

SOLICITORS DISCIPLINARY TRIBUNAL

Key Performance Measurements Report 2022

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INTRODUCTION

Welcome to the SDT's KPM Report for 2022.

Our work

The Tribunal is a statutory tribunal, constituted under s.46 of the Solicitors Act 1974 (SA 1974). The principal function of the Tribunal is to hear and decide upon applications in respect of solicitors concerning allegations of professional misconduct or breaches of the Rules, Regulations and/or Code relating to professional practice. The majority of applications to the Tribunal are made on behalf of the Regulator, The Solicitors Regulation Authority Ltd (SRA), also referred to as 'the Applicant', but it is open to anyone to make a direct application (these are referred to as Lay Applications). Those against whom allegations are made are known as 'Respondents'.

The Tribunal is independent of the SRA.

The Tribunal's jurisdiction extends to solicitors, recognised bodies and registered foreign lawyers. The Tribunal also has jurisdiction for individuals who are not qualified solicitors, but who are employed or remunerated by solicitors.

The Tribunal, therefore, is the forum to which matters of alleged regulatory misconduct are brought for determination. It does not investigate matters or prosecute cases, this is the role of the SRA.

Key Performance Measurements (KPI's)

To ensure we continue to carry out our role efficiently and in the public interest the Legal Services Board ('LSB'), the oversight regulator for legal services in England and Wales, has set the Tribunal 10 key performance measurements against which we are judged. Comprehensive descriptions and targets pertaining to each individual measure are detailed within the report.

The report

This report presents the facts and figures relating to our work and the progress we have made in attaining the 10 KPI's. It presents a statistical analysis of adjournments, sanctions, judgment production and appeals against its decisions to provide insight into our processes and to help monitor and improve efficiency. It is important to remember that behind the statistics there are people; individuals, whose livelihoods, and reputations were placed into the hands of the Tribunal and who looked to the Tribunal to treat them with fairness, respect, and humanity.

Standing behind such individuals is the wider public and the profession itself who expect the Tribunal to protect them from being let down by those in whom they place trust and to protect the reputation of the profession.

The Tribunal does not choose which cases come before it and each is fact-specific and determined on those facts, however, in every case the Tribunal strives to be just and fair.

Last year Covid continued to cast a shadow, although much less so than in 2020-2021. The SRA continued to work through the backlog the pandemic had created and introduced its new enforcement strategy in July, both of which affected the volume and nature of the Tribunal's work.

In 2022 we carried out a review of the principle causes for adjournments with a view to finding ways we could be more proactive in dealing with them to ensure that Tribunal time would not be lost unnecessarily and/or costs wasted unnecessarily.

The Tribunal bears responsibility to ensure its decisions, processes and use of resources align with the expectations placed on it by the public. The information contained in the following sections will give the reader an understanding as to how the Tribunal performed in 2022 and those areas which are capable of improvement.

Ray Dhanowa
Acting Clerk
April 2023

OUTLINE OF KEY PERFORMANCE MEASUREMENTS

The SDT's 10 key performance measurements are outlined below. Comprehensive descriptions and targets pertaining to each individual measure are detailed within the report.

1	ISSUE OF PROCEEDINGS
2	DETERMINATION OF APPLICATION
3	COST PER COURT
4	ISSUE OF JUDGMENT
5	APPEALS
6	TRIBUNAL AND STAFF DIVERSITY
7	USER SATISFACTION – ADMIN TEAM
8	USER SATISFACTION – PARTIES/ADVOCATES
9	USER SATISFACTION - WEBSITE
10	USER SATISFACTION – CASE PRESENTATION

KPM 1 – ISSUE OF PROCEEDINGS

Proceedings to be issued or notification of non-certification sent to the Applicant within a set number of calendar days of date of receipt of Originating Application (in the correct format) at the Solicitors Disciplinary Tribunal as below:

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

Target:

85% of proceedings issued within 5 working days

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

Target:

85% of proceedings issued within 5 working days

(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

Yearly Total of Applications Received

Year	Performance Measure	No of Cases	Target Met (%)
2022	A	89	99%
	B	21	95%
	C	21	100%
2021	A	97	100%
	B	22	92%
	C	17	92%
2020	A	91	100%
	B	13	100%
	C	10	92%

Table 1

Number of Applications received by Quarter

Year	Quarter	Measurement		
		A	B	C
2022	1	15	7	8
	2	21	5	4
	3	28	3	2
	4	25	6	7
2021	1	24	4	3
	2	24	3	6
	3	21	11	6
	4	28	4	2
2020	1	25	1	2
	2	33	2	2
	3	19	5	1
	4	14	5	5

Table 2

Breakdown of Applications Received in 2022

CASE TYPE	COUNT
R12 Application (SRA)	89
R12 Application (Lay)	21
Application to vary/remove conditions	6
R17 Application – Restoration to Roll	4
Remitted Appeal	4
Application for Leave to Enforce Costs Order	3
S44E Appeal	1
S46 Appeal	1
R19 – Review of Order of Solicitors' employees	1
R37 – Application for Re-Hearing	1
Total	131

Table 3

COMMENTARY

KPM1 A: In 2022 the Tribunal received 8% fewer SRA cases than in 2021 and 2% fewer cases compared to 2020.

