



The Law Society

## COUNCIL

The Council will meet at 10.00 on Wednesday 23 September 2009  
in the Council Chamber at 113 Chancery Lane, London

### AGENDA – PART 1

- 1 Apologies
  - 2 Request(s) for leave of absence
  - 3 Announcements
  - 4 Minutes of the Council meeting on 22-23 July 2009 Attached
  - 5 Matters Arising from the Minutes
  - 6 Question Time
- Representation*
- 7 Moved to Part 2 agenda
  - 8 Judicial Appointments Attached
  - 9 Council Workplan 2009-10 To follow
- Regulation*
- 10 Report of the SRA Board Chair Attached
- Reports and motions*
- 11 Reports of the Chairs of the Non-Regulatory Boards
    - (i) Membership Board To follow
    - (ii) Regulatory Affairs Board Attached
    - (iii) Management Board To follow
    - (iv) Legal Affairs and Policy Board To follow – two annexes attached
  - 12 Council member motions
  - 13 Oral reports

## COUNCIL

### Minutes of the meeting on 22 and 23 July 2009 in the Council Chamber at 113 Chancery Lane, London

#### PART 1

- Present** Paul Marsh (President)  
Robert Heslett (Vice-President)  
Linda Lee (Deputy Vice-President)
- Peter Adams, Robin ap Cynan, Adrian Barham, Richard Barnett, Richard Barr, Christina Blacklaws, John Bleasdale, Verity Boocock, David Bott, Grace Brass, Denis Cameron, Andrew Caplen, Sue Carter, Sara Chandler, Christopher Clark, Helen Clarke, Stuart Collingham, George Curran, Helen Davies, Paul Davies, Simon Davis, Nigel Day, David Dixon, Nigel Dodds, Joe Egan, Keith Etherington, Malcolm Fowler, Michael Franks, Derek French, Michael Garson, Jennifer Gracie, David Greene, Philip Hamer, Wendy Hewstone, Andrew Holroyd, Brian Hughes, Anne Jarvis, Ian Kelcey, Angus King, Carolyn Kirby, Ian Lithman, Patricia Lush, Clare McConnell, David McIntosh, Kevin Martin, Maria Memoli, David Merkel, Rod Mole, David Morgan, Tim Mutti, Sue Nelson, Nwabueze Nwokolo, Tim O'Sullivan, Fleur Palmer, David Payne, John Pickup, Basil Preuveneers, Tony Prichard, Patrick Richards, Jonathan Ripman, Lucy Scott-Moncrieff, Razi Shah, Michael Singleton, Jonathan Smithers, Jonathan Stephens, David Taylor, Andrew Tucker, Rodney Warren, John Weaver, Michael Webster, Chris Welton, John White, Fraser Whitehead, Michael Williams, Stanley Williams, John Wotton, Gaynor Wragg, Peter Wright, Simon Young.
- In attendance** Desmond Hudson, Chief Executive of the Law Society
- By invitation** Deborah Evans, Chief Executive, Legal Complaints Service  
Shamit Sagger, Chair, Legal Complaints Service Board  
Antony Townsend, Chief Executive, Solicitors Regulation Authority  
Peter Williamson, Solicitors Regulation Authority
- Council members-elect
- Roger Buston ( Suffolk and North Essex)  
Laura Devine (Immigration Law)  
Nicholas Gurney-Champion (Residential Conveyancing)  
Michelle Penn (Forum of Insurance Lawyers)  
Alan Radford (Nottinghamshire)  
Anna Sutcliffe (JLD).
- Apologies** Paul Barnes, John Calladine, Frank D'Souza, Paul Finch, Nicholas Fluck, Jeffrey Forrest, Wesley Gryk, Michael Orton-Jones, Penny Palmer.

**Leave of absence**      The Council granted Rajshree Chhatrishia leave of absence for this meeting.

**227                    ANNOUNCEMENTS**

The President read a short statement on behalf of Nick Fluck thanking Council members and staff for their support following a family bereavement.

The President welcomed the Council members-elect who were observing the meeting, and congratulated them on their election.

The President wished the following retiring members well for the future: Verity Boocock, Frank D'Souza, Paul Finch, Wesley Gryk, Michael Orton-Jones, David Payne, Tony Prichard, Jonathan Ripman, Peter Wright and Simon Young.

SRA Board membership

The President reported that, following the appointment of Charles Plant as Chair of the SRA Board from 1 January 2010, Board member appointments would be confirmed in August.

Best Value Tendering (BVT)

The Chief Executive commented on the Legal Services Commission's announcement on 20 July that decisions on any roll out of BVT would not be taken until full pilots had been evaluated, and not before 2013. The two pilots in the Bristol and Manchester areas would continue.

The Society had been pressing for this for some time and had therefore welcomed the announcement, as well as the LSC's acknowledgement of the need for solicitors to be able to follow their clients out of area. However, this had to be tempered by concern about the potentially destructive impact on firms in the pilot areas, and their ability to undertake work in police stations and in magistrates and crown courts.

The Society would need to be clear about its campaigning objectives. An initial analysis of the proposals was that there was little scope for successful legal challenge, including on the grounds of the potential impact on BME firms.

The President thanked Richard Miller and his team for all their work on the BVT proposals.

**228                    MINUTES OF THE MEETING ON 10 JUNE 2009**

The Council approved the Part 1 minutes of the meeting on 10 June 2009.

**229                    MATTERS ARISING**

None.

230

## QUESTION TIME

Sue Nelson had put questions to the Chief Executive about appointments to the Editorial Board of the Legal Compliance Bulletin: the questions and the response are annexed to these minutes.

The Chief Executive provided members with copies of his recent correspondence with Michael Garson about professional indemnity insurance.

231

## PRACTISING CERTIFICATE FEE FOR 2009-2010

The President explained that he would take the debate on the PC fee and on the Compensation Fund contribution together, as the proposals were interdependent, before inviting Council to make decisions.

Following introductory comments by the Treasurer and by the Chief Executive, the Chief Executive and the Director of Finance, Rona Chester, gave a presentation which set out the following proposals:

- a full PC fee of £1180
- a full Compensation Fund contribution of £390 to include recharging of non-dishonesty intervention costs to the Fund

The SRA had recommended a contribution to the Compensation Fund of £270 - £450.

The presentation explained that the increase of £185 was due to the following factors:

- Increase in costs arising from the LSB and the establishment of the OLC
- Increase in capital spend; the main assumed element was the SRA enabling programme
- Reduction in the number of PC fees partially offset by recharging costs of non-dishonesty interventions.

The Chief Executive emphasised that the professional body (ie excluding LCS and the SRA) had kept its costs at worst flat for 2010 against 2009 at the lower of the 2009 budget or outturn, and that the increase was due to factors which were outside the Society's control.

The presentation also showed historical fee levels, and that the proposal was at 2005/06 levels and below the 2003/04 peak.

The key assumptions were

- Based on Group Q1 Forecast
- 5% reduction of PC holders
- 1% fund for performance

- Each entity was expected to reduce costs to fund inflation increases and any salary changes
- No headcount increase above Q1,09 forecast (SRA increase in forecast 14 above budget)
- Pension deficit payments of £10.4m
- Flat interest rates at 0.5%
- Contingency £2.4m
- Group project fund £11.5m
- Any new pension initiatives would be funded from reserves/borrowing
- LSB/OLC implementation costs phased
- Smedley start up costs would be funded from reserves

The key risks were:

- The number of PC fee equivalents
- No detailed projections yet of SRA enabling programme costs for 2010
- SRA demand
- Initial quotes on pension fund project exceed £400k in budget but can do less
- OLC vesting date
- Gazette and commercial revenues
- Funding of Smedley implementation

The key sensitivities were:

- A £1m increase added roughly £10 to the PC fee
- 1% decrease in members added £12
- 2% inflation added £14
- 1% on salary added £5 (before pension costs)
- 1 month additional costs of LCS added £15

The Chief Executive explained that setting the PC fee was not setting the budget for 2010. He emphasised the need for restraint and therefore each board needs to think carefully about priorities and resources: what did not need to be done, and what could be delayed or be done differently. Early engagement with boards would be required to ensure that any work was proportionate and in members' and the public interest.

The Chief Executive would arrange for the presentation to be circulated electronically to members.

Becky  
West

Peter Williamson set out the SRA Board's position on the Compensation Fund. The Board recommended a headline contribution of £450, but if the Council decided to accept a higher level of risk the Board would accept that provided that the fee level was at least £275 which was, in its view, the minimum compatible with protecting the public interest.

The SRA Board did not support the proposal for the Compensation Fund to meet cost of non-dishonesty interventions as a way of reducing the pressure on the PC fee. The Fund already met a significant percentage of the SRA's costs, and the PC fee structure was going to change in any event in 2010. However, on the basis that fee-setting was to be revisited, the Board would not press its dissent from the proposal.

In discussion, members raised the following points

- there had been a significant increase in the Society's fte staff numbers over the previous ten years, which was reflected in the increases in the PC fee over that period. At a time when firms were having to take difficult decisions to reduce staff to cut their costs, the Society had to show that it too was willing to take such decisions; the Society should outsource more work.
- interventions were an expensive means of closing down practices, and more proportionate and cost-effective options should be found;
- the Society should take what steps it could to speed up the transfer of the LCS to the OLC, given that the cost of the dual running of OLC and LCS for one month represented £15 on the PC fee;
- the Society's members should be told in detail how the PC fee was apportioned between the SRA, LCS and TLS; and the costs of the LSB, OLC and the pension scheme deficit; members should also be told clearly that TLS costs had been maintained or reduced;
- the Society could not sustain calling upon its reserves for income;
- the increase in the PC fee would have a disproportionate effect on BME firms;
- the Council should revisit the costs of the Society's governance structures; conversely, the costs of governance were in total less than 1% of the Society's overall budget and so any savings would not be significant;
- in effect, by setting the PC fee in July the Council was fixing its budget for the following year, even though budget decisions were ostensibly taken in November: setting the budget and the PC fee should be done at the same time;
- the Society should commit to returning to the current PC level in 2013 only if it were confident that this was a realistic target and that its cost-base could be controlled accordingly;
- the proposed PC fee was the second-highest ever: this would

generate significant additional costs for City firms which were seeing profits fall while also making large numbers of staff redundant; the SRA did not represent value for money in its regulation of City firms, and the Council should give a clear signal to the SRA that it needed to do more to reduce its costs;

- the charts explaining how the PC fee was made up were long-overdue;

- the poor behaviour of some members of the profession was placing very significant costs on the entire profession: the representative body needed to decide how it was going to raise performance and quality, including the standard of entry to the profession;

- many practitioners worked on a contingent basis and provision should be made for them to pay the PC fee for shorter periods than a full year;

- implementing the Smedley review should not be an additional cost.

- no decision should be made by the Council at this meeting;

- the fee should be set at a reduced basis until the cost of the LSB were clarified, and the Council should review the fee level in September 2009.

- the Society and the SRA had to reduce expenditure to match their means;

- while the PC fee had increased greatly in the previous eight years, practitioners' fee income had not kept pace; the Society should look at its income and then decide what it could afford to do, rather than decide what it wanted to do and raise income from the profession accordingly; legal aid practitioners had to work within fixed budgets where no more money was forthcoming;

- in the current economic climate, the Society should control costs and waste at all levels, including catering for meetings; an external review of cost control might be helpful.

In response, the Chief Executive said that he shared Council members' underlying concerns. The increase in the PC fee was not attributable to increased costs in the representative Law Society. The increase was due to factors which were outside the Council's control: if the Council wished to reduce the fee, it would have to decide which representational activities it was not going to pursue. The SRA asserted that it could not commit to a standstill budget, the argument being that protecting the public interest might unavoidably require more money. Where costs were under the Society's control, they had been reduced or held flat. Cuts in the cost of the defined benefit pension scheme and the overall staff pay bill had already been made; further savings would be made through the 'soft-closure' of the pension scheme.

In terms of staffing, the number of TLS fte posts had gone down in central services and TLS since January 2007; staffing would be flat at the year-end 2009 compared with year-end 2007, and there would be no increase in 2010. Some IT services had been outsourced to Logica, and outsourcing was under consideration for other areas.

The Society did not have the legal power to phase PC fee payments. Discussions were taking place with banks about helping solicitors with financing, but in the long-term the best way for the Society to help the profession was to be as efficient as possible.

There would be greater emphasis than in the past on communicating to the profession the reasons for the PC fee increase and the break down of the PC fee components.

The five-year plan for the Society's income and expenditure had been shared with Council previously and was realistic; the Compensation Fund had been excluded from the projections. The cost of some members' behaviour was an important issue because this was in effect the profession generating cost for itself.

The logistics of preparing notices to go out to firms meant that the Council had to make a decision at this meeting.

The Council approved a full PC fee of £1,180 for 2010, together with the other rates as set out in the draft Order at Appendix 8 to the paper (extract annexed to these minutes).

Rona  
Chester/  
Antony  
Townse  
nd

*For 56 Against 8 Abstentions 12 (carried)*

**232**

### **COMPENSATION FUND CONTRIBUTION 2009-2010**

The Treasurer presented the paper which gave the Management Board's recommendation for setting Compensation Fund contribution at the lower end of the SRA Board's recommendations.

The decision to charge the cost of non-dishonesty interventions to the Compensation Fund would increase costs to the Fund by £5m annually, and would require an additional £120 on the headline contribution rate, while reducing the PC fee about £50.

The Council approved a Compensation Fund contribution of £390 for 2010, and agreed the full schedule of contributions as set out in Annex 3 to the SRA's paper subject to the insertion of the figures for the 'full contribution rate' and the 'one third of the full contribution rate' in the places indicated in the Annex.

Rona  
Chester/  
Antony  
Townse  
nd

*For 58 Against 6 Abstentions 12 (carried)*

**233**

### **SALARY SURVEY 2008 - RESULTS AND PROJECT PLAN**

The Vice-President presented the paper which set out proposals for a project plan for the Law Society to take action in response to the 2008 survey of salaries across the solicitors' profession. The E&D

Committee had approved the proposals at its April meeting.

