

Summary and analysis of SDT performance report 2022

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Summary

1. The SDT reports to us annually on key performance measures (KPMs). This year, the narrative in the report is more extensive and provides an overview of the role of the SDT and the purpose of this report. In addition, each KPM has a richer explanatory section which provides useful context around what the figures mean and what the SDT is doing in relation to the various measures.
2. The SDT is meeting its KPMs and has improved on KPMs in relation to issuing of proceedings, determinations, production of judgments and user satisfaction.
3. The cost per court has increased by £4,984 (38.9%) compared to 2021. The SDT heard 10% fewer cases (103 cases in 2022 compared to 114 cases in 2021) and sat for 27% fewer hearing days (174.25 days in 2022 compared to 239 days in 2021). The SDT explains the cost per court has increased because of administrative expenses, which are largely fixed costs being spread over fewer hearing days.
4. There were 43 adjournment applications in 2022 and 23 of these applications were granted. Last year there were 41 applications for adjournment. The most frequent reasons for adjournment applications were the ill-health of a party, a party not being ready, and the unavailability of parties.
5. This year is the second year the SDT is reporting on its new performance measures for diversity and user satisfaction. The SDT recruited new members in 2022 and took active steps to increase the diversity of its members via this recruitment. However, this did not yield the anticipated results and the SDT is assessing why this was the case. The figures for diversity show that:
 - a. SDT members tend to be whiter and older than the profession. However, the SDT staff team has a higher proportion of employees from black, Asian, Mixed or other ethnic groups than the profession as a whole.
 - b. The gender profile of the SDT's membership is slightly more male than the profession and within the SDT staff team the number of male employees is significantly less than are employed across the profession as a whole.
 - c. The number of SDT members who have declared a disability is higher than the proportion in the practising population and has increased since 2021.
 - d. The SDT membership and staff has a higher percentage of members and staff declaring a heterosexual orientation than the practising population.

6. The figures for user satisfaction show that legal representatives using the SDT have significantly higher levels of satisfaction than applicants and respondents. However, with a response rate to user satisfaction surveys below 20%, the sample size for this data is small.

Performance measure 1 – Issue of proceedings

Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to applicant within 5 calendar days of receipt of originating application (in the correct format) at the SDT.

(A) Issue of proceedings (Solicitors, Former Solicitors, Registered Foreign and European Lawyers, Clerks and Recognised Bodies)

Achievement: 99% of cases across 2022 (100% in 2021).

(B) Issue of proceedings (Restorations to the Roll, Revocation of s.43 Order, Application to Determine Indefinite Suspension, Application for Re-hearing, Application to Vary Condition on Practising Certificate, S44E Appeal, Costs Order, Application to Activate Suspension)

Achievement: 95% of cases across 2022 (92% in 2021).

(c) Lay Applications

Target: 90% of lay applications to be considered by a Member of the Tribunal and, if required, a Division of the Tribunal within 8 working days

Achievement: 100% of cases across 2022 (92% in 2021)

Agreed outcomes

7. There was the same number of agreed outcome applications in 2022 as in 2021, 41. Of these 4 were refused (8 in 2021). The report notes that late notice applications are an issue because it can be difficult to reschedule other hearings to fill the freed-up court days.

Performance measure 2 – Determination by Hearing

Target: 75% of cases first listed for substantive hearing within 6 months of issue

Achievement: 100% (99% in 2021).

Target: Determination of application, by substantive hearing or otherwise, from the date of issue of proceedings – see table 1 below

Table 1: Determination of application

Year	2022	2021	2022	2021
Total cases	103	114	102	114
	Total cases heard in each category		&	
Within 6 months (target: 60%)	82	95	79%	73%
6-9 months (target: 80%)	11	6	90%	88%
9-12 months (target: 95%)	7	1	97%	89%
12-24 months (target: 100%)	3	12	100%	100%

8. This year the SDT heard 103 cases, which is fewer cases than in previous years (114 in 2021, 129 in 2020, 144 in 2019 and 168 in 2018). The SDT sat for 174.25 hearing days which is fewer than previous years (239 in 2021, 253 in 2020, 308 in 2019 and 266 in 2018).
9. There has been an improvement in the proportion of cases concluded within six months (73% in 2021, 70% in 2020, 64% in 2019, 39% in 2018). In addition, 100% of cases were first listed for a substantive hearing within six months of issue.
10. There were 43 adjournment applications in 2022 and 23 of these applications were granted. The most frequent reasons for adjournment applications were the ill-health of a party, a party not being ready, and the unavailability of parties. There were 41 adjournment applications in 2021. In 2022 125 hearing days were lost to adjournments.