The mean number (7.7) of cases received per month for the past three years is less than the 10 cases per month forecast by the SRA.

In 2022 the time interval between the SRA's decision to refer a matter to the Tribunal and receipt of proceedings at the Tribunal was c.20 weeks in most cases.

With respect to KPM 1 A it is difficult to state with certainty the reasons for minimal fluctuations between the number of cases referred by the SRA to the Tribunal year on year, however, it is to be noted 2022 got off to a slower start with 15 cases being submitted to us in the Q1 as opposed to 24 in Q1 of 2021.

With the introduction in July 2022 of the SRA's increased fining powers of £25k from the previous £2k, the Tribunal expects to receive an increased number of appeals from SRA decisions. There may also be more cases involving allegations of what have been termed 'toxic and anachronistic' work cultures. Such matters will have the potential to be complex and of considerable public concern.

In 2022, there was a greater number of 2-day hearings than in 2020 and 2021 compared with previous years. There was also an increase in hearings that were 3-4 days in length in 2022.

Although, it may be too soon to speculate this may be a result of the SRA's new enforcement regime and its referral of cases which are inherently more complex. We will continue to monitor the trend in 2023.

The receipt of KPM1B fell by 47.5% 2021 and lay applications, KPM 1C, rose by 23.5% from 2021.

RESPONDENT INFORMATION & ALLEGATIONS – GENERAL THEMES

In 2022 the Tribunal issued 89 sets of proceedings in relation to cases received from the SRA. The 89 cases equated to 100 individual respondents with some cases involving multiple respondents.

The Tribunal has collated information in relation to Respondent type, position and the areas of law giving rise to the misconduct which may be of interest. It is important to note that for some Respondents in relation to alleged misconduct there were multiple areas of law. This accounts for the different totals in tables 4 and 6.

Respondent Type	No of Respondents
Solicitor	98
Registered Foreign Lawyer	1
Unadmitted Person	1

Table 4

Respondent Position	No of Respondents
Associate	29
Consultant	3
Individual	17
Non-admitted	1
Other	1
Partner	35
Sole Practitioner	14

Table 5

Area of Law giving rise to Misconduct	
Related to Administration of Practice	29
Conveyancing	25
Not related to Practice	17
Accounts	15
Wills& Probate	15
Civil Litigation	7
Commercial Property	6
Personal Injury	6
Commercial Litigation	3
Property	3
Employment	2
Family	2
Human Rights	2
Immigration	2
Litigation	2
Mental Health/Capacity	2
Criminal	1
Public and Tribunal Law	1
Money Laundering	1
Private Equity	1

Table 6

ALLEGATIONS – GENERAL THEMES				
Accounts Rules Breaches	Misuse of Client Account	Dishonesty	Lack of Integrity	Total no of Cases
	✓			1
✓	✓	✓	✓	3
✓		✓	✓	4
✓	✓			4
✓			✓	7
		✓	✓	12
			✓	26
✓				29

Table 7

Of the 89 cases received from the SRA in 2022, data has been collated on 86 cases in relation to general themes of the allegations. The remaining three cases did not relate to the general themes set out below and therefore this data has not been recorded. Additionally, of the 89 cases:

- 8** related to criminal convictions;
- 3** related to sexual misconduct;
- 1** related to sexual misconduct resulting in a criminal conviction.

LAY APPLICATIONS

Lay Applications received	Number not certified <u>without</u> adjournment for investigation by the SRA	Number adjourned for investigation by the SRA	Number not certified <u>after</u> adjournment for investigation by the SRA
21	18	3	1

COMMENTARY

Since 2020 there has been a year upon year increase of lay applications. This may be indicative of more direct public engagement with the Tribunal, and due also to heightened awareness of the Tribunal.

Given the difficulties faced by lay applicants the Tribunal endeavours to provide them with personal guidance, tailored to their needs. Deputy clerks and administrative staff readily answer their questions on procedural matters and offer assistance on using CaseLines, the Tribunal's electronic document management system.

Although most lay applicants set out set out their concerns in relation to their own solicitor/firm or a third party's solicitor in depth they do not provide sufficient evidence to demonstrate that there a case to answer or arguable case of professional misconduct such that a hearing before the Tribunal is required. That said, if the applicant raises matters which cause the Tribunal to have concerns it will

request the SRA to carry out the necessary investigations and report back to the Tribunal before the Tribunal makes a definitive decision on whether to certify.

In 2022 the Tribunal started to review how we could improve upon the way we provide guidance for individuals. We recognised that for those who are not familiar with our processes and terminology it can be harder to ensure that all the requirements of our Standard Directions are met. Working with key stakeholders we have revised our standard directions and on 11 October 2022 these were introduced in place of our existing standard directions.

We also launched our new [Explanatory Note to Standard Directions and Glossary](#), and a [template Answer](#) and [Statement of Means](#) to assist all parties, but particularly for those who are unrepresented.

AGREED OUTCOMES

Description	2022	2021
Number of Cases on which AO received	41	41
Cases with more than 1 AO	7	4
Total number of AO's Received	50	45
Agreed Outcomes Approved	45	37
Agreed Outcomes Rejected	4	8
Agreed Outcome Pending* Consideration 2023	1	-

Table 8

Proposed and Actual Sanction

Was the proposed sanction the same as the sanction imposed?