The Vice-President would provide a written answer to Clare McConnell who requested an assurance that further work on the issue recognised the conflict inherent in pay disparity discussions where an employer solicitor was unable to give access to salary information to employee solicitors.

Stephen  
Ward

234

#### **LAW SOCIETY TRUST FUNDS: NEW TRUST**

The Treasurer presented the proposal for the creation of a new Trust to accept bursary, scholarship and prize funds for which the Law Society was the trustee. The proposal had been deferred from the Council's April meeting to allow time to address questions raised by the Law Society Charity. It had been agreed subsequently that there should be a review of the Charity's relationship with the Society. The Audit Committee had asked for progress to be made on the Trust proposals to resolve long-standing compliance and efficiency issues.

The Chair of the Law Society Charity, Nigel Dodds, confirmed that the Charity supported the proposal and welcomed the forthcoming review. He asked that lessons be taken on board for future projects about the need for good communication across all parts of the Society.

The Council approved the creation of a charity, The Law Society Educational Trust, to accept bursary, scholarship and prize funds for which the Law Society is currently the trustee; to authorise the execution of the Trust Deed and adopt a Delegation Framework accordingly; and to delegate to the Management Board decisions on individual funds.

Mark  
Paulson

235

#### **APPOINTMENT OF THE SRA BOARD**

The Treasurer presented the paper which invited the Council to approve General Regulation changes to implement the Council's decisions concerning the size and terms of office of the SRA Board.

The Council had decided earlier this year that the SRA Board should consist either of 12 or 16 members, the final decision to be taken in consultation with the incoming SRA Chair. The Council also decided that half the SRA Board members should be appointed for a four year term, and half for a two year term.

The Council approved the proposed changes as set out in Annex A to the paper by the required two-thirds majority (nem-con).

Mark  
Paulson

236

#### **REPORT OF THE CHAIR OF THE MEMBERSHIP BOARD**

Kevin Martin presented the report which included an update on accreditation, membership structure, special interest groups, stakeholder management, membership services, communications, the Excellence Awards, Council member support and regional visits.

He responded to members' comments as follows:

- he agreed that 'long-service' certificates should be issued to members by the TLS as well as by SRA; the President did send congratulatory letters to those who had been on the Roll for many years;
- accreditation schemes would be branded on a scheme by scheme basis; TLS marketing should aim to both meet the needs of the profession and generate income;
- he would ensure that the Probate Section was not referred to as a Special Interest Group; the term had been dropped from use;
- the Board had discussed relationships with local law societies in detail at its meeting on 30 June. Any previous service level agreements between TLS and local law societies would no longer be relevant. The Planning Committee for the April 2010 Presidents and Honorary Secretaries Conference, chaired by Robin ap Cynan, would work closely with local law societies.

Helen Clarke congratulated the Communications team and the Membership Board for the successful re-branding of TLS.

The Council noted the report.

237

#### **REPORT OF THE CHAIR OF THE REGULATORY AFFAIRS BOARD**

The Council noted the report of the Regulatory Affairs Board which included an update on the Hunt Review, the Society's role as approved regulator, Alternative Business Structures, conveyancing headline prices, the Solicitors Regulation Authority, and priorities for future work. Helen Davies indicated that the RAB report would include a biannual update from the Education and Training Committee and responded to members' comments as follows:

- RAB had been unable to date to appoint a member with an equality and diversity specialism but was continuing to try to do so;
- RAB's Professional Indemnity Insurance working group had been working with the SRA to develop guidance for the profession.

The Chief Executive reported that there had been an internal consultation on assessing equality and diversity implications in all TLS papers and a new methodology would be introduced.

238

#### **REPORT OF THE CHAIR OF THE LEGAL AFFAIRS AND POLICY BOARD**

Linda Lee presented the Legal Affairs and Policy Board's report which included an update on contingency fees, the Jackson Review on Costs, legal aid, advocacy, the Local Authority Chief Legal

Officer, the Constitutional Renewal Bill and Bill of Rights, EU issues, conveyancing, Practice Notes, Updates from the Housing Law Committee and the Immigration Law Committee, Committee Appointments, 2010 priorities and the Family Mediation Council.

Linda Lee reported that stakeholders outside and within the Society would be consulted on the Constitutional Renewal Bill in the autumn.

Members welcomed the LAPB's commitment to maintaining a high profile for solicitor advocates.

Linda Lee reported that there was a pilot scheme to attract BME candidates to judicial appointments and work was being carried out across TLS to extend this programme to other special interest groups such as the AWS. Stephen Ward would keep Council informed of the details of the programme.

Stephen  
Ward

The Council noted the report

**238 COUNCIL WORKPLAN**

The Council noted the workplan.

**240 COUNCIL MEMBER MOTIONS**

There were no motions.

**241 POWERS TO DIRECT THE LCS BOARD**

The Vice-President tabled a paper which invited the Council to amend the General Regulations to give it the power to direct the LCS to comply with requirements applied to the Society by the LSCC or LSO. This would mirror a power which already existed in relation to the SRA Board.

The Vice-President explained that the proposal arose from a letter from the Legal Complaints Ombudsman, Zahida Manzoor, to the LCS of 21 July 2009 which sought a response by 29 July to what she perceived to be the LCS's non-compliance in relation to four miners' compensation cases. Ms Manzoor was minded to publish related notices in the *Times* and the *Guardian* at an estimated cost of over £12,000, unless the LCS Board complied with her recommendations.

Shamit Saggat, the LCS Board Chair, had been consulted and did not object in principle to the amendment.

In discussion, members asked that the amendment be made subject to a sunset clause.

The Council voted on the following amendment to General Regulation 19B, Directions to the Legal Complaints Service Board:

- '(1) The Legal Complaints Service Board shall comply with a direction by the Council, within the time

specified for compliance in the direction where such a time is specified, as to the exercise of any functions delegated to it under these Regulations if, and to extent that, the exercise of the functions concerned in the manner specified in the direction is in the opinion of the Council reasonably necessary in order to comply with or avoid breaching any requirements or recommendations applied to the Society by the Legal Services Ombudsman under the Courts and Legal Services Act 1990.

- (2) The power of the Council to issue directions under (1) may be exercised in a case of urgency by any of the President, Vice-President, Deputy Vice-President or Chief Executive, in that order, and power to do so is hereby delegated in accordance with Section 79(1)(d) of the Act.
- (3) In (2), 'case of urgency' means, in the opinion of the person proposing to exercise the power, a case where it is necessary to issue the direction immediately and time does not permit the matter to be referred to the next scheduled meeting of the Council.
- (4) The regulation should cease to have effect as at 30 September 2009.'

*For 52 Against 3 Abstentions 4 (carried)*

242

## ORAL REPORTS

### Diversity Access Scheme (DAS)

Nigel Dodds drew members' attention to the DAS Awards, a fundraising and promotional event which the Society Charity was organising on 12 October 2009. The Scheme had provided funding since 2004 for LPC students facing exceptional obstacles to qualification as a solicitor. Council members could assist by:

- publicising the DAS and its successes;
- encouraging local law societies, Sections, local institutions and law firms to provide financial support for the scheme;
- making personal donations;
- providing work experience or acting as a mentor, or sponsoring an event.

David Merkel referred to one of his constituents who had received a DAS-sponsored place and subsequently obtained a Distinction in his LPC examinations.

The Council congratulated Nigel Dodds on the Charity's work.

### Milburn Report on access to the professions

Des  
Hudson/

Kevin Martin indicated that the DAS campaign had coincided in a timely manner with the Millburn Commission's report *Fair Access to the Professions*. An update would be given at the next Council meeting on any response the Society might make to the Millburn Report.

Stephen  
Ward

Signed: .....  
Paul Marsh, President

Date: .....

Annexes:

- Council Member Question and Answer
- PC Fee Determination 2009

## QUESTION FROM SUE NELSON

### Legal Compliance Bulletin

*Following the decision of staff to appoint men to 16 of the 17 places on an Editorial Board of a Law Society publication, you say 'Whilst it may appear that the end result of this exercise is that men are overrepresented', is the appearance at odds with the reality – or have I missed something here?*

*Can you tell me what process was adopted which led to the recent appointment of Che Odlum to the Editorial Board?*

*Was the process adopted by the Society to appoint the members of this Editorial Board compliant with the 'best practice in recruitment'?*

*How many men were approached?*

*How was Peter Camp selected?*

*Why are you only 'considering' advertising for applicants if vacancies should arise in the future?*

*What training did the staff involved have in equality and diversity?*

*Will the Law Society be signing up to the Diversity and Inclusion Charter?*

*Following the selection earlier this year by the JLD of an all male Pro Bono Awards Panel, what advice has been sent to entities working under the TLS badge of the need to ensure that they comply with the spirit of the law in relation to anti discrimination law and our own professional regulation concerning equality and diversity?*



The Law Society

**From the Chief Executive**

Sue Nelson  
Council Member

23 July 2009

Dear Sue

Thank you for your email of 14 July regarding the Legal Compliance Bulletin.

The publishing team were aware from the outset of the need to recruit a balanced editorial panel. This was at the forefront of their minds when they drew up a prospect list. Initially Janet Noble, approached 10 men and 8 women. As with any voluntary project, where busy people are involved, it was difficult to recruit suitable candidates and many of these first line candidates declined to participate and in turn recommended others. As a result many of those who subsequently joined the Board were recommended by the initial prospects. Most of the women contacted by Janet Noble declined the invitation or failed to respond or did not give suggestions or recommendations on other suitable candidates. A number of prominent people (Stephen Mayson, Peter Cadman, Timothy Dutton QC) volunteered to come on board when Janet asked them to give their views on the proposal generally. As they are all prominent in the field the publishing team gladly accepted their offer. In summary, the publishing team set out to create an able and diverse panel but were unable to achieve diversity in spite of their efforts to do so. Rather than seek to exclude anyone they engaged all those that were available and met the appropriate skill standard.

Peter Camp was selected because he is an established author who produces several books for our publishing arm and works with our training and events team. He was partly chosen on the basis of his expertise and knowledge, as well as reputation, but a crucial factor in choosing him was his reliability as an author and one who delivers on time. On a bulletin published six times a year it is important to have an Editor who will meet deadlines.

Emma Oettinger, our policy executive responsible for anti-money laundering recommended Che Odum for the role as someone who specialised in compliance for large International firms, an area of expertise that was underrepresented on the Board. Janet Noble was also actively seeking to recruit a woman as she was very aware that there was an imbalance on the board.

In future we will use whatever means we can to recruit a panel that is both professionally qualified, reliable and representative. Advertising is one of the options we will explore to ensure that outcome.

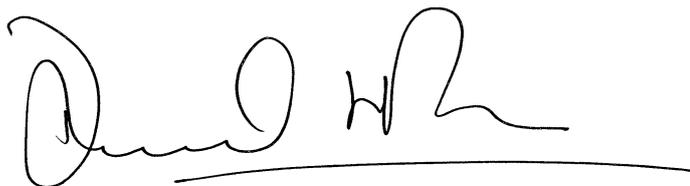
The publishing team have undertaken training and have demonstrated that they have awareness and commitment to E&D. They have applied that learning in actively seeking to set up a panel that is drawn from the entire spectrum.

The E&D team is establishing a task force to identify areas of activity such as this where further assistance might be needed to help the Society meet the commitments set out in the E&D Framework and the Diversity and Inclusion Charter. The results of that work which will be carried out very quickly, will be reported to the E&D Committee for review.

The Society does follow the aims and objectives of the Diversity and Inclusion Charter and is implementing the Procurement Protocol as a signatory. We have just renewed and updated E&D training for all TLS staff.

May I also add that the publishing team have my complete support in this matter. They are endeavouring to provide products of value to the market and return a reasonable profit for the benefit of our members. Doing that in compliance with our relevant policies at a time of great competitive strain is a daunting task.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Desmond Hudson', written over a horizontal line.

Desmond Hudson  
Chief Executive

## **Practising Certificate Fee Determination 2009**

This determination is made by the Master of the Rolls with the concurrence of the Secretary of State and the Lord Chief Justice under section 11 of the Solicitors Act 1974.

### **Practising certificate fee**

1. The fee to be paid to the Law Society for each practising certificate issued will be £1,180.00 unless paragraphs 2, 3, 4, 5, 6 or 7 of this order apply, or unless paragraphs 7A or 8 apply so as to impose an increased or additional fee.

### **Newly admitted solicitors**

2. Subject to paragraph 6, any solicitor who applies for their first practising certificate during the practising certificate year commencing 1 November 2009 shall pay a fee in accordance with the following scale:

- ◆ Practising certificate issued 1 November 2009 to 31 March 2010 inclusive - £885.00;
- ◆ Practising certificate issued 1 April 2010 to 30 June 2010 inclusive - £590.00;
- ◆ Practising certificate issued 1 July 2010 to 31 October 2010 inclusive - £295.00.

### **Returning to practice**

3. Subject to paragraph 4, any solicitor admitted prior to 1 November 2009 who has previously held a practising certificate and who returns to practice and is issued with a practising certificate between 1 January 2010 and 31 October 2010 inclusive shall pay a reduced fee in accordance with the following scale:

- ◆ Practising certificate issued 1 January 2010 to 31 March 2010 inclusive - £885.00;
- ◆ Practising certificate issued 1 April 2010 to 30 June 2010 inclusive - £590.00;
- ◆ Practising certificate issued 1 July 2010 to 31 October 2010 inclusive - £295.00.

This scale does not apply if during the solicitor's last period without a certificate they undertook any duties which required a practising certificate.

### **Low income/gross fees**

4. Any solicitor who has previously held a practising certificate and whose gross fees, or if in employment, gross income from the provision of legal services has not exceeded £20,000 during the 12 month period prior to the date of application for a practising certificate shall pay a fee in accordance with the following scale:

- ◆ Practising certificate issued 1 November 2009 to 31 December 2009 inclusive - £590.00;
- ◆ Practising certificate issued 1 January 2010 to 31 March 2010 inclusive - £445.00;
- ◆ Practising certificate issued 1 April 2010 to 30 June 2010 inclusive - £295.00;
- ◆ Practising certificate issued 1 July 2010 to 31 October 2010 - £150.00.

