Annex

Proposed alteration to Publishing regulatory and disciplinary decisions guidance

alteration is highlighted on page 6

Guidance

Publishing regulatory and disciplinary decisions

Updated 24 June 2025 (Date first published: 1 September 2016)

Status

This guidance explains the approach we take when deciding whether to publish regulatory and disciplinary decisions.

This guidance should be read in the context of:

- How we make decisions and the criteria we apply.
- SRA enforcement strategy.
- SRA first principles of disclosure.
- The SRA's approach to financial penalties.

Who is this guidance for?

All SRA-regulated firms, their managers, role holders and employees, all solicitors, registered European lawyers (RELs) or registered foreign lawyers (RFLs).

Why do we publish regulatory and disciplinary decisions?

We act in the public interest. This includes providing appropriate protection for consumers and supporting the administration of justice and the rule of law. There is a clear public interest here. We want to be transparent about the decisions we make, and why we have made them, in order to:

- maintain public confidence by demonstrating appropriate action is taken when things go wrong
- raise awareness amongst those we regulate about the action we have taken, to improve understanding of our expectations, and deter them from any engaging in conduct that would fall below our standards or breach our requirements
- make sure consumers and others - including prospective employers – can access appropriate information to:
    - inform them if we have closed a firm
    - make informed choices about who to instruct, work with or employ
    - decide whether other behaviour of concern should be reported to us for action

- make sure we are properly accountable to the public for the decisions we make and show we are acting proportionately and consistently.

The principles underpinning our approach to publication of regulatory and disciplinary decisions

Our purpose as the regulator of solicitors in England and Wales is to protect the public. In addition, The Legal Services Act 2007 (LSA) sets out regulatory objectives which we must make sure our work is compatible with. We consider the following four objectives to be particularly relevant to our approach to publishing regulatory decisions:

- Protecting and promoting the public interest.
- Protecting and promoting the interests of consumers.
- Encouraging an independent, strong, diverse, and effective legal profession.
- Promoting and maintaining adherence to the professional principles.

The LSA also sets out the following overarching principles we must adhere to in the delivery of all our regulatory activities. These are more commonly known as the 'better regulation' principles and place duties on us to be:

- Transparent
- Accountable
- Proportionate
- Consistent
- Targeted

We will publish information that is relevant to understanding the nature of a regulatory decision, and why it was reached, unless there is a good reason not to. In publishing regulatory and disciplinary decisions, we aim to be:

- transparent about the regulatory decisions we make, publishing information related to regulatory decisions or arising from investigations where it is in the public interest to do so. By doing this we encourage the profession to uphold the highest professional standards and help consumers of legal services make informed choices. To maintain transparency where matters are sensitive or confidential, we will seek to redact or reduce information rather than to remove decisions entirely
- accountable for the regulatory decisions we take by promptly making them - and the reasons we have made them - available to both the public and those we regulate. We publish our approach to publication on our website so that the public and those we regulate understand how we approach our regulatory decision-making role and responsibilities
- proportionate in what information we make available, considering any relevant factors which might indicate that we should withhold publication or redact/reduce information available about a regulatory decision. We recognise that people are at the centre of our regulatory decisions, and we will consider the impact any publication will have on a regulated individual, including any impacts on their mental health and wellbeing, balanced against our overarching role to protect the public
- consistent in what information we publish about the regulatory decisions we make, and how we present that information, to a high quality, on our website. We take a consistent approach

to making decisions to withhold information about our regulatory decisions from the public, in exceptional circumstances, if there is a good reason to do so.

What decisions do we publish?

Our Roll, Registers and Publication Regulations set out the types of regulatory and disciplinary decisions that we publish on our website.

Many of these decisions are made under our Regulatory and Disciplinary Procedure Rules. These rules provide that we will publish such decisions, unless we consider the particular circumstances outweigh the public interest in publication.

The types of regulatory and disciplinary decisions we publish include:

- authorisation of individuals and firms
- any current suspension, for example, of a solicitor's practising certificate or a firm's authorisation
- rebukes of individuals
- financial penalties imposed on an individual or on a firm
- disqualification of a person from acting as a role holder – for example, a manager
- imposition of conditions on individuals or authorised bodies
- issuing of proceedings against a solicitor before the Solicitors Disciplinary Tribunal (SDT), where the SDT has certified that there is a case to answer
- any other order made by the SDT
- the exercise of our powers of intervention.