2022		2021	
Yes	No	Yes	No
44	1	35	2

Table 9

Days of Court Time affected:

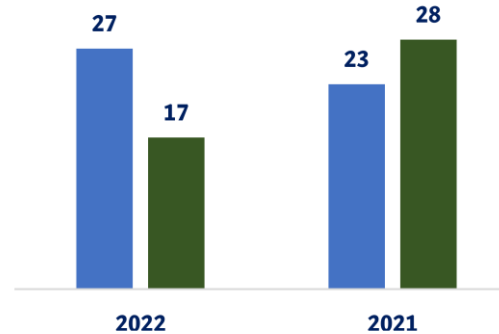
2022	2021
86	74.5

Table 10

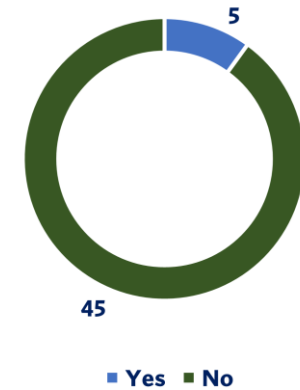
*An AO was received on the last working day of December 2022 and was therefore not considered until January 2023 – therefore the outcome will be included in 2023 performance measures.

Agreed Outcome Application received within:

■ Less than 28 days ■ More than 28 days

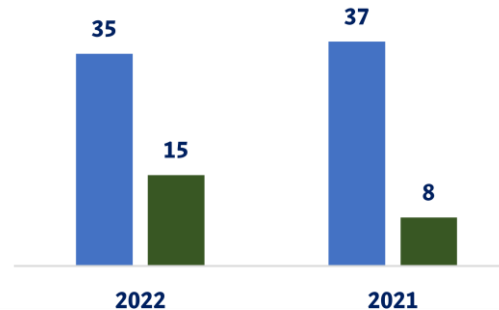


Withdrawal of Dishonesty (2022 only)

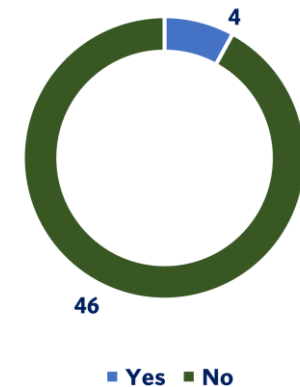


Number of days of Agreed Outcome Application being considered by a Panel:

■ Within 7 Days ■ More than 7 days



Withdrawal of Lack of Integrity (2022 only)



COMMENTARY

In 2022 the problem encountered by the Tribunal with respect to Agreed Outcomes was an apparent trend for very late applications. This results in very inefficient use of courtrooms as well as inconvenience to Members who may have cleared several days to sit on a case that is vacated or adjourned at short notice.

The SRA has stated the Tribunal should see a reduction in applications for Agreed Outcomes in 2023 as a result of its new enforcement regime. In addition, the SDT is considering further ways of avoiding the disruption caused, particularly by the late application for Agreed Outcomes.

KPM 2 – DETERMINATION OF APPLICATION

Determination by Hearing:

(A) Target:

75% of cases first listed for substantive hearing date within 6 months of issue;

(B) Target:

Final Determination of application, by substantive hearing or otherwise, from the date of issue of proceedings to take place within: –

60% 6 months of issue

80% 6-9 months of issue

95% 9-12 months of issue

100% 12-24 months of issue

KPM 2A	2022		2021		2020	
Total number of cases heard	103	Total %	114	Total %	129	Total %
75% of cases first listed for substantive hearing within 6 months of issue	103	100%	113	99%	124	96%

Table 11

KPM2B	2022	2021	2020
	Cases Heard	Cases Heard	Cases Heard
	103	114	129
Within 6 months	82	95	90
%	80%	83%	70%
Within 9 months	11	6	15
%	90%	88%	82%
Within 12 months	7	1	7
%	97%	89%	87%
Within 24 months	3	12	17
%	100%	100%	100%

Table 12

COMMENTARY

Delay is harmful to the judicial process, and we have worked hard to reduce the time it takes for a case to be concluded. Last year the majority of the Tribunal's cases were concluded within 6 months of the first listing.

Delay caused by adjournments is discussed in more detail in the section below.

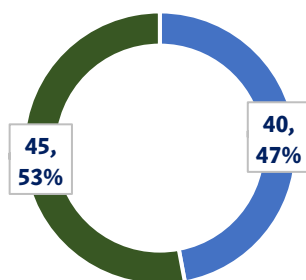
KPM 2 - 2022 Adjournment Analysis

Application by	No of Adjournment Applications	Granted Applications	Refused
Respondent	43	23	20
Applicant	30	26	4
Joint Application	5	4	1
Ordered by Tribunal	4	4	0
Appellant	3	2	1
Total	85	59	26

Table 13

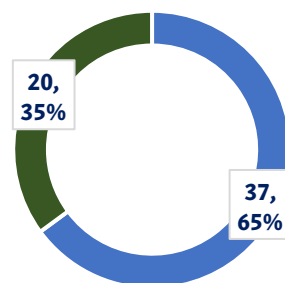
Hearing days lost due to Adjournment Applications:
125 days