### **Crown Prosecutors**

5. A solicitor who is a Crown Prosecutor at the time of issue of a practising certificate shall pay a fee in accordance with the following scale:

- ◆ Practising certificate issued 1 November 2009 to 31 December 2009 inclusive - £785.00;
- ◆ Practising certificate issued 1 January 2010 to 31 March 2010 inclusive - £585.00;
- ◆ Practising certificate issued 1 April 2010 to 30 June 2010 inclusive - £390.00;
- ◆ Practising certificate issued 1 July 2010 to 31 October 2010 inclusive - £195.00.

### **Former registered European lawyers and former registered foreign lawyers**

6. A solicitor who has, at any time during the practising certificate year commencing 1 November 2009, registered or re-registered as a registered European lawyer or registered foreign lawyer and who applies for their first practising certificate shall be subject to a practising certificate fee of £0.

### **Maternity provisions**

7. (a) A solicitor who is on statutory maternity leave or a period of leave equivalent to statutory maternity leave at the time of applying for the renewal of their practising certificate shall pay a reduced fee of £590.00; or

(b) A solicitor whose statutory maternity leave or period of leave equivalent to statutory maternity leave started and ended within the practising certificate year 1 November 2008 to 31 October 2009 inclusive shall pay a reduced practising certificate fee of £590.00 for the practising certificate year 1 November 2009 to 31 October 2010 inclusive.

### **Recognised sole practitioners**

7A. Where a solicitor makes an initial application for a practising certificate or applies for replacement of a practising certificate, and the certificate applied for is to include initial authorisation or renewal of authorisation as a recognised sole practitioner, the fee payable under paragraphs 1, 2, 3, 4, 5, 6 or 7 shall be increased by:

- ◆ £90.00 if the certificate is to commence in the period 1 November 2009 to 31 March 2010;
- ◆ £60.00 if the certificate is to commence in the period 1 April 2010 to 30 June 2010;
- ◆ £30.00 if the certificate is to commence in the period 1 July 2010 to 31 October 2010.

### **Late delivery of an accountant's report**

8. Where a solicitor applies for a practising certificate at a time when section 11(4) of the Solicitors Act 1974 has effect because the solicitor has failed to deliver an accountant's report by such time or in such circumstances as prescribed by rules under section 34(1) of that Act an additional fee of £200 must be paid when making an application for a practising certificate.



The Law Society

**COUNCIL**  
**23 September 2009**

**Item 8**

**Classification – Public**

**Purpose – For discussion**

## **JUDICIAL APPOINTMENTS**

### **The Issues**

To inform Council of developments in relation to judicial appointments.

Council is asked to discuss the Society's current work prior to the adoption of a corporate strategy on judicial appointments.

### **Policy Position**

Council policy on judicial appointments was settled in October 2003 when approving the Society's response to consultations prior to the Constitutional Reform Act. Council supported the establishment of a body independent from Government to manage the judicial appointments process. The Legal Affairs and Policy Board has monitored the progress of the Judicial Appointments Commission since its launch in April 2006. The issues in this paper will be discussed by the September LAPB and Council will be updated on those discussions.

### **Financial and Resourcing implications**

Fully met from within existing resources.

### **Equality and Diversity implications**

BME solicitors are more likely to apply for a judicial appointment and less likely to be successful. The Society is therefore looking at ways to enhance their chances of success.

### **Consultation**

A similar paper was considered by the Equality and Diversity Committee on 14 July.

**Director** Mark Stobbs, Director of Legal Policy  
**Author** Steven Durno  
**Date of report** 4 September 2009

## 1. Introduction

Judicial appointments fall within the Legal Affairs and Policy Board's role of setting and overseeing the implementation of policy to promote and protect solicitors' interests in all matters other than those covered by the Society's other boards. The Board receives regular reports on developments and has identified the following as the key aims of the Law Society's strategy in relation to judicial appointments:

- to ensure that solicitors have proper access to judicial appointments on merit;
- to lobby to ensure that the appointments process is fair, independent and transparent;
- to ensure that perceptions that the system is weighted against solicitors are addressed;
- to gain greater understanding of why high quality solicitors are not applying for judicial appointments;
- to encourage firms to ensure that solicitors in their 30s and 40s are supported if they wish to undertake part-time work;
- to work with the Judicial Appointments Commission on outreach to solicitors;
- to provide support and training to solicitors who wish to apply for appointment; and
- to work to widen access to judicial careers to ensure that the bench is more reflective of society.

## 2. The Present Position

The Judicial Appointments Commission (JAC) has now been in place for three years and has made a number of changes to the system for appointing judges. These are generally to be applauded. In addition, both the Lord Chief Justice and the JAC itself have indicated strongly that they see solicitors as providing an untapped pool of diverse talent. However, there remain a number of major concerns about the existing system so far as solicitor applicants are concerned:

- The number of applicants for appointment from solicitors is disproportionately low, in terms of the available pool, as is their success rate. In a recent competition, the eligible pool of lawyers with the required professional experience comprised 85% solicitors and 15% barristers. The proportion of eligible candidates was 27% solicitors as against 71% barristers. The shortlist was made up of 28% solicitors and 70% barristers. The lawyers appointed were 15% solicitors and 84% barristers.
- Research suggests that solicitors do not perceive the selection process to be fair and that there are particular problems about:
  - The length of time the process takes (and, in particular, the problems that this can cause in dealing with partners and clients);
  - The nomination of judges as referees is perceived to favour the Bar;
  - The role-playing exercises as part of the process also tend to give the Bar an advantage.
- There are also real problems in the way in which the legislation currently works – particularly about the section 9 “waiting list” and the ability of the MoJ and the judiciary to set the job descriptions and qualities required for particular appointments – both of which affect the independence of the JAC and its ability to ensure all appointments are made on merit.
- Some solicitors apply before they are ready for the appointment and this may well explain some of the results.
- Many firms do not encourage solicitors to consider a judicial career.

### **3. The Law Society's work**

The Society's work is based around the following areas:

- Lobbying Government and the JAC to improve the processes;
- Working with the JAC, the judiciary and firms to address issues which make it less attractive for high quality solicitors to apply;
- Working with the JAC and practitioner associations to seek to widen access to the judiciary; and
- Promoting opportunities for solicitors to seek judicial appointments.

#### **3.1 Lobbying**

The main focuses of lobbying are as follows:

- The draft Constitutional Renewal Bill included a range of clauses relating to the statutory provisions governing judicial appointments. The Constitutional Renewal and Governance Bill has fewer provisions on judicial appointments and the Law Society proposes to lobby to include significantly greater reforms during the Bill's Parliamentary passage.
- Encouraging the JAC to enhance its efforts to persuade solicitors to consider applying for a judicial appointment; and to review their selection procedures, particularly in respect of the court room role playing exercise and the weight given to references from the judiciary.
- Lobbying the Ministry of Justice to raise awareness of and to seek action on factors which may be deterring solicitors from applying for judicial appointments. For example, the length of time between the start of a selection competition, the offer of and commencement of an appointment; the non statutory requirement for two years' experience as a fee paid judge before more senior salaried posts can be applied for.

#### **3.2 Liaison with Judicial Appointments Commission**

The main issues to be taken forward are:

- More needs to be done to publicise the diversity of opportunity, particularly at specialist Tribunal level for applicants with relevant expertise. The JAC is keen to try to work with segments of the profession in order to encourage individuals with particular specialisms to apply for relevant judicial roles – it is noteworthy that the most recent solicitor high court appointment came through the Tribunal route.
- Joint workshops to provide better information about their processes.
- Managing the expectations of applicants. More needs to be done to identify and encourage good quality applicants. In particular, the JAC could indicate the sorts of experience that they are looking for or which successful applicants tend to have over and above the eligibility requirements.
- The qualifying tests have been badly received by the Bar but well received by solicitors. The JAC is committed to continue the tests but would be interested in discussions on how they could be improved.
- The Law Society is represented by Stephen Ward on the JAC's Diversity Forum. Following the publication of research produced by BMRB on barriers preventing lawyers from applying for judicial appointments, the Forum hosted a seminar at the Ministry of Justice on 7 July. The input of participants at that event has been incorporated into an Action Plan to which the members of the Diversity Forum have subscribed.

- The Society continues to support JAC outreach events as part of its commitment to broadening the diversity of those eligible and applying for judicial appointment to introduce to solicitors the opportunities. The outreach events are now better focused on practical help for those solicitors interested in a judicial appointment.
- The Ministry of Justice and the JAC conducted a session on judicial appointments at the Society's Leadership Summit on 26 February.

There are regular meetings with the JAC - the current President attended and participated in part of the discussions at the JAC's annual strategy review at Cumberland Lodge in Great Windsor Park on 5/6 March.

### **3.3 Liaison with the Judiciary**

The Lord Chief Justice is keen to have more solicitor appointments. Earlier this year the then President and the Lord Chief Justice wrote articles which were published in the Gazette. In March the Lord Chief Justice hosted a conference at Clifford Chance - A Judiciary for the 21<sup>st</sup> Century.

Sir Anthony May, President of the Queen's Bench, was particularly anxious this year to encourage solicitor Circuit Judges and Recorders to apply to be authorised to sit as Deputy High Court Judges – the President sent a letter to all eligible solicitors in June.

Work shadowing schemes are being organised, up to High Court Judge level, which will provide improved information for applicants and an insight into the work.

The Society is also working to establish a group of solicitor judge champions to help promote judicial careers to the profession, to familiarise candidates with the processes involved and to help candidates to prepare themselves. The volunteer judges have been invited to a meeting at Law Society Hall to discuss how this can be taken forward on 2 October.

An initial meeting with staff from the Judicial Appointments Office at The Royal Courts of Justice has also taken place, looking at the opportunities for joint working in the area of diversity in judicial appointments, supported by the RCJ's 'Community Judges' Group. Further discussions will take place in late October.

### **3.4 Liaison with Firms and Groups**

The President hosted a dinner in December attended by the Lord Chief Justice, the Master of the Rolls, Baroness Prashar and senior partners from several City firms. The objective was to persuade City firms to look more favourably on colleagues who ask for permission to apply for judicial appointments, particularly the part time posts which are the stepping stone to a career on the bench. This theme is being carried forward through the regular contacts that the Society has with City firms.

There are clear concerns that firms do not regard seeking part-time judicial appointment as a career-enhancing move. We believe that they should and, indeed, should see this as part of the Corporate Social Responsibility, in the same way as they see pro bono work. There is work for the Society to get this message across.

### **3.5 Bespoke Training**

Under the auspices of the BME Forum, Law Society Services set up a series of focus groups drawn from members of the various BME groups. In the light of the input from the focus group members, a day-long workshop for BME practitioners focussed on introducing

the competency based approach adopted by the JAC in its selection exercises. The training had a very practical character. The feedback from the 10 BME solicitors attending the workshop has been very positive. It is hoped that it will be possible to repeat the workshop both in London and in Birmingham and, hopefully, to make this training available to all solicitors who aspire to a judicial appointment at a modest fee.

The JAC hosted an event for the Black Solicitors Network in London on 18 February and 3 May and in Birmingham on 6 April; for the British Nigerian Lawyers' Forum on 26 March; for Lawyers with Disabilities on 17 September; and the Ministry of Justice organised an event with the Association of Women Solicitors on 3 September.

In conjunction with the Society, the JAC has produced a video clip showing an applicant undergoing the role playing exercise element of the selection process. It is to be posted on to the JAC website and also the Society's website, in the latter case with helpful commentary for prospective applicants.

#### **4. Internal Coordination**

The Society's work in this area involves a number of departments, including Legal Policy, Public Affairs, Equality and Diversity and Membership Services. To avoid any duplication and ensure that there is a strategic overview of all activities, Sophie Brookes (Head of Professional Policy and Representation) will coordinate this work.

#### **5. Future Strategy**

Two points are clear. First, more must be done to encourage suitably qualified solicitors to apply for judicial appointments. In addition to the Society's efforts, the JAC must be persuaded to accord a higher priority to its outreach work and to put the necessary resources into that work.

Secondly, solicitors will only apply in greater numbers when they can see that solicitors have a fair chance of success. The current methods of selection, in spite of all of the efforts of the JAC to create a level playing field between the professions, are not producing the desired increase in the number of successful solicitor applicants or a significant improvement in the diversity of the judiciary.

To sum up, therefore, the Society will:

- Lobby to see the removal of those statutory requirements which can place barriers in the way of solicitor appointments.
- Work with the JAC, the senior judiciary and the Government in its efforts to secure a better outcome for solicitors applying for judicial appointments.
- Work with firms to encourage them to encourage their solicitors to see a judicial appointment as a desirable and prestigious achievement which throws glory on the firm as well as the individual.
- Provide guidance and training for solicitors who wish to apply for appointments.



The Law Society

**COUNCIL**  
**23 September 2009**

**Item 10**

**Classification – Public**

**Purpose – For noting**

**REPORT OF THE CHAIR OF THE SOLICITORS REGULATION  
AUTHORITY BOARD**

**The Issues**

This paper is the periodic report of the Chair of the SRA Board.

**Policy Position**

N/A

**Financial and Resourcing implications**

There are no direct implications to the report.

**Equality and Diversity implications**

There are no direct implications to the report. Paragraph 5 refers to reporting on progress towards achieving E&D objectives.

**Consultation**

This report has been prepared directly for the Council.

**Author:** Peter Williamson, Chair SRA Board  
**Date of report:** September 2009

1. Since the last report to Council, the Board held an away day on 30 July when it dealt with a small number of formal public items.

### **HIGHER RIGHTS OF AUDIENCE REGULATIONS**

2. The Board considered the impact of the Framework Services Directive on the proposed Higher Rights of Audience Regulation, and whether applications not dealt with in a reasonable amount of time might be deemed to have been accepted. The Board considered that there was no need to make specific provision to deal with this situation on the grounds that it was thought unlikely to arise. Monitoring mechanisms would nevertheless be put in place.

