim will also be to reduce duplication and handoffs.
 - d) To tackle all of the areas identified at 1(a) to (d) above, the SRA will also support staff to deliver high quality investigations by bringing in a reviewed, refreshed and more comprehensive training programme, including on case analysis, investigation planning, evidence-gathering, interim practising conditions, the handling of multiple allegations and cases where a regulated individual does not co-operate on disclosure of evidence.

B. Item 2 Accurate assessment of complaints and recording of decisions

1. Areas identified for improvement
 - a) Improve accuracy for the recording of decisions on the case file;
 - b) Maintain accurate and detailed records for management oversight, to include clear recording of rationale for making decisions about cases;
 - c) Prevent premature or erroneous limitation of cases to specific issues; and
 - d) Improve accuracy of initial assessment of the seriousness of cases.

2. Action Points

- a) The SRA will carry out a review of existing guidance for staff around record keeping to ensure that a consistent approach is applied and monitored as part of its performance management arrangements. The SRA will also improve record keeping and management oversight by updating how it uses its new IT system, with, where required, updates to the system to support this;
- b) The SRA will also support timeliness and consistency and appropriate case analysis by improving and streamlining the approach to preparing investigation plans and notices;
- c) For 1(a) and 1(b) above, the SRA will also support staff to deliver high quality investigations by bringing in a reviewed, refreshed and more comprehensive training programme, including on case analysis, investigation planning, evidence-gathering, interim practising conditions, the handling of multiple allegations and cases where a regulated individual does not co-operate on disclosure of evidence.

C. Item 3 Addressing inconsistent case progression among staff and management.

Action Points

The SRA will develop training and resources for staff and management that support case analysis and progression.

D. Item 4: Timely provision of updates about case progression to complainants:

Action Point

The SRA will address this matter through its forward-looking continuous improvement programme. The SRA will also improve customer service through more frequent communication with parties, supported by templates to help with clear and meaningful updates.

E. Item 5: Timely provision of responses/updates to the LSB

Action Point

The SRA will devise criteria for further reporting of exceptional cases with the SRA Board, followed by shared thinking with the LSB on what might most usefully form the basis of enhanced reporting.

F. Item 6: Assessing compensation fund claims

Action Point

The SRA will carry out a review of a selection of compensation fund claims and will consider any actions that may be required as a result.