Adjournment Application made 21 days or less before hearing:-



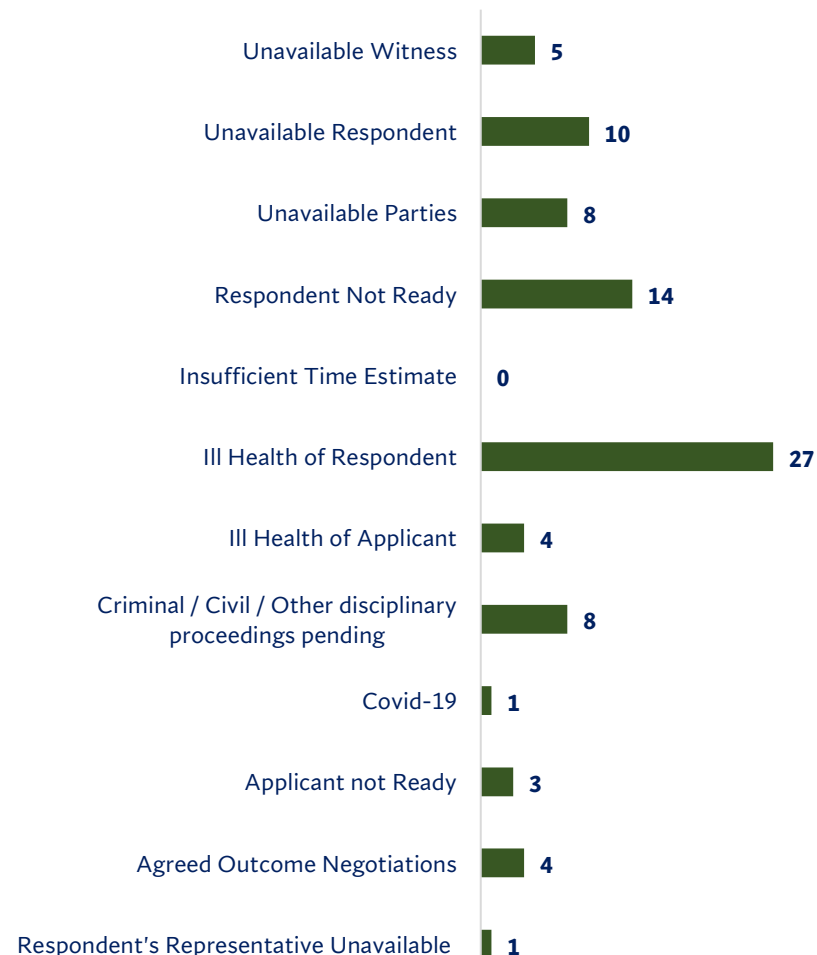
■ Yes ■ No

Method of consideration of Application by Panel:-



■ Decision made on Papers
■ Decision made at Hearing

Adjournment Reasons



COMMENTARY

Adjournments are a crucial issue for the Tribunal as delay is always prejudicial to the interests of justice. Whilst the grounds for adjournment are specific to the circumstances of the individual case the broad data reveals the following:

- If the application is made by the Respondent in Rule 12 applications, then it will often relate to a medical issue, predominantly, mental health or with a significant mental health component.
- A medical basis for an application may manifest at any time during the process and if it has not come to light at an early stage then it will often emerge post the date for service of the Answer (*the Respondent's reply to the allegations*) and in circumstances where an Answer is deficient or is ambiguous or has not been served, and a non-compliance court arranged.
- If an adjournment application does relate to a medical issue and an initial application to adjourn is granted (whether on the papers or at a hearing) then it is highly probable there will be multiple further adjournment applications, thereafter, setting back a final determination by months or even years. In such subsequent applications the Applicant is apt to take a neutral stance or actively support the application – usually because a medical report is pending, or prescribed treatment is being given time to take effect.
- Applications for adjournment by the Applicant in an SRA case will relate to a late, or absence of an Answer or because issues in respect of the health of an unrepresented Respondent have come to light. In either scenario the request is often for more time to formulate a response or investigate the medical issue.

- Other factors such as witness availability; unavailability of counsel or the existence of other proceedings tend not to predominate in adjournment applications (or at least successful ones). Whilst a Respondent not being ready is the second most common reason for an adjournment application, such adjournments, if granted, do not tend to generate the substantial delay. Applications based on these factors are generally simpler, more factually contained, quantifiable and rectifiable within a given time frame whereas matters relating to health are generally more amorphous in nature and raise matters upon which it is difficult to reach a definitive conclusion quickly.
- Whether adjournment applications could be made sooner is dependent upon, foreseeability, i.e., when the factor forming the basis of the application came to the attention of the party or parties and whether the delay (notwithstanding the factual basis if the application) between this event and the making of the application is a reasonable one in the judgment of the Tribunal. Applications to adjourn closer to the date of a substantive hearing become more problematic for parties and members alike.
- Situations wherein a witness may be unavailable generally come to light quickly after the proceedings have been issued and the substantive hearing date can be varied at little inconvenience.