We might also publish other information if we consider that it helps us meet the regulatory objectives. For example, we may publish:

- decisions to approve the employment of struck off or suspended solicitors, under section 41 of the Solicitors Act 1974, or people who are subject to section 43 of the Solicitors Act 1974, which prohibits non-solicitors from working in a regulated firm without our permission, or,
- decisions to refuse to issue a practising certificate.

We might also publish other information about our work and key decisions where we consider it is in the public interest, such as the status of our ongoing investigations.

Publishing findings of the Solicitors Disciplinary Tribunal

The SDT is an independent tribunal. Its findings are published on its own website. Once the SDT has made an order, we will update the regulatory record and link to the SDT's website. See the types of orders it makes. It also publishes information about its sanctions and fining bands.

Following its consideration of a matter, the SDT may make a final finding that there has not been misconduct. However in some situations we might have identified additional risks, and may decide that a condition imposed separately and before we referred the matter to the SDT needs to remain in place, and therefore remain published.

When will we publish decisions?

We will normally publish decisions promptly. Many of the decisions we make are subject to review, such as disciplinary sanctions and conditions. Generally, we will not publish such decisions during the period in which a review can be requested, and until any review has been determined or withdrawn. When matters are referred to the SDT, it may be that the SDT's hearing commences or completes before the end of a period in which a review can be requested, and before we have published our decision.

When we close down (intervene) into a firm, it is important to let the clients know the firm has closed as soon as possible, so we aim to publish such decisions promptly following the intervention.

We might determine that it is not appropriate to publish the decision at the time it was made, for example, if this will risk prejudicing any ongoing proceedings. But we might then do so later once those proceedings have concluded, or the risk is no longer material.

In exceptional cases, we may publish the fact of a referral to the SDT prior to certification by them, or publish details of an ongoing investigation, if we consider it is in the public interest for us to do so. For example:

- where there is a risk of misinformation entering the public domain, such as when a respondent individual or third-party might brief the media
- where there is a high-profile case which is subject to public discussion and a vacuum of detail from the regulator would be against the public interest, such as an issue subject to a government inquiry
- where there is an intervention or other action that highlights an issue that is likely to affect a significant number of people and it is in the public interest that this is made known, including so they might take appropriate action to reduce any negative impacts

What information do we publish?

For all types of decision, we will usually include a short statement of the decision with brief factual details, such as where the person is currently working or was previously working, and the reasons for the decision.

Our decisions are presented consistently and in clear and accessible language. Our decisions contain:

- a summary of the decision at the top, to allow the reader to see immediately what the decision is.
- enough information in the body of the decision to allow the reader to understand the facts of the misconduct or issue, the outcome and how the decision was reached.

When our decision is to impose a fine on an individual, the published decision usually includes the level of the fine and the percentage of the individual's income taken into account.

When we impose a fine on a firm, the published decision usually includes the level of the fine and the percentage of the firm's annual domestic turnover taken into account.

We take reasonable steps to avoid the publication of information relating to other identifiable persons. Where it is necessary to refer to clients or colleagues their details will be appropriately anonymised.

When might we withhold publication of a decision?

Generally, there is a presumption in favour of publishing the regulatory and disciplinary decisions covered in our rules. These will be published on our website as it is in the public interest for us to do so. There are also circumstances where we must publish a decision due to statutory requirements, such as certain decisions about licensed bodies and individuals working within them.

Each decision to publish will be taken on its own merits and we consider all the relevant circumstances. With the exception of some intervention decisions, we will generally give the regulated person or firm the opportunity to comment in advance on whether the recommended outcome should be published. We take their views, and those of any other relevant third parties, into account when deciding whether to publish and will tell them our decision.

To meet our duty to act in the public interest, we seek to redact or anonymise any information that cannot be published. This might be where information is confidential, legally privileged, or might prejudice other investigations or legal proceedings. For example, information about an individual's health will often be confidential.

We also seek to redact or anonymise information where this helps us strike the right balance between the impact on an individual and the public interest in publication. For example, we might redact sensitive personal information, or information that could enable a reader to calculate an individual's salary, where the individual has demonstrated that putting this information into the public domain would cause them significant harm.