11. The report explains that to proactively manage and reduce delay caused by adjournments, the SDT implemented the following steps:
- The clerk who reviews the case on receipt should consider if health issues are evident and if they are, not issuing standard directions but instead listing for an early case management hearing to consider the medical evidence available and what further directions are required at that early stage.
 - Panels to be reminded of the Guidance Note on Health Issues and encouraged to exercise robust case management.
 - In cases where there has been delay of 12 months+ based on health grounds, to give serious consideration to directing a stay or to continue with the substantive hearing in absence. Whether proceedings in absence is appropriate is a case specific decision informed by the Respondent's engagement, the medical evidence available and the case law.

Performance measure 3 – Cost per court

Target: No target is included in the report – a trend measure.

Achievement: The average cost per court for 2022 was £17,791 (£12,894 in 2021)

12. Cost per court increased by £4,984 (38.9%) compared to 2021. The main reason for the increase was because administrative expenses, which are largely fixed costs, were spread over fewer hearing days.
13. There was an increase to administrative expenses resulting from a 12.07% increase in Members' fees, from August, which was due to the outcome of the Somerville v NMC case, member recruitment and one-off premises costs. There were savings from mid to late 2022 as there was a decrease in the staff headcount (at present there are 12 members of staff as opposed to 17 at the beginning of 2022).

Table 2: cost per court

Year	2022	2021
No. of courts (hearing days)	174.25	239
No of cases	102	114
Total Spend	£3,100,156	£3,081,633
Average cost per court	£17,791	£12,894

Performance measure 4 – Production of judgment

Target: Following final determination of the application, judgment to be served on the parties within a set number of weeks (see below).

Table 3: Production of judgment

	2022	2021	2022	2021
No of Judgments	104	114	103	114
	Total cases heard	Total cases heard	Cumulative %	Cumulative %
<4 weeks (target: 35%)	82	81	79%	71%
4-5 weeks (target: 50%)	8	10	86%	80%
5-6 weeks (target: 70%)	4	5	90%	84%
6-7 weeks (target: 85%)	6	6	96%	89%
7-9 weeks (target: 95%)	1	7	97%	96%
9-15 weeks (target: 100%)	3	5	100%	100%

14. This target continues to be met consistently with four out of five judgments being delivered in under six weeks. As in 2021, all targets within this KPM are met in 2022.

15. In the last quarter of 2021, the SDT carried out a review of how it produces its judgments to ensure that the judgments meet the requirement to give reasons, and that they are easy to read and can be understood by a range of audiences. The review delivered several recommendations which are being implemented in 2022. The SDT notes that some of its judgments are long and contain references to technical terms.
16. In 2022 the SDT sought to reduce 'legalese' and jargon in its judgments whilst still ensuring they retained the requirement to give reasons. The SDT has also introduced a judgment structure containing an executive summary of the key points and also bookmarks and hyperlinks enabling the reader to navigate more easily around the judgment and to choose the order in which they wished to consider the material. SDT notes that it will continue to work on ways in which it may make its judgments more accessible to the public.

Performance measure 5 – Appeals

Target: No target is included in the report – a trend measure.

17. Nine appeals were lodged against the SDT's decisions in the year, which represents 9% of all cases heard. This is a significant reduction from 17 appeals representing 15% of cases in 2021. The SDT states that of the four appeals of 2022 judgments heard to date two have been dismissed.