To proactively manage and reduce delay caused by adjournments the Tribunal implemented some simple steps as follows:

- The clerk who reviews the case on receipt should consider if health issues are evident and if there are, should list 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.
-

Current Position of Pre-2022 Outstanding Cases

Year of Application	Date of Determination	Reason why the Case is outstanding
2020	CMH – 03.05.2023 Substantive – To be listed	Ill health of the Applicant and internal SRA procedures to be followed before SDT proceedings could resume
2021	CMH – 06.04.2023 Substantive – To be listed	Psychiatric health of the Respondent
2021	Substantive – 24.07.2023	Concurrent criminal proceedings
2021	CMH – 16.03.2023 Substantive – To be listed	Ill health of the Respondent

Table 14

KPM 3 – COST PER COURT

Cost per Court

	2022	2021	2020
No. of courts	174.25	239	253
Members fees & Expenses	£441,354	£500,904	£504,741
Administrative Expenses	£2,658,802	£2,580,729	£2,270,830
Total Spend	£3,100,156	£3,081,633	£2,775,571
Average cost per court	£17,791	£12,894	£10,971

Table 15

COMMENTARY

The overall cost per court increased in 2022 by £4,897 (38%) compared to the previous year. Administrative Expenses, which are largely fixed costs, were spread over 64.75 (27%) fewer hearing days in 2022.

Members' fees and expenses fell by £59,550 in 2022. This reflected the decrease in hearing days between 2021 and 2022.

Included in 2022 was a 12.07% increase in Members' fees 'in lieu' of holiday entitlement, from August, resulting from the outcome of the Somerville v NMC case. Expenditure on Members' travel and subsistence remained at a very low level, as the majority of the hearings in 2022 continued to be held remotely.

Administrative Expenses rose by just over £78,000 (3%) in 2022. More than £120,000 was spent on the

Member recruitment exercise in the year, up from £96,000 in 2021. One-off premises costs also contributed to the increase in expenditure in 2022.

To arrest continued rises in this area the lease on the fifth floor of Gate House was terminated in December, reducing the SDT's footprint by just under 2,000 square feet. The Tribunal will rationalise the office accommodation by moving to smaller more cost-effective premises in 2023. This is set out in more detail in the concluding section 'The Way Ahead in 2023'.

Further, from mid to late 2022 there was a significant decrease in the staff headcount, at present there are 12 members of staff as opposed to 17 at the beginning of 2022.

KPM 4 – PRODUCTION OF JUDGMENT

Target:

Following final determination of the application, Judgment to be served on the parties within:-

35% <4 weeks

50% 4-5 weeks

70% 5-6 weeks

85% 6-7 weeks

95% 7-9 weeks

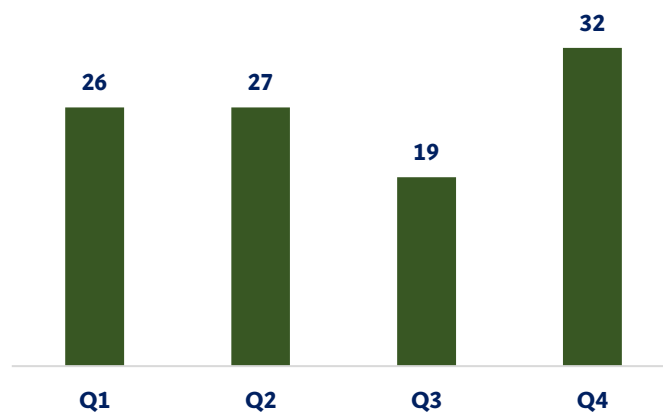
100% 9-15 weeks

Number of Judgments Issued by Year

	2022		2021		2020	
No of Judgments	104		114		130	
≤ 4 weeks	82	79%	81	71%	84	65%
4-5 weeks	8	87%	10	80%	5	68%
5-6 weeks	4	90%	5	84%	10	76%
6-7 weeks	6	96%	6	89%	8	82%
7-9 weeks	1	97%	7	96%	9	89%
9-15 weeks	3	100%	5	100%	14	100%

Table 16

Judgments issued by Quarter



There is a difference between KPM2 and 4 due to a case having two Respondents and being dealt with on separate dates, thereby resulting in the production of two separate Judgments.

COMMENTARY

This target continues to be met and all Judgments were issued within 15 weeks or less. Efficiency of judgment production improved across the board in 2022 as compared to 2021.

Over three quarters of judgments (79%) were delivered in 4 weeks or less, representing an increase of 8% on 2021 and 14% from 2020.

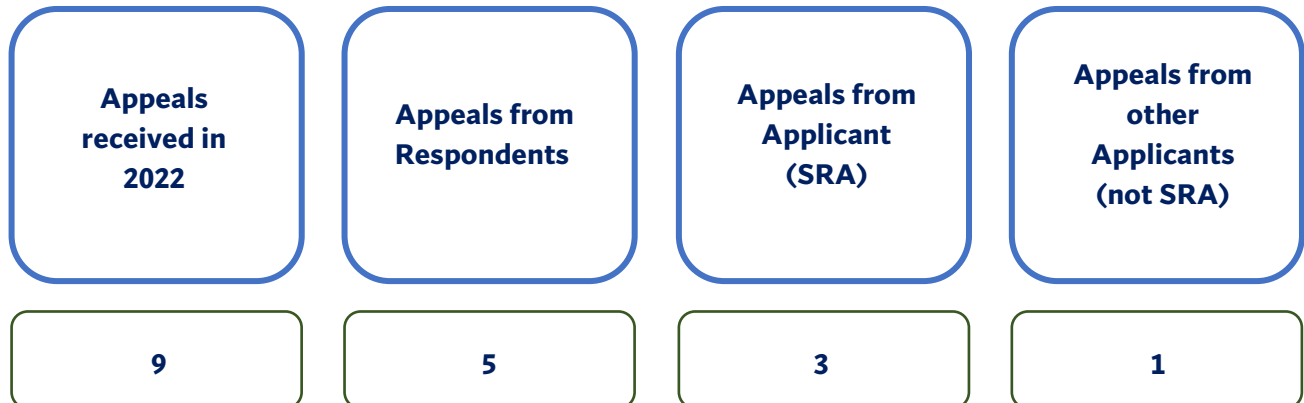
The complexity of the allegations and length of hearing has a significant impact on the time required to produce the judgment. However, the Tribunal recognises that it is critically important for the parties and the public to understand the reasons for its decisions without undue delay and we endeavour to issue judgments as soon as possible after the hearing.

