

# Guidance

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### Unsolicited approaches (advertising) to members of the public

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#### *Status*

This guidance is to help you understand your obligations and how to comply with them. We will have regard to it when exercising our regulatory functions.

#### **Is the intention of paragraph 8.9 of the Code for Solicitors, RELs and RFLs to impose a blanket ban on all advertising by solicitors?**

No, advertising to the public is permitted, subject to certain conditions. You must also consider your wider obligations under applicable law. Of particular relevance here are the General Data Protection Regulation (UK GDPR) and Privacy and Electronic Communications Regulations. There is some useful guidance on the ICO website [<https://ico.org.uk/>].

Paragraphs 8.9 and 7.1(c) of the Standards and Regulations prohibit unsolicited approaches to members of the public which, even if permitted by law, may feel unwelcome or intrusive.

Paragraph 8.9 of the Code of Conduct for Solicitors, RELs and RFLs [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>] says:

You do not make unsolicited approaches to members of the public, with the exception of current or former clients, in order to advertise legal services provided by you, or your business or employer.

Paragraph 7.1 (c) of the Code of Conduct for Firms [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] applies the same standard to firms.

This means you cannot make direct or specifically targeted "approaches" to members of the public in person, by phone or via other means which target them individually.

In all cases we expect you to give particular weight to the circumstances and position of the person contacted.

### *What is allowed*

Specifically, you are allowed to advertise your services to the public so long as this is done in a non-intrusive and non-targeted way.

This means, for example, that you may place an advert on the radio or TV, on billboards, in a local newspaper, online or on a social media platform. None of these would be considered to be intrusive as they do not constitute approaching members of the public on a targeted or individual basis.

Sending leaflets to people's homes is allowed, but only under specific circumstances whereby the distribution could not be considered to be targeted – for example you may send leaflets to all homes within a large geographic area, but may not selectively distribute leaflets to only specific homes or individuals based on wider information you know about them.

### *Example of prohibited advertising*

Firm A identifies from online media a list of people who have recently been involved in a major road traffic accident. The firm sends them a letter saying that it can help claim compensation.

We would consider this a breach of our standards as it involves a targeted approach to specific members of the public which may feel intrusive to those who receive it due to the particular circumstances that they find themselves in.

### *Further help*

If you require further assistance, please contact the Professional Ethics helpline [<https://www.sra.org.uk/contactus>] .