Table 4: Appeals

Year	2022	2021	2022	2021	2022	2021
No. of cases heard in year	103	114	as % of SDT cases heard		as % of appeals lodged	
Appeals lodged	9	17	9%	15%	100%	100%
Appeals withdrawn/resolved by consent	2	1	1%	1%	11%	6%
Appeals dismissed/voided	2	3	2%	3%	22%	18%
Appeals upheld in whole or part	0	2	0	2%	0	12%
Appeals outstanding	5	11	6%	11%	67%	65%

Performance measure 6 – Diversity Profile

Target: No target is included in the report – a trend measure.

18. The SDT is reporting on this measure for the second time this year. The tables below compare the SDT's members and staff diversity profiles with those of the wider population of practising solicitors as mapped by the SRA.

Table 5: Ethnicity

Ethnic Background	Practising Population		SDT Members		SDT Staff	
	2022	2021	2022	2021	2022	2021
Asian	12%	12%	8%	7%	6%	6%
Black	3%	3%	4%	7%	17%	18%
Mixed/Multiple Ethnic Groups	2%	2%	0%	0%	6%	6%
Other Ethnic Group	2%	2%	0%	4%	0%	0%
White	82%	82%	88%	82%	71%	70%

19. The data shows that from 2021 to 2022 the percentage of SDT membership which is white has increased from 82% to 88%. The average for the profession as a whole is 82% from a white background and 18% from black, Asian and minority ethnic backgrounds.
20. The report notes that the SDT's membership was an area of focus in the Member recruitment campaign of 2022. The SDT engaged the services of a JAC-experienced consultant to provide expert advice on this aspect of the campaign, including fair recruitment and selection training, advice to the selection panels and the management and delivery of a fair and objective end-to-end process. However, this did not yield the anticipated results and the SDT is assessing why this was the case.
21. The SDT staff team has a higher proportion of employees from black, Asian, Mixed or other ethnic groups than the profession as a whole, with 71% white and 29% from black, Asian and minority ethnic backgrounds.

Table 6: Gender

Gender	Practising Population		SDT Members		SDT Staff	
	2022	2021	2022	2021	2022	2021
Female	52%	52%	48%	48%	75%	76%
Male	48%	48%	52%	52%	25%	24%

22. The gender profile of the SDT's membership does not reflect the gender characteristics of the profession, with men making up just under half of members (48%) and women making up just over half (52%). Within the staff team, the number of male employees is significantly less than are employed across the profession as a whole.

Table 7: Age

Age	Practising Population		SDT Members		SDT Staff	
	2022	2021	2022	2021	2022	2021
16-34	24%	24%	2%	0%	8%	12%
35-44	33%	33%	8%	8%	25%	25%
45-54	24%	24%	21%	15%	33%	38%
55-64	14%	14%	44%	50%	25%	25%
65 and over	5%	5%	23%	27%	8%	0%
Prefer Not to Say	0%	0%	2%	0%	0%	0%

23. The data shows that the SDT has a markedly older member age profile than that of the profession as a whole. However, there has been a decrease in the percentage of members falling into the two oldest age categories from 2022 to 2021. The relative lack of members in the lower age brackets is likely to reflect the statutory requirement for solicitor members to have 10 years' post qualification experience together with a focus, when recruiting new members, on ensuring they are sufficiently experienced to undertake a role which requires them to bring professional knowledge and judgement gained over time to bear on critical decisions affecting the lives and livelihoods of solicitors.

Table 8: Disability

Disability	Practising Population		SDT Members		SDT Staff	
	2022	2021	2022	2021	2022	2021
No Disability Recorded	99%	99%	86%	93%	100%	94%
Disability Recorded	1%	1%	10%	7%	0%	6%
Prefer Not to Say	0%	0%	4%	0%	0%	0%

24. The number of SDT members who have declared a disability is higher than the proportion in the practising population. The percentage of members with a recorded disability has increased by 3% from 2021 to 2022. The data shows that no one among the SDT staff has a recorded disability.

