Request made by the Solicitors Regulation Authority to the Legal Services Board for an exemption direction under Part 3 of Schedule 4 to the Legal Services Act 2007, in respect of a proposed alteration to the SRA's Publishing regulatory and disciplinary decisions guidance

Overview

1. We request an exemption direction to amend our Publishing regulatory and disciplinary decisions guidance, in accordance with the Legal Services Board (LSB)'s views in emails of 16 March 2026, 29 April 2026 and 8 September 2026.

2. The guidance forms part of our regulatory arrangements by virtue of paragraph six of the LSB's Decision Notice 20/12/2024.

3. The amendment to our guidance will remove a longstanding difference between the publication approach we apply to decisions relating to licensed bodies and their employees as opposed to other types of legal services bodies and their employees.

4. We regulate two types of legal services bodies:

    - "recognised bodies" – law firms owned and run by solicitors
    - "licensed bodies", or alternative business structures ("ABS"), which may be owned and run by non-solicitors. This model was established under Part 5, Legal Services Act 2007

Summary of our proposed alteration

5. When we make regulatory and disciplinary decisions about licensed bodies and their employees, those decisions are currently published indefinitely on our Register of Licensed Bodies. This is the approach we have taken since we commenced regulation of licensed bodies in 2012. It is taken on the basis that the LSB's Registers of licensed bodies: section 87(4) rules are silent on expected publication lengths for these bodies and their employees.

6. That publication approach is different from our approach to the publication of regulatory and disciplinary decisions about recognised bodies (lawyer-owned firms) and individuals within them. We publish those decisions for varying periods depending on the nature and severity of the action, as set out in our Publishing regulatory and disciplinary decisions guidance.

7. Our proposed alteration to our guidance will bring our approach to the publication of decisions relating to ABS, and the people within them, in line with that taken to lawyer-owned firms and their employees. This amendment will therefore create parity in our treatment of individuals and firms, and will be a more accurate interpretation of the LSB's Registers of licensed bodies: section 87(4) rules.

Full details of the alteration

Our publication approach for recognised bodies and the individuals within them

8. Our powers to sanction apply to regulated bodies and individuals, irrespective of a body's status. We first introduced our approach to publishing regulatory decisions about individuals and firms in 2007. The Solicitors Act 1974 allows us to publish information on regulated individuals and authorised bodies where it is in the public interest to do so, and the SRA Roll, Registers and Publication Regulations confirms the information that we publish. We consider it to be in the public interest to publish sanctions decisions, and that doing so supports our regulatory duties to protect and promote the public interest; protect and promote the interests of consumers; encourage an independent, strong, diverse, and effective legal profession and to promote and maintain adherence to the professional principles. The Solicitors Register constitutes a record of our published decisions and sanctions imposed. Published decisions are also searchable through our Solicitor Check tool.

9. Decisions relating to recognised bodies and individuals within them are published for the following periods:

Sanction	Length of publication
Rebukes/SDT reprimands	3 years
Fixed Financial Penalties / banded Financial Penalties / SDT fines	Between 3 and10 years
'section 41 from the Solicitors Act 1974 – permission to employ struck off solicitor	As long as strike off is published
'section 43' orders from the Solicitors Act 1974 (to place employment restrictions on non-solicitors)	Indefinitely or until order is lifted
Interventions	5 years
Suspension / revocation of body authorisation	Between 10 years and indefinitely
Suspension of PC / termination of a PC suspension	Variable, depending on publication requirements
Practising conditions / restrictions	Variable, depending on publication requirements
Refusal to grant PC or registration	3 years or until granted
Refer to SDT	Until SDT's decision
SDT strike off	Indefinitely
Suspension or revocation of a body's authorisation	Variable

Our publication approach for licenced bodies and the individuals within them

10. The LSB requires the SRA, as the licensing body, to hold and publish various pieces of information about licenced bodies under its Section 87(4) rules. This includes rule 5(c) which requires publication of "*enforcement action or sanction on the licensed body, its owner or any employee not including administrative fines*." Rule 6 states that it is also a requirement of the SRA to make the register of this information available via our website or similar. We satisfy the LSB's requirements through our Register of Licensed Bodies.

11. The LSB's Section 87(4) rules are silent in terms of any expected length of publication. When we took on our responsibility for regulating licensed bodies in 2012, we interpreted this silence as there being no limit for how long these decisions were to be published on our Register of Licensed Bodies. We have therefore published decisions about licensed bodies and those working within them indefinitely. The rationale for this approach included that ABS introduced new commercial and ownership models into the legal services sector, with unquantified market impacts, as is reflected in our very significantly higher fining powers with respect to ABS and their employees than for recognised bodies.

2025 Update to SRA's Publishing regulatory and disciplinary decisions guidance

12. In 2022 we consulted on proposals to update our Publishing regulatory and disciplinary decisions guidance to introduce decision publication periods that better reflect the seriousness of different regulatory breaches. Following this we applied to the LSB for approval to change our guidance to introduce:

- clearer principles underpinning our approach to decision publication
- greater explanation of discretionary consideration, case-by-case, where new information leads us to review a publication decision
- aggregated periods of time for which different decisions are to be published about non-ABS firms and individuals within them.

