

**CLASSIFICATION – PUBLIC**

**SOLICITORS REGULATION AUTHORITY  
Minutes of the SRA Board meeting  
held on 7 December 2016 at 13.45  
at The Grange Holborn Hotel, 50-60 Southampton Row, London, WC1B 3AR  
PUBLIC**

Present: Enid Rowlands (Chair)  
Julie Black  
Sharon Darcy  
Jane Furniss  
David Heath  
Paul Marsh  
Geoff Nicholls  
Barry Matthews  
Dame Denise Platt  
Chris Randall  
Deep Sagar  
Tony Williams  
David Willis

In attendance: Paul Philip, Richard Collins, Jane Malcolm, Robert Loughlin, Juliet Oliver, Crispin Passmore and Dominic Tambling.

**1 APOLOGIES**

1.1 The Chair welcomed everyone to the meeting. Apologies had been received from Shamit Sagar and Elaine Williams.

**2 MINUTES OF THE MEETING HELD ON 26 OCTOBER 2016**

2.1 The minutes of the meeting held on 26 October 2016 were agreed.

**3 MATTERS ARISING AND DECLARATIONS OF INTEREST**

3.1 The Chair reviewed the action log and noted that:

(i) an update on grading against regulatory standards would be circulated to the Board within the next few days

(ii) the research programme was item 8 on the agenda

(iii) a note on the red alert line had been circulated at the meeting

(iv) the Chair's note had been circulated.

3.2 The Chair noted that interests were as previously declared and available to view on the SRA website. Members would declare any particular interest in an individual item if necessary.

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### **4 CHAIR'S UPDATE**

- 4.1 The Chair thanked Paul Marsh and Deep Sagar for attending the Meet the Board event in Sheffield on 9 November 2016 along with Jane Malcolm and David Middleton. She also thanked Sharon Darcy, Geoff Nicholas, Paul Marsh and David Willis for agreeing to help with the short life working group on the Corporate Strategy.
- 4.2 The Chair had met the Information Commissioner, Elizabeth Denham, on 2 November 2016 and the Lord Chief Justice on 24 November 2016. They had also attended a Legal Services Board (LSB) meeting for regulator chairs and CEOs on 23 November

### **5 CHIEF EXECUTIVE'S REPORT**

- 5.1 Paul Philip introduced his report. Paragraph 4 provided information on the publication of a high level aggregation of information we had gathered on professional indemnity insurance trends for law firms. Paragraph 5 reported on our success in challenging the Solicitors Disciplinary Tribunal (SDT) to apply the criminal standard of proof in the case of Mr Arslan. The Court had said that we and the SDT should apply the same standard of proof and that that should be the civil standard.
- 5.2 Paragraphs 7 to 9 provided an update on the second consultation on the Solicitors Qualifying Examination which would close on 9 January 2017. Paragraph 10 dealt with the specialist package we had launched for solicitors working in youth courts.
- 5.3 Finally, paragraphs 11 and 12 reported on a very successful 2016 practising certificate renewal exercise.

### **6 ASYLUM THEMATIC REVIEW PROJECT**

- 6.1 Robert Loughlin introduced the paper which covered a report, summary report and toolkit, and guidance on key issues which were all being published that afternoon.
- 6.2 The Chair noted that this was an area in which we could add a great deal of value, especially in identifying and disseminating best practice and practice that was not so good. This was particularly important in an area where very vulnerable people were concerned.
- 6.3 In response to questions from Board members, Robert Loughlin confirmed that the report did address the issue of the quality of advice being provided in this area which had been the original trigger for the review. Paul Philip said that the work had identified some firms which were engaged in unacceptable practices and action was being taken against these.
- 6.4 Board members supported the thematic review approach which had been taken with this review. They noted that many, including politicians, had a partial and somewhat unhelpful view of practice in this area and suggested that it would be helpful to share the report with the Select Committee on Home Affairs.
- 6.5 Board members asked if firms had identified problems in recruiting solicitors to undertake this work, given that the remuneration was relatively low. Robert Loughlin said that the project had not looked specifically at recruitment but that it

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was clear that funding was difficult to secure and that margins were tight. It was noted that that this might be an area of growth depending on future developments in relation to Brexit and it was important that the profession was in a position to cope.