Table 9: Sexual Orientation

Sexual Orientation	Practising Population		SDT Members		SDT Staff	
	2022	2021	2022	2021	2022	2021
Bisexual	1%	1%	2%	0%	0%	0%
Lesbian/Gay	2%	2.5%	0%	0%	0%	0%
Heterosexual/straight	89%	89.3%	94%	87%	92%	100%
Other description	0%	0.3%	0%	0%	0%	0%
Prefer Not to Say	7%	6.9%	4%	13%	8%	0%

25. The SDT membership and staff has a higher percentage of members and staff declaring a heterosexual orientation than the practising population. The figures show that 4% of SDT members and 8% of SDT staff did not disclose their sexual orientation. In 2021, the ONS ¹estimated that 3.2% of the UK population identified as LGB+.

Table 10: Religion/Belief

Religion/Belief	Practising Population		SDT Members		SDT Staff	
	2022	2021	2022	2021	2022	2021
Buddhist	1%	1%	0%	0%	0%	0%
Christian	43%	43%	50%	55%	70%	70%
Hindu	2%	2%	4%	6%	6%	6%
Jewish	3%	3%	4%	0%	0%	0%
Muslim	6%	5%	4%	0%	0%	0%
Sikh	2%	2%	0%	0%	0%	0%
Other Religion or Belief	2%	33%	0%	23%	0%	12%
No Religion or Belief	33%	2%	34%	0%	12%	0%
Prefer Not to Say	0%	Not stated	4%	16%	12%	12%

26. The majority of people whose religion/belief is Christian is higher amongst SDT Members and staff than the practising population with consequently lower numbers in the other religious groups. There are now SDT members who are Muslim and Jewish which was not the case in 2021.

¹ONS [latest figures for sexual orientation](#)

Diversity data for Respondents

27. The SDT sends a diversity monitoring questionnaire to all respondents in each case. However, the report does not provide an overview of this data. Instead, the report refers to published SRA data²² which covers the three-year period from 1 November 2018 to 31 October 2021. This data shows that males are much more likely to receive a judgment from the SDT than females. However, since 2018/19 the proportion of females before the SDT has increased every year.

Table 11: Diversity Characteristics of SRA cases concluded at the SDT

		2020/21	2019/20	2018/19
Gender	Male	73%	80%	85%
	Female	27%	20%	15%
Ethnicity	Black, Asian and minority ethnic	34%	28%	35%
	White	66%	72%	65%
Age	16-34	7%	5%	9%
	35-44	19%	25%	27%
	45-54	31%	30%	31%
	55-64	28%	25%	20%
	65+	14%	16%	13%
Disability	Disability recorded	-	5%	-
	No Disability recorded	-	95%	-

Measuring user Satisfaction

28. In 2020 the SDT introduced four additional performance measures to measure the things that are important to stakeholders. Data in respect of these measures was gathered via a user feedback survey which was sent out three times during 2021 and 2022, each covering a 4-month period.

²² [SRA | Upholding Professional Standards 2020/21 – Diversity Monitoring, Supporting Report | Solicitors Regulation Authority](#)

Table 12: Questionnaires on user satisfaction

	Number of Questionnaires Sent	Number of Questionnaires Received	Completion (%)
Respondent Non SRA	65	12	18%
Respondent SRA	3	0	0%
Legal Rep Non SRA	49	5	10%
Legal Rep SRA	13	2	15%
Applicant Non SRA	18	5	28%
Applicant SRA	10	0	0%
Witness	8	5	63%
Total	166	29	17%

29. The SDT sent out 166 questionnaires and received 29 responses which is a completion rate of 17%. The response rate from witnesses was the highest at 63% while the SRA has a mixed response rate with an SRA response rate of 15% as a legal representative but no (0%) response rate as a respondent or an applicant. The findings for KPMs 7-10 below should be treated with caution as this is a small sample size.

Performance measure 7 – User Satisfaction

Target: 70% of those who contacted the Tribunal's administrative team felt that their needs were listened to and understood by the staff they contacted.