We only consider not publishing a decision at all in exceptional circumstances. These circumstances are likely to be:

- when it is not practicable to redact the necessary information from the decision
- where the publication of the decision (even with redactions) is likely to have a disproportionate impact on health, safety or presents a risk to life
- if publication might prejudice ongoing civil or criminal proceedings.

It is unlikely that we will withhold publication or anonymise information solely because it may result in:

- a loss of income or custom
- negative impacts for staff such as redundancies
- embarrassment or reputational impacts.

Example

We rebuke a solicitor following a court finding that they contravened section 4A of the Public Order Act 1986 by threatening abuse and using insulting words in public. The solicitor provides medical evidence to us which confirms that the stress of the publication of the rebuke will cause risks to the solicitor's life.

The solicitor confirms that their employer is aware of the conviction and has supported them to move out of the criminal defence department to the firm's conveyancing department while they receive medical support to address personal issues.

Taking these factors into account, we decide that publication is not in the public interest. The solicitor confirms to us that they will inform any new employers about the sanction against them and will notify us if their work arrangements change during the next three years. Our publication decision does not impact or change our decision to rebuke the solicitor.

When and to whom might we disclose information about a decision, even if we have not published it?

We will consider disclosing information outside of published decisions on a case-by-case basis and in line with our disclosure policy. This may be, for example, to comply with a court order, to provide information to another regulator or law enforcement agency in line with an information sharing agreement, or in response to a request from an insurer, lender, potential employer, or client.

How long do we publish a decision for?

It is important that our decisions, including the sanctions and controls we impose, are in the public domain for sufficient time to:

- make sure that we are transparent and properly accountable for the decisions that we make
- uphold standards through promoting understanding of unacceptable behaviours and the consequences of non-compliance with our rules
- uphold public confidence by showing that the profession is regulated appropriately
- protect the public by providing visibility about restrictions and conditions on the right to practice
- allow consumers to make informed choices.

We consider that the more serious the breach, and any related sanction or control, the greater the impact publication might have on the above choices and perceptions. Therefore, the length of publication for a sanction or control differs based on the severity of that sanction or control.

We publish all decisions that result in a sanction or control resulting from a regulatory breach for a minimum of three years. This takes into account that even the lowest sanctions, for example rebukes, will only be issued where there has been a serious breach. We also include information on our registers about the status of any firms, for example if their authorisation has been suspended or revoked. This is so that it is clear to the public what the status of a firm is.

In respect of decisions we make about licensed bodies (also known as alternative business structures), their owners, or employees, we are required by our regulator, the Legal Services Board, to provide specific information on our public register of licensed bodies.

Decision publication periods

Prior to June 2025 we published most of our regulatory decisions for three years, apart from certain sanctions such as strike offs ordered by the SDT that were published for longer periods.

We updated our decision publication periods on June 2025. We describe our sanctions and controls below and we confirm how long we may publish each one for. The updated publication criteria found below apply to our publication of regulatory decisions that we and/or the SDT take from June 2025 onwards. *Decisions relating to licensed bodies and individuals within them that are made after (insert date) are subject to the provisions of this guidance, and are published in accordance with the relevant publication period described in the sanctions list below.*

The updated publication criteria will not apply retrospectively to any decisions that we and/or the SDT had taken prior to June 2025, irrespective of whether or not we have already published those decisions.

Please note that the SDT has its own publication policy that includes varying publication periods for outcome types, with a maximum of 60 years for a strike off. The SRA and SDT also operate different bands for financial penalties and apply different criteria when deciding whether to issue rebukes and reprimands. We update regulatory records and publish links to the SDT website as relevant.

A rebuke or SDT reprimand

A rebuke is a regulatory sanction. We may decide to rebuke a firm or an individual when there has been significant misconduct, or a series of incidents which are cumulatively significant.

The SDT may decide to reprimand individuals following a hearing, and we publish those decisions.

Rebuke - decision publication period

- a rebuke will be published for 3 years

SDT reprimand - decision publication period

- reprimands will be published by the SRA for the length the reprimand is published by the SDT. SDT reprimands have no term but are published on the SDT's website for 3 years, in line with its own publication policy.

