

# SRA adjudication

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It is important that the public and the profession can trust that our decisions are made on an objective and impartial basis and our processes are fair and seen to be fair.

One of the ways in which we do this is by separating our operational teams that investigate cases from our adjudication function.

Therefore, our procedures for decision making safeguard the independence of adjudicators by keeping separation between those who investigate and those who adjudicate on cases.

## *The types of decisions made by adjudicators*

Adjudicators make regulatory decisions on a wide range of powers contained in legislation, such as the Solicitors Act 1974, Legal Services Act 2007 and our Standards and Regulations. These decisions are made in accordance with our published guidance and adjudicators are not involved in the investigation stages of a matter.

Referrals for adjudication are made by the operational teams and in accordance with our agreed framework of Who can make decisions at the SRA [<https://www.sra.org.uk/sra/decision-making/schedule-delegation/>] .

Operational teams investigate complaints and/or consider applications made by regulated persons or members of the public. Adjudicators make a wide range of decisions, both at first instance and on review. These include decisions on:

- fining an individual or a firm
- imposing a regulatory control on a regulated individual (s43 order or a s99 disqualification)
- rebuking an individual or a firm
- imposing conditions on an individual or a firm
- intervening into a firm
- considering an application for the payment of money from the compensation fund
- reviewing a decision made by a decision maker in the operational team

Find out more about our approach to decision making.

[<https://www.sra.org.uk/sra/decision-making/>]

## *Adjudication structure*

The Chief Adjudicator as well as being a decision maker manages the adjudication team. In addition to the Chief Adjudicator, there are four permanent employed adjudicators, an adjudication support officer and a pool of between 10 and 15 external panel adjudicators.

The permanent adjudicators are legally qualified and entitled to practice in their respective professions. They make most of our first instance decisions on a day to day basis. If we or a regulated person request a review of a decision made by an adjudicator, it is considered by an adjudication panel.

## *Adjudication panels*

We have a pool of panel adjudicators which comprises a mix of lay and legally qualified adjudicators. Panel adjudicators are appointed for a term of four years which is renewable once.

Panel adjudicators usually sit on a panel with a chair. Panels mainly comprise of three adjudicators, including at least one lay adjudicator. A permanent adjudicator may also sit on a panel and/or chair it. Any of the panel adjudicators may chair a panel and they are asked to express an interest about whether they wish to act as a chair.

Panels are supported by one of the permanent adjudicators who acts as a panel adviser. The panel adviser provides technical and administrative support to the panel. The panel adviser is not part of the decision making process and will not have had any previous involvement in the case being considered by the panel.

## *What do panel adjudicators do?*

They mainly review first instance decisions made by one of the permanent adjudicators or another adjudication panel. Some of our decisions must be made by an adjudication panel. For example, a recommendation to impose a fine under band D of our Financial Penalty guidance must be considered by an adjudication panel. An application for a grant from the compensation fund for over £1m can only be considered by an adjudication panel.

A review of a first instance decision will always be dealt with by a different adjudicator or adjudication panel.

## *Recruitment and selection of panel adjudicators*

Recruitment for the adjudication panel takes place through an open recruitment process managed by the Chief Adjudicator. Shortlisted applicants are asked to complete a technical question and are interviewed by a panel of senior SRA managers. Candidates are assessed according to their skills, abilities and knowledge including:

- an understanding of equality and diversity, particularly in decision making
- assimilating, assessing, and evaluating complex issues whether on paper or from oral representations
- analysing, interpreting, and applying relevant legislation, rules, policy and case law principles
- determining issues objectively, applying unbiased and balanced judgment
- producing clear, reasoned, and justifiable evidence-based decisions written in plain language
- working as a member of a team, facilitating discussion, and working collaboratively
- an understanding of how the principles of regulation impact on consumers and the importance of maintaining and upholding standards in the public interest

### *Training*

New panel adjudicators are inducted into their role over a two day period. The training covers the main aspects of the role including decision making, SRA powers, preparing for and chairing a panel and conducting interviews and hearings.

All adjudicators are required to attend three training days a year. They are usually held in person and cover topics such as conducting reviews, feedback from cases, solicitors accounts as well as a focus on a particular case type such as imposing control orders and sanctions or the application of the compensation fund rules. The adjudicators may also receive presentations from other SRA teams about their work.

Panel adjudicators are appraised annually and may be observed when on a panel as part of this process.