Achievement: 86%

Table 13: User satisfaction - Those who contacted the SDT's administrative team felt that their needs were listened to and understood by the staff they contacted

Feedback group	Number who answered Yes		Number who answered No		Number who answered Not Applicable (not included in % calculations)	
	2022	2021	2022	2021	2022	2021
Respondent	7 (87%)	57 (71%)	1 (13%)	2 (29%)	4	4
Applicant	3 (60%)	3 (50%)	2 (40%)	3 (50%)	0	0
Legal Representative	-	17 (100%)	-	0 (0%)	-	2
Legal Rep (non SRA)	5 (100%)	-	0 (0%)	-	0	-
Witness	3 (100%)	-	0 (0%)	-	2	-
Legal Rep (SRA)	1 (100%)	-	0 (0%)	-	1	-
Total	19 (86%)	24 (83%)	3 (14%)	5 (17%)	7	6

30. Overall, 86% of those who contacted the SDT's administrative team felt that their needs were listened to and understood, exceeding the target for this KPM. However, this percentage was lower for respondents and, most significantly, applicants.

Performance measure 8 – User Satisfaction

Target: 90% of parties and advocates could access the hearing effectively (including those hearings held remotely)

Achievement: 81%

Table 14: User satisfaction - Parties and advocates could access the hearing effectively (including those hearings held remotely)

Feedback group	Number who answered Yes		Number who answered No		Number who answered Not Applicable (not included in % calculations)	
	2022	2021	2022	2021	2022	2021
Respondent	5 (83%)	35 (50%)	1 (17%)	3 (50%)	4	4
Applicant	4 (80%)	1 (33%)	1 (20%)	2 (67%)	0	3
Legal Representative	-	17 (100%)	-	0 (0%)	-	2
Legal Rep (non SRA)	5 (100%)	-	0	-	0	-
Witness	3 (100%)	-	0	-	2	-
Legal Rep (SRA)	2 (100%)	-	0	-	0	-
Total	19 (86%)	21 (81%)	2 (14%)	5 (19%)	6	9

31. 81% of those who responded said that they were able to access the hearing effectively. Notably, most of those to whom this applied were respondents or applicants, with no legal representatives indicating that they had experienced difficulties in this regard.

Performance measure 9 – User Satisfaction

Target: 70% of those who are a party or advocate in a case who referred to the Tribunal's website found the information on the Tribunal's website was useful/helped them prepare for their hearing/case)

Achievement: 74%

Table 15: User satisfaction - Those who are a party or advocate in a case who referred to the SDT's website found the information on the SDT's website was useful/helped them prepare for their hearing/case)

Feedback group	Number who answered Yes		Number who answered No		Number who answered Not Applicable (not included in % calculations)	
	2022	2021	2022	2021	2022	2021
Respondent	7 (100%)	4 (50%)	0	4 (50%)	5	2
Applicant	1 (20%)	4 (67%)	4 (80%)	2 (33%)	0	0
Legal Representative	-	17 (94%)	-	1 (6%)	-	1
Legal Rep (non SRA)	5 (100%)	-	0	-	0	-
Witness	3 (75%)	-	1 (20%)	-	1	-
Legal Rep (SRA)	1 (50%)	-	1 (50%)	-	0	-
Total	17 (74%)	25 (78%)	6 (26%)	7 (22%)	6	3

32. 74% of respondents found that the information on the SDT's website was useful and/or helped them prepare for the hearing/case, meeting the target. However, 80% of applicants who replied to the survey indicated that this was not the case.

Performance measure 10 – User Satisfaction

Target: 85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing.

Achievement: 86%

Table 16: User satisfaction - Parties and advocates felt that they had sufficient time and opportunity to present their case to the SDT during the hearing.

Feedback group	Number who answered Yes		Number who answered No		Number who answered Not Applicable (not included in % calculations)	
	2022	2021	2022	2021	2022	2021
Respondent	7 (100%)	2 (50%)	0	2 (50%)	5	6
Applicant	1 (25%)	1 (50%)	3 (75%)	1 (50%)	1	4
Legal Representative	-	15 (94%)	-	1 (6%)	-	3
Legal Rep (non SRA)	5 (100%)	-	0	-	0	-
Witness	4 (100%)	-	0	-	0	-
Legal Rep (SRA)	2 (100%)	-	0	-	0	-
Total	19 (86%)	18 (82%)	3 (14%)	4 (18%)	7	13

33. 86% of respondents, said that they had sufficient time and opportunity to present their case to the SDT during the hearing. This is an improvement from 82% who said the same in 2021. However, 75% of applicants answered no to this question in 2022.