13. In our application to the LSB we confirmed our intention to continue publishing licensed body decisions indefinitely, given the silence of the LSB's rules on publication periods. However, prior to its determination of our application, the LSB confirmed it had reviewed this issue, and suggested that we should consider the proportionality of our publication approach for licensed body decisions. In response, we removed the reference to indefinite publication from our guidance update application. The LSB went on to grant the application in December 2024, stating in its Decision Notice that:

"*The LSB confirms that the section 87(4) rules are silent as to how long information should be included on the public register….This means that, when executing the requirements of our section 87(4) rules, licensing bodies like the SRA should adopt a proportionate approach and consider the other principles of good regulation as required under section 28(3) of the Act."*

14. We published our updated guidance in June 2025 alongside a news release.

Reconsideration of our publication approach to licensed body decisions

15. Following the LSB's decision notice we proceeded to operationalise the approved changes, and noted that we would review our approach to indefinite publication of decisions relating to licensed bodies separately, as any further changes to our guidance would also require the LSB's approval.

16. During 2026 we have considered our indefinite publication approach, including fairness and proportionality considerations and any challenges we receive from individuals about indefinitely published decisions. We have reflected on the evolution of ABS in the sector, and noted that they are now established operating models in the legal services market. We also note that ABS and their owners, managers and

employees are subject to the same regulatory principles and requirements, set by the SRA's Standards and Regulations, as the solicitors or solicitor-operated firms we regulate.

17. We have reflected on the LSB's statement that we should 'adopt a proportionate approach' with respect to the disparity within the varied publication periods we apply to decisions about licensed and recognised bodies and the people within them. We have concluded that it is fairer for all individuals subject to our regulatory and disciplinary decisions if those decisions are published consistently, and in accordance with the same policy.

18. We also consider it important to apply consistent principles to all our publication decisions. The 2025 changes to our publication guidance, which were subject to consultation and benchmarked against other regulatory bodies, strengthened the principles that underpin each publication decision. This means that our publication periods for licensed body decisions currently operate outside that updated framework.

19. As a result we have concluded that is justifiable to move away from the indefinite publication of decisions relating to licensed bodies. Instead, we propose to publish all our regulatory and disciplinary decisions in accordance with the time periods stated in our guidance (listed at paragraph nine) irrespective of the type of regulated body concerned. To achieve this we wish to amend our publication guidance, as described at paragraph 21 below.

Why the alteration is appropriate for exemption

20. The LSB confirmed via emails on 16 March 2026 and 8 September 2026 that the change would be suitable for an Exemption Direction, as it is a minor change. We met with the LSB on 20 March 2026 and on 24 August 2026 to discuss our intended approach for making this further change to our publication guidance.

The alteration and the regulatory arrangements it will amend

21. We propose making an alteration to our publishing regulatory and disciplinary decisions guidance. We wish to insert the following paragraph on page 6 of the guidance:

    "*Decisions relating to licensed bodies and individuals within them that are made after* [insert date that the alteration goes-live] *are subject to the provisions of this guidance, and are published in accordance with the relevant publication period described in the sanctions list below*."

22. This alteration is shown in our Annex, which sets out the current guidance and highlights the proposed insertion on page six.

23. If approved, we will update our operational approach accordingly. Once live, the alteration will mean that we then apply the same publication approach to all SRA regulatory and disciplinary decisions, regardless of whether the regulatory breach is committed within a recognised or licensed body, or by an employee of either type of firm. This aligns with the interpretation of the section 87(4) rules set out by the LSB in its decision notice to us of December 2024.

Implementation of the amendment

Retrospective application

24. The amended approach would come into force from the date we issue the revised guidance, and will apply to any relevant sanctions issued after that date. We also propose, however, to apply the change retrospectively to:
    a. licensed body sanction publications published prior to this date on an indefinite basis, or,
    b. any sanctions awaiting publication, but where the decision concerned would no longer be published had it related to a recognised body or an employee of a recognised body.

    This will ensure that any sanctions that have been decided, but not yet published, will be handled in line with the revised guidance.

25. We recognise that a retrospective application of an alteration to our regulatory arrangements is not common practice. However, we have concluded that this approach ensures the most effective, fair and consistent application of the LSB's reviewed position, with respect to those firms or individuals against whom a sanction has been published indefinitely under our current approach. The other option to achieve this outcome would be to invite individuals and firms to submit requests for the removal of published decisions, and process these on a case-by-case basis. We have assessed this approach and concluded that this would not be the most efficient use of the SRA's resources, nor of the time of individuals or firms involved, and as a result would not represent good value for money for our regulated community.

26. To implement this approach, we will identify published decisions against individuals who incurred sanctions whilst working for an ABS, or sanctions awaiting publication. We will:

    - review a summary of entries on our Register of Licensed Bodies, and sanctions that have been made but are awaiting to be entered onto the Register, to identify relevant decisions.
    - undertake a review by senior Authorisation department colleagues of these entries to determine if they ought to now be removed from publication, based on the publication periods set by our publication guidance.
    - remove those decisions that we determine would have been removed had the sanction been incurred by an individual employed in a recognised body, or by a recognised body.