### **REMUNERATION ORDER REPEAL**

3. Upon the recommendation of the Firm Based Regulation Group the Board made a rule to preserve clients' existing statutory rights to information about how to question a non-contentious bill. The purpose of the "emergency" rule was to fill the gap between the ending of clients' statutory rights when the current Remuneration Order was revoked (11 August 2009) and the eventual introduction of a definitive new rule on a broader basis to ensure clients are given appropriate information about how to question a bill.

### **Q2 PERFORMANCE REPORT**

4. The Board considered the second report (attached) on progress towards achieving the Key Deliverables set out in the SRA's 2009 Business Plan.
5. Progress towards achieving the objectives set out in the SRA's Equality and Diversity Strategy has now been integrated into the overall report. The equality and diversity objectives can be identified by (\*). The report also sets out progress to deliver against the Equality Impact Assessment Schedule.

### **SMEDLEY REVIEW**

6. The SRA has recently submitted to the Management Board a case for the establishment of a Corporate Regulation Project to take forward work relating to the regulation of both ABSs and the corporate legal sector under the overall framework of the development of firm-based regulation but with separate workstreams for each.

### **COMMITTEES**

7. The Education and Training Committee met on 23 July when it considered further proposals developed by the Quality Assurance Sub Committee relating to the strengthening of the training contract and the publication of a new handbook. The Committee also reviewed the work-based learning project and considered the results of a workshop held with pilot participants held on 7 July. The Committee considered a first draft of a paper on the Qualified Lawyer Transfer Scheme which will be considered by the SRA Board on 10 September.
8. The Financial Protection Committee met on 14 July when it considered the quarterly report on the operation of the Assigned Risks Pool and noted the position on a small number of significant claims.
9. The Quality Assurance Sub Committee met on 22 July and considered further proposals relating to the strengthening of the training contract which were subsequently

recommended to the Education and Training Committee. The Committee continues to work on revised documentation, on the testing of a new micro site and on monitoring proposals.

10. The Rules and Ethics Committee met on 16 July when it gave preliminary consideration to suggested amendments to Rule 9 and the associated guidance on referral arrangements. In particular, it considered whether the provisions of rule 9 remained proportionate to the risks posed to the public, whether the guidance could be expanded to deal with common interpretational problems and whether other steps could be taken to facilitate compliance. The Committee considered one draft of proposed changes to the rule, including changes relating to the provisions regarding referrals between lawyers and referrals in publicly-funded work. The Committee also considered revised guidance. It is expected to approve final versions of both, for consultation, at its meeting on 30 September 2009.
11. The Scrutiny Committee met on 23 July when it considered the Q2 performance report attached to this report. The Committee was updated on the subjects of activity based costing, key performance indicators and performance management. The Committee reviewed the recommendations arising out of the work of the Centre for Public Scrutiny and, in particular, the report produced by CfPS at the end of 2008. The Committee considered that it would be in a position to sign off on the recommendations contained in the report by the end of the current year.

#### **Further information**

12. If Council members wish to have additional information about any aspect of the Board's work, I would be grateful if they could email me ([Peter.Williamson@sra.org.uk](mailto:Peter.Williamson@sra.org.uk)) and Antony Townsend ([Antony.Townsend@sra.org.uk](mailto:Antony.Townsend@sra.org.uk)) in advance of the Council meeting, so that I can ensure that I am briefed to answer their questions as fully as possible.

## CLASSIFICATION - PUBLIC

**Business Plan 2009: Quarter 2 Progress Report**

1. Based on the information received for the second quarter progress report, the following assessment of overall progress is made:

<b>Overall assessment of progress</b>
Based on current information the key deliverables set out in the business plan are <b>likely to be achieved</b> .
<b>Reason for the progress rating</b>
<p>Of the 97 measures contained in the Business Plan, forty six are assessed as being likely to achieve, with a further thirty five assessed as having been achieved. Collectively this means that 81 of the 97 measures are on track to be achieved by the end of the year.</p> <p>Quarter two saw higher levels of achievement, thirty five measures being achieved, compared to quarter one, with only twenty nine. However, whilst this progress is encouraging, the Board should also note that there was a rise in the number of measures being assessed as not being achieved. An increase from four, in quarter one, to eleven in quarter two. However, these measures are, by and large, assessed as not being achieved because they have not been completed within the timeframe originally specified. It is not the case that they will fail to be achieved over the duration of the 2009 Business Plan.</p>
<b>Notable achievements during the quarter</b>
<p><b>Setting the Standards</b></p> <ul style="list-style-type: none"> <li>▪ The Agenda for Quality discussion paper was published on 2 June 2009. This paper seeks the views of our stakeholders about the ways to maintain and improve the standard of quality in legal services.</li> <li>▪ The Rule 6 Working Group has been established and has met for the first time. The Group has developed a comprehensive set actions designed to improve compliance with Rule 6.</li> </ul> <p><b>Support and Monitoring</b></p> <ul style="list-style-type: none"> <li>▪ The ethics guidance service continued to improve with the May 2009 outturn (87%) exceeding the target of 80% of all calls being answered within 60 seconds. This is due to the continued progress of the team and the growing expertise of the ethics advisers.</li> <li>▪ There have been several events during quarter two which have been held to engage with key equality groups. These events included Consumer Representative Workshop (30 April), Lawyers with disabilities division liaison meeting (6 May), and the BME practitioner meeting (14 May). The SRA also attended and was part of a discussion panel for the Minority Lawyers Conference (25 April).</li> <li>▪ Over 19,000 responses have now been received to the Diversity Census, and work is underway to launch the next phase in quarter three.</li> </ul> <p><b>Consumer Protection, Enforcement and Discipline</b></p> <ul style="list-style-type: none"> <li>▪ The transparency policy statement – Reasons for Investigations – was finalised by the Compliance Committee and published on the website during April/May.</li> <li>▪ There has been notable improvement in the number of cases issued, which</li> </ul>

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

were less than six months old, over April, May and June compared with the first quarter: 76%, 94% and 59% compared with 33%, 50% and 50%.

**Access to Justice, Transparency and Consumer Information**

- A consumer workshop was held on 30 April. The workshop was attended by consumer representative organisations, including NSPCC, Stonewall, Mind, and discussed access to legal services for their clients, and the experiences of their clients in accessing legal services.
- The process for carrying out equality and diversity monitoring of SRA informants has now been embedded across the organisation.

**Organisational Improvement**

- Strategic KPIs have been developed as part of the Enabling Programme blueprint, with indicators to support the SRA strategic directions also developed as part of this wider measures package.
- The procurement policy has also been reviewed to integrate equality and diversity into the tendering process and award of contracts.

2. The progress being made to achieve each of the five SRA strategic objectives is assessed as follows:

<b>Assessment of progress to achieving the SRA Strategic Objectives</b>	
Setting the Standards	Based on current information the strategic objective is <b>likely to be achieved</b>
Support and Monitoring	Based on current information the strategic objective is <b>likely to be achieved</b>
Consumer, protection, enforcement and discipline	Based on current information the strategic objective is <b>likely to be achieved</b>
Access to justice, transparency and consumer information	Based on current information the strategic objective is <b>likely to be achieved</b>
Organisational improvement	Based on current information the strategic objective is <b>likely to be achieved</b>

3. The following table sets out by strategic objective the number of actions contained in the business plan which have been assessed as either being achieved, likely to be achieved, unlikely to be achieved or that will not be achieved. There are 28 actions in the business plan with 97 linked measures and milestones (excluding the Equality Impact Assessment Schedule). The assessments have been made on the basis of the measures and milestones identified to deliver the actions. All the assessments are shown in detail in Annex 2. All those measures and milestones which were achieved during quarter one, have been removed from the Technical Annex. A list of those achievements can be found at Annex 3.

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

Strategic Objective	Number of actions					Total
	Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	Not rated	
Setting the standards	1	6	0	1	0	8
Support and monitoring	0	4	0	0		5
Consumer protection, enforcement and discipline	1	5	0	1	0	6
Access to justice, transparency and consumer information	0	4	0	0	0	4
Organisational improvement	0	5	0	0	0	5
<b>TOTAL</b>	2	24	0	2	0	28

4. The following table shows the number of milestones and measures which have been assessed as either being achieved, likely to be achieved, unlikely to be achieved or that will not be achieved for the second quarter of 2009.

Strategic Objective	Number of measures/milestones					Total
	Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	Not rated	
Setting the standards	5	6	4	2	0	17
Support and monitoring	6	10	3	0	0	19
Consumer protection, enforcement and discipline	6	9	1	0	0	16
Access to justice, transparency and consumer information	7	5	3	0	0	15
Organisational improvement	11	16	2	1	0	30
<b>TOTAL</b>	35	46	13	3	0	97

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

5. The following table shows the progress being made to deliver against the Equality Impact Assessment schedule (this report covers the EIAs due in 2009 only). It breaks the EIAs down by strategic objective.

Strategic Objective	Number of Equality Impact Assessments					Total
	Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	Not rated	
Setting the standards	1	9	1	0	0	11
Support and monitoring	1	2	0	0	0	3
Consumer protection, enforcement and discipline	0	8	2	0	0	10
Access to justice, transparency and consumer information	0	2	2	0	0	4
Organisational improvement	1	2	3	0	0	6
<b>TOTAL</b>	3	24	7	0	0	34

**6. Exception Reports**

The following sections detail those measures/milestones which are being reported on an exception basis. Revised milestones are proposed where appropriate.

**SS1a:**

**Second cohort to commence WBL from May 2009.**

Although 26 candidates for participation in 2009 WBL cohort have been selected and notified, it has not been possible to officially launch the second cohort. This is due to Nottingham Law School not yet being ready to accept the candidates. This is likely to be September 2009.

**SS5b:**

**Analysis of the responses to the conflict/ confidentiality consultation to the Rules and Ethics Committee by May 2009**

The consultation seeking views on proposed amendments raised by the City of London Law Society closed on 31 March, although late responses continued to be received throughout April and May, which delayed the analysis of the responses. The Rules and Ethics Committee were due to consider the analysis of the responses in June. However this meeting had to be cancelled, so the Committee will receive this presentation in July.

**SS5c:**

**Identified changes agreed by the Rules and Ethics Committee by June 2009**

The timescale has now moved to September 2009. This is due to the knock on effect of the delay in considering the consultation responses and the cancellation of the June meeting.

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

**SS7b:**

**Information requirements for 2010 collection exercises for renewal application completed by 30 September 2009**

Information requirements for 2009 renewal, including question wording and guidance, have just been completed. The timescales for 2010 will mirror those of 2009 so September 2009 will not be achieved. There will be a consultation on new requirements to be published at the end of 2009 following approval from the Firm Based Regulation Group.

**SS8b:**

**Publish annual reports on the complaints received in relation to Rule 6 breaches and work with the Law Society and Legal Complaints Service to improve standards in the profession by June 2009 and then annually.**

The Compliance Committee considered the first report on 2008 discrimination complaints in April 2009. The SRA Board has yet to consider and approve the report, and publication is dependent on the Board's approval. The SRA Board will consider the report over the summer with publication due shortly afterwards.

**SM1f:**

**Quarterly surveys of profession on guidance provided**

For 2009 this will be an annual survey. Quarterly surveys are currently unachievable due to constraints within the guidance team caused by absence of some experienced team members and training requirements for new advisers joining the team.

**SM3b:**

**Full SRA project launched in June 2009**

Although the first strand of the project is under way, the full project launch is dependent on the recruitment and appointment of project leads. The project leads are being appointed through the current recruitment exercise and once this has been completed, the project can be launched.

**AJTC3c:**

**Publication of results from SRA's consumer research study during March 2009**

The research has been published on the website in July. The late publication of the research has been due to a delay in the Board considering the research and the associated summary document.

**AJTC3e:**

**Publication of SRA's consumer research study 'Consumer experiences in conveyancing' during May 2009**

The research has not yet been published. It will now be published on the website in July. This delay is due to the earlier delay of the wider consumer research on which this research is dependent.

**AJTC4i:**

**Carry out research on the experiences of stakeholders from equality target groups who access and use legal services by May 2009**

The research has been published on the website in July. This delay was due to the earlier delay of the wider consumer research of which this is a part.

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

**OI5e:**

**Implement a review system to assess the effectiveness of the equality and diversity and human rights learning programme by May 2009**

The milestone has not been achieved and needs to be revised to completion by the end of quarter three, in line with the development of the wider learning programme and following completion of the training needs analysis.

**OI5n:**

**Provide learning and development on fair and effective recruitment for recruiting managers by August 2009**

A one day programme has been developed but will not be finalised and rolled out until the new recruitment policy is agreed. The August date is not going to be achieved, but the work will be completed later in the year.

**7. Revisions to Milestones/Measures**

**SS5c:** Identified changes agreed by the Rules and Ethics Committee by June 2009. Due to the late consideration of the consultation responses, which impact on the revisions to be agreed by the Committee, the deadline for this has been revised. The new milestone is: Identified changes agreed by the Rules and Ethics Committee by **September 2009**.

**SM4e:** Analyse the results of usability testing of the website with the profession in December 2008 and again in September 2009 and update the site accordingly. Due to other work taking priority, this milestone needs to be revised to **December 2009**. There is confidence that it will be met in December but not in September.

**AJTC4b:** Review the accessibility of the SRA website and carry out an online survey of web users to build up a profile of those who use the website by May 2009 and again in September 2009. Due to CMS work taking priority, this milestone needs to be revised to **November 2009**. There is confidence that it will be met in November but not in September.

