



## **RESPONSE OF THE SOLICITOR SOLE PRACTITIONERS GROUP TO THE SRA CONSULTATION:**

### **A QUESTION OF TRUST**

The information upon which this consultation paper is based is as follows:

1. The information on the SRA website in particular the two following pages:  
<https://www.sra.org.uk/home/hot-topics/A-question-of-trust.page>  
<https://www.sra.org.uk/sra/news/press/professional-standards-launch.page>
2. The LinkedIn article with the following link:
3. <https://www.linkedin.com/pulse/judging-solicitors-reflections-sras-question-trust-campaign-vaughan>
4. The attendance of one of our Executive Committee Members at a Question of Trust session.

#### **What does the SRA say it is trying to do**

1. Explore professional values and standards and what they mean in practice.
2. To inform everyone who is involved in legal servicing including those who use and have access to them.
3. Map common ground between the legal profession and public issues and reviewed as minor and contrasted with those viewed as serious.

#### **Methodology**

1. The SRA have “campaigned” around the country with a number of public events.
2. In respect of the profession there is a web page (see attached link) to the Professional Standards Survey and an opportunity to take part in the consultation. The survey is similar to the public meetings where a number of questions or scenarios are put to members of the public or those answering the survey online. To ask if the matter should be:
  - (1) A matter of **no concern** (which should not lead to any action by the SRA

- (2) A matter of **some concern** (which could easily be put right, for example through discussion with the solicitor concerned).
- (3) A matter of **concern** (which should be acknowledged, for example, through a written warning).
- (4) A **serious** matter (which could lead to limits on the solicitor's ability to work or a punishment such as a small fine).
- (5) A **very serious** matter (which would result in a serious punishment such as a suspension or a large fine).
- (6) **Most serious** matters (which no solicitor should do and could result in them having their ability to work as a solicitor permanently taken away).

There is no indication of any methodology as to who should be answering the survey. The SRA website is open to all and not just solicitors or where or who the meetings are attended by. There is no indication of any particular group or groups being asked to reply to the survey or when public meetings are held as to who should be attending them. Therefore, any such surveys are clearly open to bias. It is known that public meetings were held at, for example, party political conferences. How many party political conferences were attended with such open meetings it is not known.

It would therefore appear whatever the questions or the reasons for them being asked the methodology is questionable.

### **Why is a Question of Trust needed?**

The SRA state it is to explore the professional values and standards and what they mean in practice.

The SRA was founded in 2007 pursuant to the Legal Services Act after the Clementi report. The recommendation of the Clementi report was that professional bodies holding both regulatory and representative responsibility should hold those roles separately. The SRA is bound both to act in the interests of the public but also in the interests of the profession as a whole. The SRA's disciplinary function succeeded that of the Law Society's Disciplinary Tribunal. There has been a history in both institutions of high standards and strict discipline. The Law Society Disciplinary Tribunal was self-regulating. The SRA's disciplinary function involves members of the profession but it is not an arm of the profession itself. The SRA now says in its news release in December that it supports the Government in that it wishes to make legal regulators entirely separate from its representative body. One questions whether the "question of trust campaign" is a forerunner of the SRA looking for independence from the representative bodies of the legal profession.

The representative bodies of the legal profession have, as a whole, had an objective and balanced view of disciplining their own bad apples.

One wonders what the question of trust campaign is about. Indeed Stephen Vaughan, senior lecturer in law at the University of Birmingham asks a number of poignant questions in his article appended to this report. Does it really matter whether the public think a solicitor should be struck

off for doing X? In a quote from a Judge in the Louise Woodwood case “We do not administer justice by plebiscite”.

The law, and indeed the rule of law, and those with judicial functions have in this country historically applied a set of principles which were not necessarily always popular but proper and correct. Principles have generally been applied by those with a proper interest in those principles, either elected or held in high esteem amongst their fellow professionals.

### **Conclusion**

The motives and the methodology of the campaign are of questionable value and we wonder why:

- (a) it was necessary to carry out such a campaign;
- (b) what the cost of that campaign was; and
- (c) what, if anything, it has achieved.

**Nicholas Woolf**

**Nicholas Woolf & Co**

**On behalf of the Sole Practitioners Group**

**29<sup>th</sup> January 2016**