SRA fixed financial penalty

We impose fixed financial penalties for specified breaches of our rules. For example, a failure to publish the required costs or complaints information in accordance with the SRA Transparency Rules.

Decision publication period - 3 years

SRA banded financial penalty

We may decide to impose a financial penalty where a regulated firm or individual commits a serious breach of our standards or requirements, but where protection of the public or public interest does not require suspension or a striking off.

We use four penalty bands to determine the amount of these types of financial penalty, based on the seriousness of the breach concerned.

Different publication lengths apply to firms and individuals to reflect the fact that firms are likely to receive a fine for the most serious breaches that they might commit, whereas for individuals, the most serious breaches will result in suspension or strike off.

Decision publication periods – for firms

- SRA fine band A and B - publish for 5 years
- SRA fine band C and D - publish for 10 years

Decision publication periods - for individuals

- SRA fine band A and B - publish for 3 years

- SRA fine band C and D - publish for 5 years

SDT fines

The SDT may impose fines in accordance with its own fining guidance, which includes indicative fining bands. See the indicative bands for individuals.

We publish the amount of the SDT's fine on our website. SDT fining levels are not calculated in the same way as our penalty bands and result in different amounts.

Decision publication periods – for firms

- SDT fines up to £15,000 - publish for 5 years
- SDT fines over £15,000 - publish for 10 years

Decision publication periods - for individuals

- SDT fines up to £15,000 – publish for 3 years
- SDT fines over £15,000 – publish for 5 years

SRA conditions and SDT restrictions

A condition may also be called a 'control' on a regulatory record.

We can control the work of those we regulate by imposing conditions on their practising certificate, registration or authorisation.

Examples of conditions we may impose are that a person:

- may act only in employment approved by us
- must lodge half-yearly accountant's reports with us
- must not carry out a certain type of work.

SRA interim conditions – decision publication period

- a decision to impose an interim condition(s) under rule 3.2(a) of the Regulatory and Disciplinary Procedure Rules will be published until the end of the investigation.

SRA final conditions – decision publication periods

- a decision to impose a condition(s) under paragraph 7.1(b) of the Authorisation of Individuals Regulations will be published until the condition is removed or revoked
- A decision to impose a condition(s) under rule 3.1(e) of the Regulatory and Disciplinary Procedure Rules will be published for 3 years from when the condition is removed.

SDT restrictions – decision publication period

- A restriction imposed by the SDT will be published for the period of the restriction and 3 years from when the restriction expires/is lifted.

Grant of practising certificate / registration free from conditions - decision publication period

- A decision to grant a practising certificate or registration free from conditions will be published only during the time that the original decision to impose such conditions or restrictions is published.

SRA interventions

In an intervention we close a practice at once, to protect clients' interests. After a firm has been closed by us, it can no longer act for its clients.

Decision publication period - 5 years

Suspension or revocation of a body's authorisation imposed by SRA or SDT

Rule 4.3 of SRA Authorisation of Firms Rules sets out the circumstances in which we can suspend or revoke a body's authorisation.

We usually revoke authorisation following an intervention. Other circumstances where we would revoke include where an insolvency event has occurred in relation to the firm, or the sole principal is made the subject of bankruptcy proceedings or makes a proposal for an Individual Voluntary Arrangement.

The SDT may also revoke a firm's authorisation where the SDT finds the firm has committed a serious breach of our Standards and Regulations following a referral we have made.

Suspension – decision publication periods

- a suspension imposed under rule 3.1(f) of the Regulatory and Disciplinary Procedure Rules will be published for 10 years from the end of the suspension
- other suspensions will be published until they are revoked.

Revocation – decision publication periods

- revocations that we impose (other than for dormancy or purely administrative reasons) will be published indefinitely, or for 10 years after a new authorisation is granted.

Suspension of an individual's practising certificate imposed by the SRA, or following SDT suspension from the roll

Under section 13B of the Solicitors Act 1974, we can suspend a solicitor's practising certificate where they have been convicted of an offence involving dishonesty or deception or an indictable offence, and we have referred the respondent's conduct to the SDT.