**OI5e:** Implement a review system to assess the effectiveness of the equality and diversity and human rights learning programme by May 2009 - this needs to be revised to change the date to **September 2009**. The revision is required to bring the milestone in line with the wider work on the learning and development programme.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

**Annex 2**

## Business Plan 2009: Quarter 2 Technical Annex

<b>Strategic Theme</b>	<b>Setting the Standards</b>
<b>Objectives</b>	<p><b>Objective 1.1</b> To set standards for entry to the profession, professional behaviours and continuing professional development so as to maintain and enhance the competence, performance and ethical conduct of solicitors and uphold the rule of law.</p> <p><b>Objective 1.2</b> To set standards for organisations offering legal services</p>

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<p><b>SS1:</b> Development of pre-qualification reform, including continuation of work based learning pilot. The work based learning pilot runs until 2010 with cohorts for full and part time participants.</p> <p>The new legal practice course continues to be implemented, with some new courses commencing in 2009 and validation events for courses</p>	<p><b>SS1a:</b> Second cohort to commence WBL from May 2009.</p>	Revised milestone no previous progress report			X		26 candidates for participation in 2009 WBL cohort have been selected and notified. However it is not possible to officially launch the second cohort until Nottingham Law School are ready to accept the candidates. This is likely to be September 2009.
	<p><b>SS1c:</b> Training for external examiners (LPC) developed and delivered by July 2009</p>	Likely to be achieved		X			Recruitment of the external examiners for LPC commencing in September 2009 is complete. Training will take place in July and September 2009.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
commencing in 2009.	<b>SS1e:</b> A project plan will be utilised for managing delivery of these projects, with progressed against the plan monitored at each Education and Training Committee meeting during 2009.	Likely to be achieved	X				Report considered at the Education and Training Committee on 12 June. This milestone is to be monitored on a quarterly basis.
<b>SS2:</b> Development, consultation and publication of a quality and standards framework for post-qualification quality assurance.	<b>SS2a:</b> A quality and standards framework will be developed and agreed in February 2009.	Will not be achieved	X				Position paper – An Agenda for Quality was published on 2 June. The reason for the delay was due to comments from the Education and Training Committee and SRA Board.
<b>SS3:</b> Consultation on and agreement of new qualified lawyer transfer regime.	<b>SS3a:</b> SRA Board to approve policy framework in June and Regulations in December 2009	Achieved (policy framework) likely to achieve (regulations)		X			The Education and Training Committee is due to consider the regulation changes in November.
<b>SS4:</b> Development and agreement of a comprehensive strategy to include all training and assessment provision	<b>SS4a:</b> All elements of the quality assurance activity including the further development of effective	Unlikely to be achieved		X			At its meeting in April, QASC asked that the consultation paper and associated documentation be reviewed and aligned with the LPC information pack for providers. This will form the basis of the consultation

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	risk assessment and inspection of training firms; the implementation of common standards for all assessment organisations; and the continuation of legal practice course and academic stage quality assurance activities, will be drawn together under one strategy during April/May 2009.						exercise. The work is on track for consideration by QASC and ETC at their meetings in July, with consultation due in August. Subject to the consultation responses, the first stage of implementation is due in January 2010.
<b>SS5:</b> Co-ordination of any revision to the 2007 Code of Conduct in light of issues raised.	<b>SS5b:</b> Analysis of the responses to the conflict/confidentiality consultation to the Rules and Ethics Committee by May 2009	Likely to be achieved			X		The consultation seeking views on proposed amendments raised by the City of London Law Society closed on 31 March, although late responses continued to be received throughout April. An analysis of the responses will be presented to the Rules and Ethics Committee in July, due to the cancellation of the June meeting.
	<b>SS5c:</b> Identified changes agreed by the Rules and Ethics Committee by June 2009	Likely to be achieved			X		The timescale has now moved to September 2009.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

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			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>SS5d:</b> Some rule changes to SRA Board by December 2009	Likely to be achieved				X	These will result from changes discussed at Rules and Ethics Committee meetings, and there will need to be a consultation on the proposed changes during the autumn, making it unlikely for the rules to be presented to the Board in December.
<b>SS6:</b> Undertake a general review of the Solicitors' Accounts Rules and consideration of the risks associated with holding clients' monies.	<b>SS6a:</b> Work to commence on scoping the project by June 2009	Likely to be achieved	X				The paper considered by the Rules and Ethics Committee in May 2009 was approved, subject to some changes and the views of the Compliance Committee. This work has now been incorporated into a larger project which will move forward following the appointment of a project manager.
	<b>SS6b:</b> Project plan and timetable reviewed by meetings of Rules and Ethics Committee throughout 2009	Likely to be achieved		X			See above
	<b>SS6c:</b> Work commences in accordance with the plan in late 2009	Likely to be achieved		X			See above

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<b>SS7:</b> Continued development of regulatory approach to support implementation of new firm based legal services framework	<b>SS7a:</b> Information requirements for 2010 collection exercises for initial applications completed by 30 June 2009 (end of quarter 2)	Likely to be achieved	X				Initial application information collection has been agreed to mirror 2009 renewal applications which have been completed.
	<b>SS7b:</b> Information requirements for 2010 collection exercises for renewal applications completed by 30 September 2009 (end of quarter 3)	Likely to be achieved				X	Information requirements for 2009 renewal (including question wording and guidance) have just been completed. Timescales for 2010 will mirror 2009. Consultation on new requirements to be published end of 2009 following approval from Firm Based Regulation Group
	<b>SS7d:</b> Initial development work on ABSs is undertaken from July 2009	Likely to be achieved		X			Discussion Paper on the regulation of Alternative Business Structures published for comments on 1 June. Response also being drafted for the LSB Consultation on ABSs.
<b>SS8:</b> Implementation of the recommendations of the independent review through the Equality and Diversity Action Plan	<b>*SS8a:</b> Consider options to improve compliance with Rule 6 by June 2009	Assessed as amber under the previous E&D Strategy assessment	X				The Rule 6 Working Group met on 19 May to agree actions aimed at improving the SRA's approach regarding compliance with Rule 6. Actions for monitoring were agreed at the first group meeting, and the group

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
			Achieved				will meet every 2 months for the remainder of 2009. The actions agreed during quarter 2 included – carrying out research into training contract issues and to plan a workshop on Rule 6 compliance at a joint SRA/Association of Women Solicitors event in September 2009. It is also planned to develop a Rule 6 information sheet to help the profession with compliance matters.
	<p><b>*SS8b:</b> Publish annual reports on the complaints received in relation to Rule 6 breaches and work with the Law Society and the LCS to improve standards in the profession by June 2009 and then annually</p>	Assessed as amber under the previous E&D Strategy assessment			X		The Compliance Committee considered the first report on 2008 discrimination complaints in April 2009, SRA Board to approve the report over the summer.
<b>Equality Impact Assessments</b>	*Equality Impact Assessment on Post qualification accreditation scheme by 30 June 2009	Likely to be achieved		X			Data has been analysed and report is in final stages.
	*Equality Impact Assessment on Criminal Records Bureau Checks by	Likely to be achieved		X			Resource priority for equality impact assessments to be completed as well as additional training completed.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	31 December 2009						
	*Equality Impact Assessment on Higher Rights of Audience by 30 April 2009	Likely to be achieved	X				Complete – with the web team for publication.
	*Equality Impact Assessment on Training Contract inspection changes by 31 July 2009	Likely to be achieved		X			
	*Equality Impact Assessment on Common Framework implementation by 31 July 2009	Likely to be achieved		X			
	*Equality Impact Assessment on changes made by LSA by 31 August 2009	Likely to be achieved		X			
	*Equality Impact Assessment on Student Enrolment by 30 September 2009	Likely to be achieved		X			
	*Equality Impact Assessment on QLTS by 30 September 2009	Likely to be achieved		X			

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	*Equality Impact Assessment on WBL by 30 November 2009	Likely to be achieved		X			
	*Equality Impact Assessment on Training Regulation waivers by 31 December 2009	Likely to be achieved		X			
	*Equality Impact Assessment on Quality Standards Framework by 31 December 2009	Likely to be achieved		X			

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

<b>Strategic Theme</b>	<b>Support and Monitoring</b>
<b>Objectives</b>	<p><b>Objective 2.1</b> To provide information, advice and support to those we regulate to help them comply with the standards set.</p> <p><b>Objective 2.2</b> To operate processes to monitor compliance with standards so as to identify cases requiring remedial, investigative or other regulatory action</p>

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<b>SM1:</b> Continued improvement of ethics guidance telephone helpline and correspondence service.	<b>SM1b:</b> In quarter 2: 80% of calls being answered within 60 seconds	Likely to be achieved	X				For May 2009 the target was exceeded (87%)
	<b>SM1c:</b> In quarter 3: 80% of calls being answered within 45 seconds	Likely to be achieved		X			This target is expected to be achieved based on continuing progress made in Quarter two and growing the expertise of the ethics advisors. Low/high priority settings on symposium system and triage is also supporting progress.
	<b>SM1d:</b> In quarter 4: 90% of calls being answered within 30 seconds	Likely to be achieved		X			This target is expected to be achieved.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>SM1e:</b> 100% of correspondence dealt with within 10 days by December 2009	Likely to be achieved		X			On average 95% of correspondence has been dealt with during the 10 day service level
	<b>SM1f:</b> Quarterly surveys of profession on guidance provided	Likely to be achieved			X		For 2009 this will be an annual survey – quarterly surveys are currently unrealistic due to new advisers being recruited and trained, and some experienced members of the team being absent.
<b>SM2:</b> Provision of more guidance accessible through the website	<b>SM2a:</b> In April 2009 plan agreed for developing case studies on website	Likely to be achieved	X				Planning for developing case studies is underway and ongoing. Some case studies are included in the SRA's annual report.
<b>SM3:</b> Development of a broader firm based supervisory monitoring and auditing function to ensure more effective proactive supervision across all regulated firms	<b>SM3b:</b> Full SRA project launched in June 2009	Likely to be achieved			X		The first strand of the project is under way – however the full project launch will follow the appointment of project leads as a result of the current recruitment exercise.
	<b>SM3c:</b> First phase of the project complete in December 2009	Likely to be achieved		X			This is likely to be achieved following the recruitment of project leads.
<b>SM4:</b> Development of a range of channels to communicate	<b>SM4a:</b> Minimum of 8 road shows delivered from March 2009	Likely to be achieved		X			Five roadshows have now been delivered, with a further four scheduled to the end of the year. A number of roadshows have been

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
and engage effectively with the regulated community, including black and minority ethnic practitioners and large/City firms in accordance with the SRA's 2009 Communications Strategy and action plan							held in areas of diverse populations to help reach out to different sections of the profession.
	<b>SM4c:</b> Regular liaison meetings to be delivered with BME group and CLLS throughout 2009	Likely to be achieved		X			Three meetings at Board/CEO level have been held with solicitors from CLLS whilst the SRA developed its response to the Smedley Review. One of the SRA Regulation Roadshows was held in central London, and several of the roadshows have incorporated or will incorporate BME workshops.
	<b>SM4d:</b> Research questionnaire targeted at those who have qualified to better understand the issues facing BME entrants through the training and C&S process to take place in January 2009	No progress report supplied for quarter one			X		Progress unavailable for quarter 2. Milestone to be reviewed by Standards for quarter 3.
	<b>SM4e:</b> Analyse results of usability testing of the website with the profession in December 2008 and again in September 2009 and update	Achieved (for first milestone) likely to be achieved (for second milestone)		X			Usability testing has been completed and the results have been used to improve the website. The testing will be repeated in quarter four. The milestone therefore needs to be revised to reflect the successful achievement of the first element and the

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	the site accordingly.						revision to the second element. This change in date is due to new CMS work taking priority.
<b>SM5:</b> Implementation of the recommendations of the independent review through the Equality and Diversity Action Plan	<b>SM5a:</b> A programme of meetings to engage with key equality groups will be implemented from September 2008 through to September 2010	Likely to be achieved	X				Achieved for this quarter. Meetings held in quarter two have included – SRA attendance at Minority Lawyers Conference (25 April), SRA attendance at BME Forum (29 April), Consumer Representative Workshop (30 April), Lawyers with disabilities division liaison meeting (6 May), BME practitioner meeting (14 May).
	<b>*SM5c:</b> Monitor our consultation and engagement activity from December 2008 to December 2010	Assessed as amber under the previous E&D Strategy assessment		X			The Consultation Strategy and associated Toolkit have now been developed and approved at CEO level. The Strategy sets out the requirement to monitor consultation activity by equality strand, as well as including detailed guidance on targeting hard to hear groups and improving the accessibility of consultations. The Strategy will be launched in September with training taking place as part of the implementation plan. An annual report setting out information regarding the SRA's consultation including, including this monitoring

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
							information, will also be produced as part of the implementation plan.
	<b>*SM5d:</b> Work with key professional representative groups to raise awareness of the role of the SRA and responsibilities of the profession from December 2008 to December 2009	Assessed as amber under the previous E&D Strategy assessment		X			SRA speakers and display stand present at the Sole Practitioners Annual Conference. An article was also published in their newsletter, and they publish details of all SRA regulation roadshows on their website.  The Professional Regulators Forum met on the 20 May. This was organised by the SRA, and included the attendance of a director from the Equality and Human Rights Commission, who delivered a presentation.
	<b>*SM5e:</b> Promote the Ethics Helpline to the profession, including to professional representative groups, small practices and sole practitioners and monitor the take up of the helpline by equality strands	Assessed as amber under the previous E&D Strategy assessment		X			
	<b>*SM5f:</b> Work collaboratively with the Law Society to provide	Assessed as Amber under the previous E&D Strategy		X			Work with the Law Society recognised sole practitioner group – SSPG (Solicitor Sole Practitioner Group) – to jointly publicise

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	advice and guidance to sole practitioners and small firms, including advice on the QLT regulations by August 2009	assessment					events, and SRA speakers attend their annual conference in May 2009.
	<b>*SM5g:</b> Carry out data collection exercise to obtain accurate and up to date information on the six equality strands for the profession by June 2009	Assessed as amber under the previous E&D Strategy assessment	X				Diversity Census launched in December 2008 and by the mid June 2009 over 19,000 responses had been received. During quarter 3 the Information Directorate will launch a secondary postal phase of the exercise.
	<b>*SM5h:</b> Work with professional representative group from the profession to encourage their members to complete the monitoring forms by June 2009	Assessed as green under the previous E&D Strategy assessment	X				Collaborative promotional work was undertaken with groups including the British Nigerian Law Forum and the Lawyers with Disabilities Division, including joint press releases and coverage at events.
<b>Equality Impact Assessments</b>	*Equality Impact Assessment on Certificate of Good Standing and Attestation completed by 31 March 2009	Likely to be achieved	X				Impact assessment has been completed.
	*Equality Impact Assessment on Renewal	Likely to be achieved		X			Work is underway to complete the impact assessment.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	form section 12 completed by 31 August 2009						
	*Full Equality Impact Assessment on PSU by 31 November 2009	Likely to be achieved		X			Work is underway to complete the impact assessment.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

<b>Strategic Theme</b>	<b>Consumer protection, enforcement and discipline</b>
<b>Objectives</b>	<p><b>Objective 3.1:</b> To protect consumers by ensuring effective professional indemnity and compensation fund arrangements</p> <p><b>Objective 3.2:</b> To tackle unacceptable professional or organisational performance, misconduct and dishonesty by firm, fair, timely and proportionate regulatory and disciplinary action</p>

Actions	Measures/Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<b>CED1:</b> Development of policy and rules which ensure provision of appropriate levels of financial protection to consumers of legal services, including groundwork in relation to Alternative Business Structures	<b>CED1a:</b> Progress against project plan for delivery reviewed at each Firm Based Regulation Group and Financial Protection Committee meeting during 2009	Achieved – for FBRG meetings in first quarter.	X				Updated policy and rules delivered, and in place since 31 March. Quarter 2 reports considered by the Firm Based Regulation Group and the Financial Protection Committee meeting.
<b>CED2:</b> Development of proactive risk assessment to support firm based regulation	<b>CED2a:</b> Full review of indicators used completed and revised processes in place by end 2009	Revised indicator so no prior progress report		X			New risk indicators have been developed and implemented following a review and submission of a paper to the Compliance Committee, focusing more on the use of complaints based information.