27. These decisions will then no longer be viewable from our Register of Licensed Bodies. Any decisions removed will, however, still be available on the SRA's systems for decision makers and caseworkers to refer to in taking a risk-based approach to decision making. Further, regulatory records for individuals and firms will remain available at any time on request from the SRA Contact Centre. This is consistent with our approach to recognised bodies.

Impact on the LSB's Disqualified persons register

28. This retrospective approach will not impact the LSB's duties under section 100, Legal Services Act 2007, to keep a list of persons disqualified from holding specified roles in licensed bodies, or the operation of its disqualified persons register. Orders disqualifying persons from holding specified roles in licensed bodies made under

section 99, Legal Services Act 2007, will continue to be published indefinitely, in line with the approach taken under our publications policy with respect to orders made under section 43, Legal Services Act 2007, to disqualify persons from holding specified roles in recognised bodies. Our process for notifying the LSB of relevant decisions that we publish will continue unchanged.

Impact of the alteration on the regulatory objectives

29. We have considered the amendment in the context of our regulatory objectives. We have not identified any adverse impacts for consumers or legal service professionals:

Protecting and promoting the public interest
The proposed amendment, and our approach to applying it, will not affect our overarching approach to regulation and the operational steps we take to regulate solicitors and law firms in the public interest. The most serious sanctions, such as section 99 disqualification orders and strike-offs, will continue to be published on our website indefinitely under our publication policy and in accordance with the Legal Services Act 2007.
Supporting the constitutional principle of the rule of law
The amendment will ensure we publish all regulatory decisions fairly and proportionately, and in accordance with the same publication principles. Our publication approach is consistent with the LSB's requirements made under section 87(4), Legal Services Act 2007.
Improving access to justice
Our proposed amendment does not impede members of the public's ability to access information they may require about the regulatory history of solicitors and law firms, and to help inform their choices of provider when they have legal needs.
Protecting and promoting the interests of consumers
The amendment does not impact our frontline regulation and the ways we work to protect and promote consumer interests through our regulatory approach. It will not impact our approach to the investigation and enforcement of regulatory breaches. Regulatory records for individuals and firms will remain available at any time on request from the SRA Contact Centre.
Promoting competition in the provision of services
Our proposals will ensure parity of approach between ABS and non-ABS firms in terms of our publication of decisions made against them and the people within the firms. This will not affect competition in the provision of legal services.
Encouraging an independent, strong, diverse and effective legal profession
This amendment will support this regulatory objective by ensuring the fair and equitable treatment of solicitors and the different types of firms.
Increasing public understanding of the citizen's legal rights and duties

The proposed amendment will not impact this objective.
Promoting and maintaining adherence to the professional principles
This amendment will support this objective by reinforcing to the profession that all members are subject to the same Standards and Regulations, and that breaches of our regulatory framework will be dealt with consistently.
Promoting the prevention and detection of economic crime
The proposed amendment will not impact this objective.

Timeframe for implementation

30. There are small but important operational changes to make to implement these changes. We plan to introduce the alteration within twelve weeks from LSB approval.

Consultation and communication

31. We received 33 responses to our first consultation in 2022 on changes to our overarching publication approach, none of which concerned this issue. During the LSB's consideration period for this request, and while we are preparing to operationalise the alteration, we will re-contact the key representative groups that responded to that consultation to inform them of this further alteration, and will highlight our intended retrospective approach to its application.

32. Our publication guidance will make clear that any future ABS-related decisions will be published in accordance with the principles and timeframes specified in the guidance. We will highlight the alteration, and what it means for our regulated community, in our regular communication activities with law firms.

Equality impacts

33. The proposed amendment will mean our publication guidance applies equally across our regulated community regardless of whether an individual works for a licensed or recognised body, or whether a firm is an ABS or traditional firm. Individuals working for licenced bodies will benefit from the alteration, both in terms of our publication of future decisions, but also our retrospective application to review older decisions. We have not identified any indirect adverse impact for our regulated population by applying the policy consistently, and regardless of the regulatory model of the firm for which a sanctioned individual works.

34. The proposed amendment will be made to our overarching publication approach, which has been subject already to a full equality impact assessment on our publication of regulatory decisions. This sets out our approach to mitigating potential adverse impacts, including making sure our approach is fair and consistent and that our published decisions are as accessible as possible for stakeholders.

Evaluation and monitoring

35. If approved, the alteration will be added to our publication guidance. The guidance, and impacts of subsequent changes to it since its publication, are subject to the evaluation approach submitted to the LSB in our application in 2024. The LSB

summarised the actions to be taken by the SRA in its Decision Notice of December 2024:

- measure the success of the approach against the principles underpinning the guidance within 24 months of implementation
- survey a small number of stakeholders who have actively engaged with the SRA on this issue.

36. We will consider the impact of this further alteration to our publication guidance as part of that evaluation activity, due in 2027.

Annex – Proposed alteration to Publishing regulatory and disciplinary decisions guidance