In certain circumstances a solicitor's practising certificate will be suspended automatically. This would happen if a solicitor is declared bankrupt - see paragraph 15(1) of the Solicitors Act 1974. A solicitor's

practising certificate would also be suspended automatically if we intervene into that solicitor's practice based on certain statutory grounds, including reason to suspect dishonesty, rule breaches or if they are committed to prison - see paragraph 15(1A) of the Solicitors Act 1974.

The SDT may also suspend a solicitor from the roll for a specified period of time where it finds the individual has committed a serious breach of our Standards and Regulations. This will be following a referral we have made.

Decision publication periods

- a suspension imposed under rule 3.1(f) of the Regulatory and Disciplinary Procedure Rules, or by the SDT, will be published for 10 years from the end of the suspension
- a suspension that has been imposed automatically will be published until the suspension is revoked.

SDT strike off

Where the SRA refers a case to the SDT, the SDT may find that an individual has committed a serious breach of the Standards and Regulations and is to be struck off the roll.

Only the SDT can strike off solicitors, and it may consider doing so if a solicitor is found to have engaged in dishonesty, fraud, or other serious forms of misconduct that have resulted in significant harm to clients or other parties.

SDT strike off – decision publication periods

- a strike off will be published by the SRA indefinitely
- if a successful application is made for restoration to the roll we will publish for 10 years from the original decision
- strike-off judgments will be published by the SDT on its website for sixty years, subject to a successful application for restoration to the roll/register.

Termination of suspension of practising certificate/registration

This decision is made where an individual has successfully applied to lift a suspension on their practising certificate or registration.

- publish for the duration that the suspension is published

Refusal to grant practising certificate / registration

Decision publication period

- publish for three years or until a practising certificate is granted, if sooner

Decision to refer to the SDT

Decision publication period

- publish until the SDT have made their decision

Section 41 – permission to employ a struck-off solicitor

Decision publication period

- publish for as long as the strike off is published

Section 43 order

A section 43 order enables us to control where a person who is not a solicitor can work because we have reason to believe that it would be undesirable for that person to be involved in legal practice. This can be because of a criminal offence or other misconduct and can be imposed by the SRA or the SDT.

Decision publication period

- published by the SRA indefinitely, or until order is lifted
- published by the SDT following its own publication policy, with varying lengths of publication of up to sixty years

Section 43 – permission to employ an individual who has been made subject to a Section 43 Order

Decision publication period

- publish for as long as the Section 43 order is in place

Section 99 Order

We may disqualify anyone in an Alternative Business Structure acting as a Head of Legal Practice ('HoLP'), a Head of Finance and Administration ('HoFA'), manager or employee for a range of conduct issues set out in the Legal Services Act 2007.

Decision publication period

- publish indefinitely, or until disqualification is lifted

Regulatory settlement agreements

We may conclude a matter by entering into a regulatory settlement agreement with a firm or an individual. The firm or individual may agree to accept a sanction such as a financial penalty, and/or a control such as practising certificate conditions.

The agreement will be published in accordance with the publication periods for the relevant sanction and/or control, as described above. Where there is more than one sanction or control, the agreement will be published for the longest decision publication period.

Where an agreement involves something other than a sanction or control we will consider an appropriate length of publication, depending on the circumstances of the individual case. We will not usually publish an agreement for less than three years, but we may decide to publish an agreement for longer if we believe it is in the public interest to do so. For example, where we agree that an individual will remove themselves from the roll of solicitors we may publish the regulatory settlement agreement indefinitely.

When we might remove published decisions from our website

We might review or amend decisions from our website where we consider that publication is no longer necessary in the public interest, or to correct or update the information. For example, we will update the summary of allegations to be made at the SDT if it agrees to make an amendment to those allegations, and as a result the published summary is inaccurate.

If we are asked to remove a decision from publication because of new information or a change in circumstances, we will consider if this is appropriate on a case-by-case basis. In doing so, we will have regard to all the circumstances and consider the request in line with the factors relating to the decision to publish set out above. Individuals should contact us through our *contact centre* if they wish to provide new information, or details of a change in circumstances, so that we can consider whether decisions we have made and that are currently published on our website should be removed. If the new information or the change in circumstances relates to a decision that is currently published but was made by the SDT, individuals should contact the SDT before asking us to remove the decision from our website.

Further help

If you require further assistance, please contact the *Professional Ethics Guidance helpline.*