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

Actions	Measures/Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<b>CED3:</b> Building on the foundations laid in 2008 to undertake compliance visits and investigations during 2009 driven principally by referrals from the front-end reactive risk assessment	<b>CED3a:</b> Reporting on activities and outcomes by risk band, where IT permits throughout 2009	Achieved for quarter 1 – but to be monitored on a quarterly basis	X				Reporting by risk band is ongoing within the Inspection and Investigation Directorate, but this will be monitored quarterly.
	<b>CED3b:</b> Streamlined intelligence/risk processes/possible redeployment of resources in place by May 2009		X				Phase 1 of the Forensic and Confidential Intelligence Bureau is complete and phase 2 is due to take place during July/August 2009.
	<b>CED3d:</b> By April 2009 gaps in quality and efficiency standards in Investigation and Inspection units planned	Likely to be achieved	X				Planning is complete and two Technical Advisers have been recruited to manage this work for PSU and FI areas.
	<b>CED3f:</b> By December 2009 gaps in quality and efficiency standards in Investigation and Inspection units eliminated	Likely to be achieved		X			Early work has already started and is currently on target for completion by the end of 2009.
<b>CED4:</b> Improvement in timeliness and transparency of prosecutions brought in the	<b>CED4a:</b> (a) 60% of cases in the final quarter of 2009 will be issued within six months of	Revised indicators so no prior progress report		X			Between January and June 128 cases were issued of which 73 were less than six months olds – which equates to 57%. The monthly percentages for April, May and June showed a

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures/Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
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Solicitors Disciplinary Tribunal as part of a general streamlining of the investigation and prosecution process	receipt into the Legal Directorate  (b) By the end of 2009 there will be no more than 15 individual cases in the Legal Directorate which are over 12 months old						vast improvement on the first three months of the year: 76%, 94% and 59% (respectively) compared with 33%, 50% and 50%. The Directorate has kept to the 15 cases target throughout the last 18 months.
	<b>CED4b:</b> Over 2009 an average of 95% of SDT cases issued within 12 months of receipt into the Legal Directorate	Likely to be achieved		X			The average monthly percentage currently stands at 96.5%
	<b>CED4c:</b> (a) Single report and (b) Transparency projects completed by June 2009, implementation commences	(a) Likely to be achieved and (b) Achieved	X				The single report project pilot is now being implemented, to be reviewed late August / early September. Full roll out will start in the autumn. The transparency policy statement was finalised by the Compliance Committee in March 2009, and has been published on the SRA website.
	<b>CED4d:</b> Impact on case-working processes/	No progress report provided for quarter one		X			The impact on caseworking processes will be identified as part of the review, and implemented during the full rollout phase in

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

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	resources/reporting implemented by October 2009						the autumn.
<b>CEd5:</b> Planning implementation of new processes required following the cessation of the Office of the Legal Services Complaints Commissioner and the inception of the Office for Legal Complaints in 2010	<b>CEd5a:</b> Proposals will be developed for approval by July 2009 for implementation in January 2010	Likely to be achieved		X			Proposals developed for approval July 2009 – reporting procedures have already been adjusted in line with the proposals to move from mechanistic measures and place more emphasis on communications and quality analysis.
<b>CEd6:</b> Implementation of the recommendations of the independent review through the Equality and Diversity Action Plan	<b>*CEd6a:</b> Carry out research to better understand the issues of disproportionality and how the SRA is perceived by the profession by December 2009	Assessed as amber under the previous E&D Strategy assessment		X			Researchers approached for expressions of interest during June 2009. A researcher will be appointed to lead the work and the study will begin at the start of quarter three.
	<b>*CEd6b:</b> Develop a system to report annually on regulatory activities and decision making in relation to the profession	Assessed as amber under the previous E&D Strategy assessment		X			Content of quarterly stakeholder performance report is being reviewed. The process by which regulatory decisions are taken is now available on the website, and is being updated to ensure that they can be easily understood (Decision

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

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			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
							Making Consultation see CED6e). The SRA 'Reasons for Investigations' policy has now been published on the website, to set out transparency arrangements for the profession.
	<b>*CED6c:</b> Review our disclosure policy to ensure greater transparency in our regulatory activities by May 2009	Assessed as green under the previous E&D Strategy assessment	X				The SRA 'Reasons for Investigations' (transparency policy) has now been published on the website, to set out transparency arrangements for the profession.
	<b>*CED6d:</b> Publish our policies and criteria for decision making to ensure that the profession is aware of the way we deliver our regulatory responsibilities ongoing from January 2009 to December 2009	Assessed as amber under the previous E&D Strategy assessment		X			Decision making principles and guidelines were published on the website. The first twelve criteria are also now available on the website. The first consultation has been carried out and the results are currently being analysed by the Decision Making Programme Board. A series of focus groups were held as part of the Decision Making consultation. The focus groups were well attended and the attendees provided positive feedback and contributions to the consultation.
	<b>*CED6e:</b> Implement a system of regulatory audit to ensure our regulatory decision	Assessed as amber under the previous E&D Strategy		X			Business Units have been trailing Quality Assurance Audit Review Forms during quarter 2. At the start of Quarter 3 the Technical

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures/Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	making is fair and proportionate	assessment					Liaison Group will review the success of the forms and identify issues and agree the future approach toward regulatory audit.
<b>Equality Impact Assessments</b>	*Initial Equality Impact Assessment on appointment of adjudicators completed by 31 August 2009	Likely to be achieved		X			Work is underway to ensure completion of this.
	*Equality Impact Assessment on Waiver/Dispensation requests completed by 31 October 2009	Likely to be achieved		X			Resource priority for equality impact assessments to be completed as well as additional training completed.
	*Full Equality Impact Assessment on forensic investigation function completed by 31 December 2009	Likely to be achieved		X			Early work has already started and is on target for completion by the end of December 2009.
	*Initial Equality Impact Assessment on claims management completed by 30 June 2009	Likely to be achieved			X		The initial impact assessment is in progress but has not been completed. This is expected to be completed by quarter 3.
	*Initial Equality Impact Assessment on financial protection completed by 31	Likely to be achieved		X			Policy Inclusion Director is reviewing the initial version submitted.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures/Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	August 2009						
	*Initial Equality Impact Assessment on cost recovery completed by 31 December 2009	Likely to be achieved		X			Work will start on this in quarter 3 as planned.
	*Initial Equality Impact Assessment on Section 43 policy appeals completed by 31 July 2009	Likely to be achieved		X			Work is underway on the initial impact assessment and it is likely to be completed by the end of July.
	*Initial Equality Impact Assessment on Section 41 policy appeals completed by 31 October 2009	Likely to be achieved		X			Work has not yet started, however the impact assessment is still expected to be completed by 31 October.
	*Full Equality Impact Assessment on Section 12 applications completed by 31 July 2009	Likely to be achieved		X			Regulatory investigations team are working on this and it is on target for completion at the end of July.
	*Full Equality Impact Assessment on Risk assessment (RADCF/FCIB) completed by 30 June 2009	Likely to be achieved			X		This will now be completed by the end of quarter 3.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

<b>Strategic Theme</b>	<b>Access to justice, transparency and consumer information</b>
<b>Objectives</b>	<p><b>Objective 4.1:</b> To promote choice, innovation and accessibility in the provision of legal services through various types of business structure</p> <p><b>Objective 4.2:</b> To provide information to help consumers to make decisions about legal services and to understand the standards they are entitled to expect</p>

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<b>AJTC1:</b> Development and implementation of processes for passporting and licensing under firm based regulation.	<b>AJTC1a:</b> Passporting of all partnerships implemented as of 1 March 2009	Likely to be achieved	X				99.93% of firms were passported on 31 March. The date change was due to delay in the approval of commencement orders.
	<b>AJTC1b:</b> Passporting of all sole practitioners implemented as of 1 July 2009	Likely to be achieved		X			
<b>AJTC2:</b> Development of a customer service standards policy and complaints function across the SRA	<b>AJTC2a:</b> Customer service standards policy drafted by 2009	Likely to be achieved		X			Standards and measures are being developed as part of the wider Enabling Programme during 2009.
	<b>AJTC2c:</b> Customer service training programme delivered by 30	Likely to be achieved	X				Customer service training delivered during May/June 2009 for the Information Directorate.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	June 2009						
<b>AJTC3:</b> Development of the consumer engagement programme, including undertaking further consumer research, in accordance with the SRA's 2009 Consumer Engagement Plan	<b>AJTC3a:</b> Consumer workshops with representative consumer bodies will take place during February/March 2009	Will not be achieved	X				The event was delayed to 30 April, when it did take place. The Policy Support Unit is now looking at the possibility of holding further events. The workshop was successful and was attended by ten different consumer representative groups, all of which commented on how useful the day had been.
	<b>AJTC3c:</b> Publication of results from SRA's consumer research study during March 2009	Will not be achieved			X		The research has not yet been published. It will now be published in July. The delay in publication of the research has been due to a delay in the Board considering the research and the associated summary document.
	<b>AJTC3e:</b> Publication of results from SRA's research study 'Consumer experiences in conveyancing' during May 2009	Likely to be achieved			X		The research has not yet been published. It will now be published in July. This has been delayed due to the earlier delay of the wider consumer research on which this is dependent.
<b>AJTC4:</b> Implementation of the recommendations of the independent review through the Equality and Diversity	<b>*AJTC4a:</b> Develop and implement a reasonable adjustments and alternative language protocol to deal with requests for	Assessed as amber under the previous E&D Strategy assessment	X				Protocol has been developed as in now in use across the Information Directorate. It will be reviewed throughout 2009 to incorporate emerging policies, for example the Complaints

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
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Action Plan	reasonable adjustments from our stakeholders by January 2009						Handling Policy.
	<b>*AJTC4b:</b> Review the accessibility of the SRA website and carry out an online survey of web users to build up a profile of those who use the website by May 2009 and again in September 2009	Assessed as amber under the previous E&D Strategy assessment	X				Web survey has been completed. The results have been used to inform the initial equality impact assessment for the website, which has also been published. The survey will be repeated in November 2009, when the new CMS is in place.
	<b>*AJTC4c:</b> Equality and diversity will be embedded into customer service training for all staff by December 2009	Likely to be achieved		X			Equality and diversity will be embedded as part of the ongoing customer service standards policy development.
	<b>*AJTC4e:</b> Engage and consult with professional representative groups on impact assessments, guidance and information and policy development including the E&D action strategy and action plan.	Assessed as green under the previous E&D Strategy assessment	X				Achieved for quarter two. The professional representative groups were engaged through regular meetings – Lawyers with Disabilities Division (May), SRA and Black Solicitors Network event (May), BME practitioner workshop (May) and the External Implementation Group met in April to discuss the progress being made against the action plan.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>*AJTC4f:</b> Develop, implement and publish a comprehensive complaint handling policy and process by September 2009	Assessed as amber under the previous E&D Strategy assessment		X			The draft policy and consultation proposals were reviewed by the Board in May 2009. The consultation is due to begin in July, and run until September.
	<b>*AJTC4g:</b> Develop a mechanism to monitor complaints handling and to review the learning outcomes for the organisation by September 2009	Assessed as amber under the previous E&D Strategy assessment		X			The mechanism was considered by the Board in May as part of the draft consultation. There has been extensive stakeholder monitoring of discrimination complaints handling during quarter two, including meetings with the Legal Services Board, Ministry of Justice and the Law Society.
	<b>*AJTC4h:</b> Carry out equality monitoring by six equality strands on the SRA informants (someone who has made a complaint about a solicitor) from April 2009 and ongoing	Assessed as green under the previous E&D Strategy assessment	X				This process is now embedded, and all informants are asked to complete Equality and Diversity monitoring forms against the six equality strands.
	<b>*AJTC4i:</b> Carry out research on the experiences of stakeholders from equality groups who	Assessed as amber under the previous E&D Strategy assessment			X		The research has not yet been published. It will now be published in July. This has been delayed due to the earlier delay of the wider

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	access and use legal services by May 2009						consumer research on which this is dependent.
<b>Equality Impact Assessments</b>	*Initial Equality Impact Assessment to be completed on printed publications by December 2009	Likely to be achieved		X			Planning is underway.
	*Initial Equality Impact Assessment to be completed on organisation of events by December 2009	Likely to be achieved		X			Planning is underway.
	*Initial Equality Impact Assessment to be completed on reasonable adjustments protocol by May 2009	Likely to be achieved			X		This will now be completed during quarter 3. Work is underway.
	*Initial Equality Impact Assessment to be completed on restricted communications by May 2009	Likely to be achieved			X		This will now be completed during quarter 3. Work is underway.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