We accept that some of our judgments are long and contain references to technical terms of law. Therefore, in 2022 we took on the challenge of reducing 'legalese' and jargon in our judgments whilst still ensuring they retained the requirement to give reasons. We made the judgments easier to read and more readily understandable by a range of audiences both lay and professional.

To this end we produced 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.

KPM5 - APPEALS

Number of SDT Decisions appealed either by the Applicant or Respondent or both, and outcome.



2022	No. of cases heard in year
	103
Appeals lodged	9
Appeals withdrawn/resolved by consent	2
Appeals dismissed/voided	2
Appeals upheld in whole or part	0
Appeals outstanding	5

Table 17

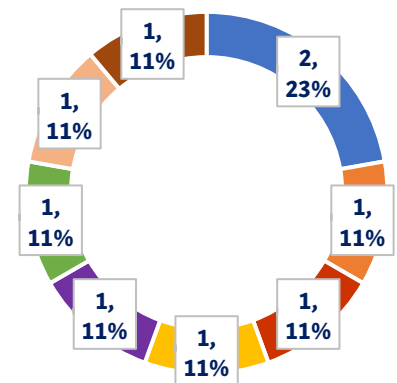
COMMENTARY

It should be noted that there can be a considerable delay between an appeal being lodged and heard which is why a number of the appeals lodged in 2022 have yet to be heard.

The Tribunal takes careful note of the guidance handed down in respect of appeals (both in relation to our own decisions and also to relevant appeal cases within other jurisdictions). "Briefing Notes" in relation to key decisions are prepared by the clerking team and disseminated to all Members and clerks.

The Tribunal is aware that the intersection between private and public conduct and the imposition of strike off in relation to those who may lack experience and/or have health issues remain as areas of concern within the profession and the wider public. To date there have only been a small number of appeals in relation to these issues and we await their outcome with interest.

Reasons for Appeal



- Findings/Sanction/Costs/Procedural Irregularity
- Findings only
- Findings/Costs
- Findings/Procedural Irregularity
- Findings/Sanction
- Findings/Wrong in Law
- Procedural Irregularity
- Wrong in Law

KPM 6 – TRIBUNAL & STAFF DIVERSITY

Ensure that the diversity profile of the SDT's staff team and its membership reflect the diversity of the population it serves, and the solicitors' profession (of England and Wales) in particular.

ETHNICITY	Practising Population	SDT Members	SDT Staff
Asian	12%	8%	6%
Black	3%	4%	17%
Mixed/Multiple Ethnic Groups	2%	0%	6%
Other Ethnic Group	2%	0%	0%
White	82%	88%	71%

RELIGION	Practising Population	SDT Members	SDT Staff
Buddhist	1%	0%	0%
Christian	43%	50%	70%
Hindu	2%	4%	6%
Jewish	3%	4%	0%
Muslim	6%	4%	0%
Sikh	2%	0%	0%
Other Religion or Belief	2%	0%	0%
No Religion or Belief	33%	34%	12%
Prefer Not to Say	9%	4%	12%

DISABILITY	Practising Population	SDT Members	SDT Staff
No	99%	86%	100%
Yes	1%	10%	0%
Prefer Not to Say	0%	4%	0%

SEXUAL ORIENTATION	Practising Population	SDT Members	SDT Staff
Other	0%	0%	0%
Bi-Sexual	1%	2%	0%
Gay-Lesbian	2%	0%	0%
Heterosexual	89%	94%	92%
Prefer Not to Say	7%	4%	8%

AGE	Practising Population	SDT Members	SDT Staff
25-34	24%	2%	8%
35-44	33%	8%	25%
45-54	24%	21%	33%
55-64	14%	44%	25%
65+	5%	23%	8%
Prefer Not to Say	0%	2%	0%

GENDER	Practising Population	SDT Members	SDT Staff
Female	52%	48%	75%
Male	48%	52%	25%

Table 18

COMMENTARY

The Tribunal is committed to ensuring equitable treatment for applicants, respondents and others who use our services, regardless of personal or professional background or any protected characteristics.

It is therefore important that our staff and membership teams reflect the diversity of our service users across England and Wales. It is one of our key objectives to develop more diverse membership and staff teams as this will lead to an inclusive workplace culture where everyone is treated fairly and equally and may contribute to the best of their ability. KPM 6 was introduced in 2021 to help us measure progress towards these goals.