- 6.6 Board members said that it was also important to recognise that the report had identified that there were a number of solicitors in this area doing a very good job for some of the most vulnerable members of society.
- 6.7 It was agreed that communications work should be undertaken to get the messages in the report out to those small and under pressure firms who would benefit most from it. Robert Loughlin agreed and said that a review of any changes resulting from this work would be undertaken in about a year's time.

### **7 RISK OUTLOOK 2016/17: AUTUMN UPDATE AND TOPIC PAPERS**

- 7.1 Crispin Passmore introduced the paper and asked the Board to note the online release of the Risk Outlook Autumn Update, the release of a Risk Outlook topic paper about information security and the release of a Risk Outlook topic paper about investment fraud. He was grateful for the contributions which Board members had made to the development of these.
- 7.2 Crispin Passmore reminded the Board that a warning notice about investment fraud had been issued to solicitors. He noted that the issues covered by the information security paper were likely to come back again and again as technology and its use evolved. Board members agreed and said that the main topic of discussion at the Compliance Conference in October had been about how to manage these issues without spending large sums on external consultants. They noted that it was a real benefit of these papers that they provided practical advice.
- 7.3 Jane Malcolm said that there had been significant coverage of our warning to the public about investment schemes. She also drew the Board's attention to plans to bring law firms together in the New Year to discuss cybercrime.
- 7.4 The Chair thanked those involved in producing the documents which were endorsed by the Board.

### **8 RESEARCH PROGRAMME 2017/18**

- 8.1 Crispin Passmore said that the paper set out the plans for research over the next 12 months, though inevitably those plans would evolve as the year went on. He also confirmed that the annex showed the available budget shared equally between the projects but more accurate calculations of cost would be undertaken.
- 8.2 In response to questions from Board members, Crispin Passmore confirmed that the intended piece of work on quality of civil advocacy had been discussed with the Bar Standards Board but he was not aware whether it was planning something similar. He would also consider how it might be possible to report back on findings of the research and how they are used.

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- 8.3 Crispin Passmore confirmed that research was often undertaken or developed with others such as the Legal Services Board (LSB) and consumer groups as well as other legal regulators. The Board endorsed the research programme for 2016/17.

### **9 ANY OTHER BUSINESS**

- 9.1 There was no other business. The Chair thanked Board members but in particular all of the staff at the SRA for their hard work in 2016 which had made a huge impact.

**NEXT MEETING: WEDNESDAY 18 JANUARY 2017 AT THE CUBE, 199  
WHARFSIDE, STREET, BIRMINGHAM, B1 1RN AT 13.30**

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### Solicitors Regulation Authority Board Action Log: Public - 18 January 2017

Meeting date	Paragraph	Action	Owner	Date for action
7 Dec 2016	6.4	Share Asylum Thematic Report with Select Committee on Home Affairs	Jane Malcolm	18 January 2017

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### Solicitors Regulation Authority Board Completer Actions Log: Public - 18 January 2017

Meeting date	Paragraph in minutes	Action	Owner	Date completed
1 June 2016	6.2	Provide the Board with information on when we would be able to say that we have improved on the current gradings against the regulatory standards.	Paul Philip	9 Dec 2016
13 Jul 2016	7.3	Include consumer research on SRA Research Programme	Crispin Passmore	7 December 2016
26 October 2016	6.4	Further information on the red alert systems to be provided to Board members	Robert Loughlin	7 December 2016
26 October 2016	7.1	Chair to circulate note on key issues from the meeting	Enid Rowlands	1 November 2016