<b>Strategic Theme</b>	<b>Organisational Improvement</b>
<b>Objectives</b>	<b>Objective 5.1:</b> To demonstrate value for money in all our dealings <b>Objective 5.2:</b> To attract and retain diverse, high calibre staff who are committed to service excellence through continuous business improvement

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
<b>O11:</b> Implementation of modern information technology to meet the requirements of efficient risk based, information led regulation.	<b>OD1d:</b> The first major change to IT systems will be delivered through the customer engagement project.	Likely to be achieved	X				New content management system (EKTRON) has now gone live.
	<b>OD1e:</b> Analysis work and some implementation for the operational processing and information and risk analysis projects will take place before the end of 2009.	Likely to be achieved		X			Operational analysis is now underway as part of the Enabling Programme. Risk and information work-stream has been launched and is on track to be completed by the end of 2009.
<b>O12:</b> Revising and extending polluter pays charges for approval in 2009 and implementation in 2010	<b>O12a:</b> Policy and regulations drafted by April 2009	Likely to be achieved	X				Policy changes drafted in April and the 'Polluter Pays' consultation proposal was submitted to the Board in May 2009.
	<b>O12b:</b>	Likely to be achieved		X			Consultation launched and open until

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	Policy and regulations approved by September 2009						September 2009, with the final approval to follow shortly afterwards.
	<b>O12c:</b> Policy and regulations implemented in January 2010	Likely to be achieved		X			Still on track for implementation in January 2010.
<b>O13:</b> Continuing improvement of business planning processes, key performance indicators and risk management	<b>O13c:</b> Q2- delivery of strategic KPIs	Likely to be achieved	X				Strategic KPIs developed as part of the Enabling Programme blueprint. They will be further developed through emerging governance programme and ongoing work to build the Enabling Programme change framework.
	<b>O13d:</b> Improved operational resource planning by end Q2	Likely to be achieved	X				Improved resource planning process in place following agreement of financial reporting standards with Group Finance and agreement of information management protocols with Group IT.
	<b>O13e:</b> Thematic indicators in support of the Board's strategic objectives by end Q2	Likely to be achieved	X				Indicators developed to support SRA strategic direction as part of the wider 'measures' package.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>O13f:</b> Further measures to provide an evidence base to demonstrate progress in respect of principles of good regulation by end Q2	Likely to be achieved		X			Consults will provide the first external review report at the end of quarter 2 to benchmark progress and identify Enabling Programme fit with wider regulatory principles used by the SRA.
<b>O14:</b> Implementation of improved performance management framework.	<b>O14b:</b> The performance management framework will continue to be reviewed throughout 2009.	Likely to be achieved		X			Performance management interim reviews are being completed to time. Moderation panels are in the diary for July and August.
	<b>O14c:</b> Technical competencies developed, agreed and implemented by 30 June 2009	Likely to be achieved				X	The competencies have been developed and agreed in line with 30 June deadline. More is required on these. SMT will be asked to sign off which competencies sit against which roles in early July. Familiarisation and education on the competencies will be carried out in Quarter 3 so they can be used as part of the Quarter 4 year end reviews.
<b>O15:</b> Implementation of the recommendations of the independent review through the Equality and Diversity Action Plan	<b>*O15a:</b> Initially equality impact assess, review and where required, carry out a full impact assessment on HRD policies and procedures (to	Assessed as amber under the previous E&D Strategy assessment		X			Impact assessments are ongoing across 41 employment policies. The priorities have been given in line with the business plan on pay and performance management. Recruitment and selection policies continue to be reviewed.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	include recruitment and selection policies and procedures) by 2009						
	<p><b>*O15b:</b> Develop proposals for improving the way we engage with staff through staff networks or otherwise. Initial milestone March 2009 and further milestones in August 2009</p>	Assessed as amber under the previous E&D Strategy assessment		X			The three Chief Executives of the Law Society Group have agreed proposals for the development of three local information and consultation forums and approved a constitution. This has been discussed with the Group Forum and trade union. A time plan has been put in place to launch this to employees in the SRA. This will involve a nomination process and the services of electoral reform in August – September 2009
	<p><b>*O15c:</b> Embed equality and diversity where appropriate into all learning and development programmes from May 2009</p>	Assessed as amber under the previous E&D Strategy assessment		X			HRD Business Advisers are attending meetings with E&D colleagues.
	<p><b>O15d:</b> All staff will be provided with knowledge, skills and competencies on equality and diversity from December 2008 ongoing to 2010</p>	Likely to be achieved		X			Policy Inclusion are running a suite of workshops on equality and diversity. Induction programmes incorporate equality and diversity training and awareness. Further policy development workshops include, equality and diversity training. Ongoing performance management workshops and

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
							training include equality and diversity training.
	<b>*O15e:</b> Implement a review system to assess the effectiveness of the equality and diversity and human rights learning programmes May 2009.	Assessed as red under the previous E&D Strategy assessment			X		The milestone needs to be revised to completion at the end of quarter three, in line with the development of the wider learning programme and following completion of the training needs analysis.
	<b>*O15f:</b> A staff attitudes survey (to include questions about equality and diversity) every two years from October 2009	Assessed as amber under the previous E&D Strategy assessment		X			Proposals are with the Group HR Director. The proposals have been welcomed by the Employee Forum and union.  A working group will be put together in July to work with an external provider to be able to deliver a survey in September to correspond with maximum attendance in the workplace.
	<b>*O15i:</b> Develop positive action proposals to ensure we have a representative and diverse Board, Committees and workforce – initially in January 2009 and again in September 2009	Assessed as amber under the previous E&D Strategy assessment		X			Positive action considerations are part of the Group recruitment protocol for some appointments. The Policy Inclusion Directorate is involved in setting the equality and diversity requirements for the appointment of the SRA Board during the recruitment exercise in quarter two.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>*O15k:</b> Communicate our E&D strategy and our values to all our staff and external stakeholders by April 2009	Assessed as amber under the previous E&D Strategy assessment	X				Following SRA Diversity Week, there have been staff updates regarding the findings from Lord Ouseley's interim review, staff involvement in Training Needs Analysis focus groups and regular updates through the NewSRAP internal newsletter. The website has been updated to reflect the equality and diversity values and there is an ongoing programme of work for external stakeholders and rolling programme of meeting with key professional stakeholders, which has continued through quarter two.
	<b>*O15m:</b> Collect equality data and monitor outcomes of key HRD policies by equality strands (to include grievance and disciplinary policies) – ongoing	Assessed as amber under the previous E&D Strategy assessment		X			Monitoring continues of all formal employee matters. Data will be published on Insight.
	<b>*O15n:</b> Provide learning and development on fair and effective recruitment for recruiting managers by August 2009	Assessed as red under the previous E&D Strategy assessment			X		A one day programme has been developed but will not be finalised and rolled out until the new recruitment policy is agreed. The date of August is not going to be achieved, but the work will be completed later in the year.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>*O15o:</b> Carry out an equality training needs analysis to identify staff learning needs and deliver an ongoing learning and development programme on E&D and human rights in June 2009	Assessed as amber under the previous E&D Strategy assessment		X			Consultants carried out equality and diversity Training Needs Analysis during May/June. This included conducting staff focus groups and a randomised staff survey. The learning and development programme will be delivered in quarter three.
	<b>*O15p:</b> Deliver equality impact assessment training workshops from February 2009	Assessed as amber under the previous E&D Strategy assessment	X				The workshop programme is ongoing, during quarter two training workshops took place on 22 April, 11 May and 24 June.
	<b>*O15q:</b> Provide ongoing learning and development for Board and Committee members from June 2009	Assessed as amber under the previous E&D Strategy assessment		X			This is now underway. Some Board members took part in the Human Rights awareness training session on 8 June.
	<b>*O15s:</b> Conduct and publish an impact assessment (initial or full as appropriate) for all new policies, procedures, functions and strategies from 2009	Assessed as amber under the previous E&D Strategy assessment		X			Ongoing work throughout 2009 (monitored quarterly). In quarter two all Board and Committee policy proposals were initially screened, and initial impact assessments carried out for new policies. During the quarter the Decision to Intervene policy was adapted as a result of the impact assessment.

## SRA BOARD

30 July 2009

## CLASSIFICATION - PUBLIC

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	<b>*O15t:</b> Ensure all Board papers identify E&D implications initial review January 2009 and again in September 2009	Assessed as green under the previous E&D Strategy assessment	X				All Board papers requiring a decision include initial Equality and Diversity assessment. Any papers not including this assessment are rejected at the submission stage and returned to the author. The wider equality impact assessment process is being updated through quarter 3.
	<b>*O15u:</b> Review our EIA process to ensure human rights implications are considered by November 2009	Assessed as amber under the previous E&D Strategy assessment		X			Work is now underway to review the equality impact assessment process, and to incorporate a focus on human rights implications within SRA decisions. This is on track for delivery.
	<b>*O15v:</b> Review and amend our procurement policy to ensure that E&D is integrated as a requirement in tenders and contracts by June 2009	Assessed as amber under the previous E&D Strategy assessment	X				Procurement policy has been reviewed to integrate equality and diversity during the tendering process and award of contracts. For example the tendering exercise to appoint the new Disciplinary Proceedings Panel where tenders were required to demonstrate a commitment to the principles of equality and diversity.
	<b>*O15w:</b> Consider options, including positive action, to increase the diversity of the pool of	Assessed as amber under the previous E&D Strategy assessment	X				Positive action protocols available to Group HRD for consideration within certain appointment processes. Disciplinary Proceedings Panel appointed, following

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	suppliers who act on our behalf as intervention agents or adjudicators from February 2009						targeted advertising campaign to encourage applications from across the profession. 16 firms were selected against competencies including their commitment to equality and diversity principles.
	<b>*OI5x:</b> Equality and diversity competencies included into the performance framework by January 2009 for July 2009 implementation	Assessed as amber under the previous E&D Strategy assessment	X				Competencies have been incorporated.
<b>Equality Impact Assessments</b>	*Initial Equality Impact Assessment to be completed on the IT system post April 2009	Likely to be achieved			X		Refers to previous IT implementation project which has since been superseded by the Enabling Programme. The action is to be removed as this Initial Equality Impact Assessment will not be carried out.
	*Initial Equality Impact Assessment to be completed on press and media relations by December 2009	Likely to be achieved		X			Planning is underway.
	*Initial Equality Impact Assessment to be completed on Adjudication Panel, Board and Committee Support by November 2009	Likely to be achieved		X			Planning is underway.

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

Actions	Measures / Milestones	Previous quarter assessment of progress	Assessment of Progress				Comments
			Achieved	Likely to be achieved	Will not be achieved	Unlikely to be achieved	
	*Initial Equality Impact Assessment to be completed on organisational design by May 2009	Likely to be achieved			X		This Initial Equality Impact Assessment was planned for the organisational design element of earlier IT implementation project. This has now been superseded by the Enabling Programme, and the impact assessment on organisational design element can be carried out once timescales for this element are set.
	*Full Equality Impact Assessment to be completed on Decision Making by May2009	Likely to be achieved	X				The impact assessment has been completed.
	*Equality Impact Assessment to be completed on the equality and diversity strategy by April 2009	Unlikely to be achieved			X		Work will begin on the equality impact assessment for the equality and diversity strategy during quarter. This was due to awaiting the findings from Lord Ouseley's interim progress report in June 2009.

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

**Annex 3**

**Previously Achieved Key Deliverables (Quarter 1)**

**Setting the Standards**

- **SS1d:** Training for training contract monitors developed and delivered January to March 2009
- **SS5a:** Initial review of all outstanding issues by April 2009
- **SS7c:** Work is completed to allow LDP and entities regulation to commence on schedule during 2009

**Support and Monitoring**

- **SM1a:** In quarter 1: 75% of calls being answered within 60 seconds
- **SM3a:** At least 5 further pilot visits to large/City firms completed by April 2009
- **SM4b:** Liaison with local Law Societies about communications with the profession in January 2009
- **SM5b:** Collaboration with equality target groups to organise workshops for raising awareness of the SRA's role and expectations will take place in April 2009

**Theme 3: Consumer Protection, Enforcement and Discipline**

- **CED2b:** By the end of September 2009 a strategic research capacity will have been developed. This will ensure the approach to information gathering and trend analysis takes account of Socio Economic factors through horizon scanning and the development of the organisation's research database
- **CED3b:** Streamlined intelligence/risk processes/possible redeployment of resources in place by May 2009

**Theme 4: Access to Justice, Transparency and Consumer Information**

- **AJTC1c:** Information Directorate Operational Team inducted and fully trained in the new regulatory framework for initial application handling by 31 March 2009
- **AJTC2b:** Centralised complaints handling function in place by February 2009
- **AJTC2e:** Implement an interim protocol for handling complaints of discrimination made against the SRA by members of the profession and consumers by December 2008
- **AJTC2f:** Provide ongoing training and support for complaints officers handling complaints of discrimination by January 2009
- **AJTC3b:** Develop and implement a consumer engagement policy to ensure engagement with all sections of the community by March 2009
- **AJTC3d:** Review of literature for consumers to be carried out in March 2009
- **AJTC4d:** An online survey of all web users will be conducted to build up a profile of those using the SRA website in February 2009

**Organisational Improvement**

## SRA BOARD

### 30 July 2009

#### CLASSIFICATION - PUBLIC

- **O11a:** Submission of IT business case in January 2009
- **O11b:** A definition stage will be developed in the first quarter of 2009.
- **O11c:** Some tactical changes will be delivered at the end of the first quarter
- **O13a:** End January – specialist consultants engaged
- **O13b:** Q1- delivery of operational KPIs
- **O14a:** Organisational development project to deliver its performance management framework at the beginning of January 2009.
- **O15g:** Establish a Board E&D Group to progress the E&D Strategy by October 2008
- **O15h:** The CEO will chair the internal Diversity Working Group by October 2008
- **O15j:** The SMT will embed E&D into their respective business plans by November 2008
- **O15l:** Deal appropriately with and challenge inappropriate language and conduct
- **O15r:** Develop and publish a two year EIA schedule for all existing strategies, functions, policies and procedures that need to be impact assessed by September 2008