The tables above compare the Tribunal's member and staff diversity profiles with those of the wider population of practising solicitors. For the purposes of this report, we have compared the percentage of the Tribunal's staff and membership teams with the population of people for whom the SRA hold diversity information.

With small numbers across the membership and, especially, the staff team overall, combined with relatively low staff turnover, changes in the overall profile are more difficult to achieve.

Our member recruitment campaign of 2022 did not result fully in the desired outcomes (as set out below) and this has had an impact upon our diversity of membership.

Below is an extract from the report to the Master of the Rolls which provides the diversity breakdown of the applicants/candidates recommended for appointment:-

*A total of **512 applications were received**, of which:*

- *58% were for Lay Member and 42% for Solicitor Member.*
- *12% of all applicants declared a disability under the Equality Act 2010.*
- *For solicitor candidates, 38% were non-white and 58% were female.*
- *For lay candidates, 21% were non-white and 46% of applicants were male.*

*A total of **118 candidates were then interviewed**, of which:*

- *64% were Lay applicants and 36% were Solicitor applicants.*
- *For solicitor candidates, 28% were non-white, 63% were female and 44% declared a disability.*
- *For lay candidates, 19% were non-white, 57% of applicants were male and 49% declared a disability.*

*A total of **34 candidates were recommended for appointment (including reserves)**, of which:*

- *48% are Lay applicants and 53% are Solicitor applicants.*
 - *For solicitor candidates, 11% are non-white, 61% are female and 28% declared a disability.*
 - *For lay candidates, 13% are non-white, 56% of applicants are male and 31% declared a disability.*
-

Diversity within the Tribunal's membership was an area of focus in the Member recruitment campaign of 2022, and we advertised the vacancies across a range of local and national media, including non-professional as well as professional publications such as the Voice and Eastern Eye, and via a range of outreach and social media avenues.

We took steps to remove bias during the selection process, including removing identifying details from application forms at the shortlisting stage; ensuring gender and ethnically diverse sift and interview panels; focusing shortlisting and interview decisions only on essential competency-based criteria. We also 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 was not sufficient to provide the results we expected.

We will consider in detail how best to address diversity for the next recruitment campaign and find ways to address deficiencies in the process to better tap into the skills and experience of those outside of the mainstream who have the desire to make a real difference to the delivery of justice for the profession.

Diversity Information in relation to Respondents

Due to a number of reasons (set out in the next section) the Tribunal has found it difficult to collect diversity data using its own resources and the SRA kindly provided the Tribunal with combined data used to generate monitoring reports they have published to date, which covers the three-year period from 1 November 2018 to 31 October 2021. Whilst this information does not cover the last reporting year it provides a useful benchmark going forward to provide greater insight for the Tribunal into the diversity profile of those before it and the outcomes in these cases. Key findings are set out in the SRA report:

[Upholding Professional Standards 2020/21 – Diversity Monitoring Supporting Report](#)

OUTLINE TO FEEDBACK SURVEY

Performance Measures 7-10 aim to monitor user satisfaction in 4 key areas:

- Response of the SDT administrative team
- Access to hearings
- Experience of using the SDT website
- Time and opportunity for parties and advocates to present their case

Data in respect of these measures was gathered via a user feedback survey which was sent out 3 times, each covering a 4-month period. Surveys were sent to 4 categories of participants in cases.

- Respondents
- Applicants (note: applicants may be the SRA or individuals)
- Legal representatives
- Witnesses

We worked with a third-party provider to maximise efficiency and ensure anonymity of data, and to encourage participation by people who might have been more reluctant to respond to contact directly from the SDT. Recipients of the survey were asked 4 questions (set out below). They were also asked to tell us their gender and ethnic background in order to gather additional data about these protected characteristics and, in the longer term, help us understand any possible link with people's experiences of the Tribunal.

We will use the data from the feedback survey to help us help us understand and improve the experience of service users, using these new KPMs 7-10 to monitor progress.

A total of 166 questionnaires were sent out of which 29 were returned, with an overall return rate of 17%. The table below shows the number of questionnaires sent and received in the 3 x 4 month periods.

	Number of Questionnaires Sent	Number of Questionnaires Received	Completion (%)
July 2022	68	7	10%
October 2022	51	10	20%
February 2023	60	14	23%

Table 19

The table below shows response rates broken down by feedback group.

	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%

Table 20

KPM7

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

The table below shows how the different feedback groups responded to the question: **'If you contacted the Tribunal's administrative team, did you feel they listened to and understood your needs?'**

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non SRA)	7 (87%)	1 (13%)	4
Legal Rep (Non SRA)	5 (100%)	0 (0%)	0
Applicant (Non SRA)	3 (60%)	2 (40%)	0
Witness	3 (100%)	0 (0%)	2
Legal Rep (SRA)	1 (100%)	0 (0%)	1
Total	19 (86%)	3 (14%)	7

Table 21

The sample population size is not large enough to draw any reliable conclusions. However, we will continue to engage appropriately with guidance for all who come before the Tribunal, treating them with care, professionalism and humanity. We recognise that the Tribunal's website is due for revision. Over the coming year, we will be working on improving its functionality to ensure that it is fit for purpose and we will look into how we may use it to better capture the data we need.