#### Equality Impact Assessments

- Initial Equality Impact Assessment to be completed on corporate risk management policy by February 2009
- Initial Equality Impact Assessment to be completed on Committee Recruitment by March 2009
- Equality Impact Assessment on Character and Suitability completed by 31 January 2009
- Equality Impact Assessment on LPC by 30 April 2009
- Equality Impact Assessment to be completed on the website by February 2009
- Initial Equality Impact Assessment to be completed on complaints handling by February 2009
- Initial Equality Impact Assessment on the Code for referral to the SDT completed by 31 March 2009
- Initial Equality Impact Assessment on matter based investigations completed by 28 February 2009
- Initial Equality Impact Assessment on excluded matter policy completed by 28 February 2009
- Initial Equality Impact Assessment on intelligence gathering policies processes (FCIB) completed by 31 March 2009
- Initial Equality Impact Assessment on decisions to intervene completed by 30 April 2009

**SRA BOARD**  
30 July 2009

**CLASSIFICATION - PUBLIC**

**Annex 4**

**Equality & Diversity Assessment**

<b>Name of the paper/proposal/policy</b>	Business Plan 2009: Quarter 2 Progress Report	
<b>Author</b>	Richard Silver /Sarah Plant	
<b>Date</b>	July 2009	
<b>Board/committee it will be submitted to</b>	SRA Board	
<b>What are the main aims of the paper/proposal/policy?</b>		
To report on the progress being made to achieve the measures and milestones contained in the SRA Business Plan		
<b>Is the paper/proposal/policy likely to negatively or positively affect any particular groups?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> This is not known (please give details below)
<b>Please indicate if there are any implications on the basis of race, age, gender, disability, religion or belief and sexual orientation.</b>		
The SRA's business plan includes a large number of issues with such implications, but none are specific to this paper – see below		
<b>What are the potential equality and diversity implications?</b>		
None specific to this paper – see below		
<b>Has an initial equality impact assessment been carried out?</b>		
<input type="checkbox"/> Yes (please attach to this form)	<input checked="" type="checkbox"/> No (please provide details below on when this will be carried out)	
This paper reports on progress against the key deliverables from the SRA's 2009 Business Plan. The SRA has a published programme of impact assessments for its major individual policies and procedures. The progress being made against the impact assessment schedule is included as part of this report.		
<b>If not, when do you intend to carry out an initial equality impact assessment and bring to the committee?</b>		

**SRA BOARD**

30 July 2009

**CLASSIFICATION - PUBLIC**

<b>Board/committee decision and date</b>

**SRA BOARD**  
**30 July 2009**

**CLASSIFICATION - PUBLIC**

**Annex 5**

**Board risk assessment**

<b>Summary of issues for consideration</b>	
This report details the progress being made to achieve the objectives as set out in the SRA Business Plan.	
<b>Business/operational risk</b>	
By reporting on progress made towards achieving the measures and milestones in the SRA Business Plan, the SRA will be able to monitor the progress it is making in achieving its strategic objectives.	
<b>Finance</b>	
Financial implications are dealt with through the 2009 budget.	
<b>Communications</b>	
This report will be made available on the SRA website following consideration by the Board. It will also form part of the suite of information to be supplied to the Law Society as part of the quarterly monitoring and oversight information.	
<b>Equality and diversity implications</b>	
Many of the individual key deliverables have equality and diversity implications. These have been or will be considered within the SRA's programme of equality impact assessments.	
<b>Author</b>	Richard Silver / Sarah Plant
<b>Date of report/paper being drafted</b>	July 2009



The Law Society

**COUNCIL**  
**23 September 2009**

**Item 11 (ii)**

**Classification – Public**

**Purpose – For noting**

## **REPORT OF THE CHAIR OF THE REGULATORY AFFAIRS BOARD**

### **The Issues**

This is the report of the Chair of the Regulatory Affairs Board highlighting issues which the Board has considered since the last report to Council.

### **Policy Position**

Not applicable.

### **Financial and Resourcing Implications**

None arising directly from this report.

### **Equality and Diversity Implications**

None arising directly from this report.

### **Consultation**

This report has been prepared for Council.

**Director:** Mark Stobbs  
**Author:** Helen Davies, Chair of the Regulatory Affairs Board  
**Date of report:** 8 September 2009

## Meetings

1. The Board last met on 25 June and is next due to meet on 10 September. I will report orally on any matters arising from the September meeting.
2. The Board has, however, been busy over the summer period working on and finalising responses to consultations from the SRA, LSB and OLC.
3. The newly formed Regulatory Processes Committee, chaired by Andrew Hopper, has had its first meeting.

## Board Membership

4. The Board said farewell to both John Wotton and Simon Young as Council Members of the Board, but will continue to benefit from the expertise of both; Simon as the continuing Chair of the Rules and Ethics Committee, and John as an ex officio member. We thanked them for their work to date.
5. At the September meeting we will welcome our two new members, Sue Carter and Denis Cameron.
6. We are always pleased to welcome observers. Michael Garson attended our June meeting and engaged in the question and answer session following Lord Hunt's report to the Board on his work.

## Consultation responses

- **The LSB consultation on ABS**
7. Council discussed the principles behind the Society's policy position at the July meeting and that debate was used to develop the Society's response addressing, in particular, the importance of the statutory objective to preserve access to justice and the Council's fears as to the importance licensing authorities would attach to that principle.
  8. The President signed off the response, which is now on the Society's website.
- **The SRA consultation on ABS**
9. This covered much of the same ground as the LSB consultation, and the same principles were used in drafting the response.
- **The SRA consultation on quality assurance: An agenda for quality; how to assure the quality of the delivery of legal services**
10. The development work on this consultation has been carried out under the aegis of the SRA's education and training team, but the agenda potentially ranges across the whole of their work. We used the well tried method of a cross-board working party to develop the Society's response, with several members of the Board's Education and Training Committee being members.
  11. The Society's response was supportive of the SRA's move towards firm-based principle and risk based regulation, alongside regulation of individual

solicitors, but felt that the general approach of the consultation went well beyond the scope and role of a regulator.

- **The OLC consultation/ discussion paper on the new scheme rules**

12. The Board considered, electronically, a consultation from the Office of Legal Complaints which is very shortly to be followed up by a more formal consultation.

### **2009/10 Workplan**

13. The Board considered its priorities for the coming year at the June meeting, and the committees have now commented on a draft work plan. Council will see the fruits of that work elsewhere on its agenda.
14. Each of the committees will have a considerable workload, including a large volume of work arising from the preparation for ABSs, and an education and training agenda that ranges across the academic stage right through to CPD (from cradle to grave). The Education and Training Committee is keen to develop an overarching policy for the Society, developing education and training policy rather than reacting to the SRA's proposals (as it has done, for example, in the field of ethics where the Economides report has stimulated new thinking and debate).

### **Hunt / Smedley**

15. Lord Hunt's final report is expected by the end of September, and will then be considered by the Board which will hold an additional meeting for this purpose, in October.

### **Education and Training**

16. Council members will have seen the considerable publicity generated by an information campaign warning people considering a career in the profession as to the risk, in terms of time and cost. The Education and Training Committee will consider how the disparity between the number of LPC graduates and the number of available training contracts might be addressed.
17. The Committee has been working with the SRA, both on consultation responses, issues arising out of the Ethics Report that the Committee felt required immediate attention, and at the now regular meetings between the Law Society and the SRA's Education and Training Committee.
18. The Committee has nominated individuals to be members of the International Issues Committee's working group, addressing the inclusion of education and training within the Society's international work.



**Item 22**

**LEGAL AFFAIRS AND POLICY BOARD  
17 September 2009**

**Classification – Public**

**Purpose – For noting**

**MENTAL HEALTH AND DISABILITY COMMITTEE**

**The Issues**

This paper briefs the Board on the work of the Mental Health and Disability Committee. The Board is invited to note the report.

**Remit**

The Board's Terms of Reference (4): *'to set and oversee implementation of policy to promote the Society as a leading voice on law reform'*.

**Financial and Resourcing implications**

None

**Equality and Diversity implications**

None

**Consultation**

The paper has been prepared for the Board.

**Director:** Mark Stobbs  
**Author:** Emily McCarron  
**Date of report:** 7 September 2009

1. The Mental Health and Disability Committee's terms of reference are to keep under review and promote improvements in law, practice and procedure affecting elderly people and those with mental or physical disabilities; to promote and develop legal services to patients detained under the Mental Health Act 1983 and to those within the categories referred to above; to keep under review the role and operation of the Law Society Mental Health Review Tribunal Panel; to develop support initiatives for solicitors providing services to elderly people and those with mental health and physical disabilities.
2. The five key work areas for the Committee are:
  - Mental Capacity will be the subject of a number of consultation exercises over the next 18 months and the Committee will work mostly with the Wills and Equity Committee on these.
  - The Mental Health Act 2007 will provide new challenges for practitioners. The Committee will organise an event for the profession. It will also work with the Criminal Law Committee in relation to the Bradley Review on developing policy on insanity and fitness to plead.
  - The Equality Bill will have considerable implications for practitioners and the Committee will be examining these and supporting the lobbying work of the Society's Public Affairs Unit on request.
  - The Law Commission has been reviewing the issue of adult social care with a final report due in 2011 – the aim is to consolidate the existing unsatisfactory law. The Law Society has been involved in this and Committee members will be able to assist in providing advice for the Commission.
  - Responding to government department consultations and other issues that arise out of the changing legal policy context which the Committee covers, supporting the Society in relation to public funding consultations as they affect the Committee's area of expertise.
3. The key objectives for the Committee are:
  - Responding to the mental capacity consultations as and when they arise.
  - Organising an event for the profession. The Committee is organising a national conference on the 'Mental Health Act 2007 - six months on' in April 2009. Together with the Criminal Law Committee, the Committee will produce a practice note / other guidance on the information that emerges from the Bradley review.
  - Working with the Public Affairs Unit on identifying areas of concern in the Equality Bill after it is presented to Parliament in March or April 2009 and provide expert input into Law Society consultation responses as well as into briefings and lobbying material prepared by the Public Affairs Unit, as and when requested.
  - Providing input into the Law Commission review, including attending stakeholder meetings and seminars and responding to any consultations (although the main consultation is unlikely to take place until January 2010).
  - Responding to key consultations such as the Department of Health Consultation on Direct Payment Regulations and the Legal Services Commission Civil Specification and Civil Bids Round consultations, identifying any issues for practitioners in relation to which a practice note could be useful or in relation to which the Committee's input is valuable,

and lobbying the Legal Services Commission on issues that affect practitioners.

4. The Committee staged a national conference in the field of mental health on 30 April at the Law Society, entitled: the Mental Health Act 2007: Six months on: issues and challenges. The event, which was over subscribed, received very positive feedback from the 170 who attended. Speakers provided legal and mental health practitioners with information and guidance in relation to the changes made to the Mental Health Act 1983 by the Mental Health Act 2007. The speakers, who consisted of leading experts in their field, included several members of the Committee itself or were contacts of Committee members.
5. The Committee contributed to a high-level seminar on Wednesday 20 May 2009 to look at the key issue of timely and appropriate diversion from custody for people with mental health problems. This seminar was organised in conjunction with the Independent Police Complaints Commission (IPCC), the National Institute for Mental Health in England (NIMHE), and the Royal College of Psychiatrists.
6. In conjunction with the Housing and Employment Law Committees, the Mental Health and Disability Committee has provided briefings on the Equality Bill for the Lords. It will continue to provide briefing and conduct analyses in conjunction with these other Committees as the Bill progresses through Parliament. It has also responded to the Office for Disability Issues Consultation on *Improving Protection from Disability Discrimination*, and to the Work and Pensions Committee inquiry into the *Equality Bill: What Steps should DWP take to achieve greater equality*.
7. It is currently working on consultations arising out of the Equality Bill including:
  - Government Equalities Office consultation on the single equality duty
  - Government Equalities Office consultation on age discrimination
  - EHRC consultations on statutory and non-statutory guidance.
8. The Committee has drafted two practice notes this year including:
  - Representation before Mental Health Tribunals: this practice note advises on providing legal advice to clients appearing before the First Tier Tribunal (Mental Health) in England and the Mental Health Review Tribunal for Wales. It covers facilitating referral, client capacity, non-disclosure of documents and avoiding delay at the tribunal.
  - Disability Discrimination Act: This practice note sets out your duties as a service provider and employer under current disability discrimination legislation. The Committee identified an external consultant to update the Society's DDA guidance for the profession, as the Society felt it was appropriate that this paid work be done by someone who is not a Committee member.
9. The Committee has responded to a number of consultations including:
  - Department for Children, Schools and Families Consultation on Giving Children and Young People a Right to Appeal
  - The Department of Health consultation: Transforming Adult Social Care

- The consultation on the Mental Capacity (Deprivation of Liberty: Monitoring and Reporting) and (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) (Amendment) Regulations 2009
  - Office of the Public Guardian consultation: Reviewing the Mental Capacity Act 2005: Forms, supervision and fees
  - Safeguarding Adults: A Department of Health Consultation on the Review of the 'No Secrets' Guidance
10. The Committee wrote a letter to the editor of the Guardian following an article published on May 13 regarding the effectiveness of Community Treatment Orders (CTOs). The letter highlighted the Committee's concerns, and indeed those of mental health lawyers in general, that essential safeguards for mental health patients receiving compulsory treatment in the community under the Mental Health Act are not being delivered and may be breaching human rights because of lack of resources in the system. This letter has led to an approach from the Care Quality Commission to work with the Committee.
11. The Committee will play an active role in the second phase of the redevelopment of the Mental Health Review Tribunal accreditation scheme.