KPM8

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

The table below shows how the different feedback groups responded to the question: **'Were you able to access/attend the hearing effectively?'**

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non SRA)	5 (83%)	1 (17%)	4
Legal Rep (Non SRA)	5 (100%)	0	0
Applicant (Non SRA)	4 (80%)	1 (20%)	0
Witness	3 (100%)	0	2
Legal Rep (SRA)	2 (100%)	0	0
Total	19 (86%)	2 (14%)	6

Table 22

Again, the population being examined here is too small to draw meaningful conclusions. We will continue to endeavour that there is excellent accessibility to all our hearings whether held remotely or in person.

KPM9

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.

The table below shows how the different feedback groups responded to the question: **'If you visited our website, was it useful and/or did it help you prepare for your hearing/case?'**

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non SRA)	7 (100%)	0	5
Legal Rep (Non SRA)	5 (100%)	0	0
Applicant (Non SRA)	1 (20%)	4 (80%)	0
Witness	3 (75%)	1 (25%)	1
Legal Rep (SRA)	1 (50%)	1 (50%)	0
Total	17 (74%)	6 (26%)	6

Table 23

As before, there are insufficient replies to draw meaningful conclusions. However, note is made that several non-SRA applicants indicate they may have had difficulties preparing a case due to problems with the website; this will be looked at in more detail when the website is reviewed and revised over the coming year.

KPM10

KPM 10: 85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing.

The table below shows how the different feedback groups responded to the question: **'During the hearing did you have sufficient time and opportunity to present your case/evidence to the Tribunal?'**

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non SRA)	7 (100%)	0	5
Legal Rep (Non SRA)	5 (100%)	0	0
Applicant (Non SRA)	1 (25%)	3 (75%)	1
Witness	4 (100%)	0	1
Legal Rep (SRA)	2 (100%)	0	0
Total	19 (86%)	3 (14%)	7

Table 24

There are not sufficient replies to make very meaningful conclusions again apart from possibly the perception by non-SRA applicants that they may not be given enough time or opportunity to present their cases. The Tribunal will endeavour to ensure that those Charing hearings, together with Clerks assisting the panels are alert to this issue.

The Way Ahead in 2023

The report has concerned itself with the Tribunal's performance in 2022 however it would not be complete without an indication as to how we have fared in other areas not specifically captured by the KPI's, and, also our direction of travel in 2023.

The Strategic Vision

As requested by the LSB, we aimed to be visionary, bold and forward looking. The Tribunal's President and Board have worked to fashion our thinking into a presentation ready for internal and external stakeholders (e.g., our staff and members/LSB, Master of the Rolls, Bar Standards Board etc.). We have recognised some of the legacy difficulties facing the Tribunal, along with our current situation of being without a CEO and we have put together our vision for excellence.

Before this may be shared fully the President will present it to the LSB on the 20 April 2023 and this document will be updated.

The essence of the vision remains to be the Tribunal of excellence for solicitors and to implement the objectives we have outlined which are within our control, namely:

- to move into bespoke fit-for-purpose premises
- to align our governance structure and appoint a new CEO/Clerk
- to rejuvenate the website to give us an updated public image and one which gives all users a better experience.

The move from Gate House

The details remain commercially sensitive, however our negotiations with respect to a property within 'legal London' and much more suited to our needs are at an advanced stage.

It is our intention to start the fit out for the new premises in June and be ready for a move in September 2023.

We intend to save as much as possible by moving across the furniture we have at Gate House and any other equipment still fit for purpose.

Importantly, over the long term we will make major savings within the region of £300k per year, meaning almost £3.5m over 10 years of the lease. This will be a very significant saving for the profession driven largely by almost halving the space occupied from that occupied currently in Gatehouse. We will be able to refine these calculations in the coming months.

Collaboration with SRA

The Tribunal and the SRA worked collaboratively throughout the latter part of 2022 to develop a shared approach on certain matters as follows:

Expectation of the types of case that should typically be referred to the Tribunal, and those which will remain with the SRA. The joint statement was published in January 2023: [The Joint Statement on Referrals to the SDT](#)

The statement is a recognition of a changing regulatory landscape inhabited by the Tribunal, the SRA the profession and the public. The statement makes it clear that the Tribunal expects to receive cases which require its attention and, in the light of events reported in the wider press, the Tribunal is needed more than ever to be the gatekeeper of the reputation of the profession in the eyes of the public. The statement sets out explicitly those classes of alleged misconduct which should rightly be referred to the Tribunal.

Diversity Information

The SRA publishes an annual diversity profile of those within its enforcement processes. This includes a breakdown by gender, ethnicity, and age, of the individuals named on cases concluded at the SDT over the period; a breakdown by Tribunal Order (sanction type) and by how the outcome was reached (whether it was reached an Agreed Outcome or a Tribunal Decision).

Both we and the SRA recognise how important it is to understand the diversity implications of our respective enforcement activities and will continue to collaborate and share further data and information where we can.

The Tribunal was also pleased to join the SRA's External Reference Group for its research into the overrepresentation of Black, Asian and minority ethnic groups in its enforcement work. Although the research is focused on the reports received by the SRA and the SRA's initial assessment stage, the insight will no doubt also assist us in better understanding the factors influencing the profile of those appearing before the Tribunal.

In 2023 we expect further collaborative work in the area of sexual misconduct cases to ensure that our approaches are better aligned to ensure such cases are treated with the care they require.