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# 25<sup>th</sup> Annual Conference

The business  
**GROWTH SUMMIT!**

Winter 2022

# SOLO

THE SPG JOURNAL

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Meet our two new members**

**Crypto currency explained :  
What we as solicitors need to know**

**Sustainability & our new more eco friendly Solo**

**SPG** THE SOLE  
PRACTITIONERS  
GROUP

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Woodbridge, Suffolk IP12 3JR

**01394 775 495**  
Email: [info@heartbeathorses.org](mailto:info@heartbeathorses.org)  
web: [www.retiredhorses.org.uk](http://www.retiredhorses.org.uk)

# From the Chairwoman



**I look forward to a happy and productive 2022 for all our members!**

**I write to update members on what has happened since the last Executive Committee meeting on 2 November 2021.**

## **Solicitors Indemnity Fund (SIF)**

This remains an important issue for our members and our Secretary Clive Sutton continues to take an active lead in this area along with fellow executive committee member Lubna Shuja who is also the Vice-President of the Law Society.

The SPG and Law Society held an online roundtable on 13 January 2022 to discuss the SIF fund issue with members to assist with our engagement in the SRA's SIF consultation process.

The SRA is currently seeking views in a consultation on the options for the post six year run-off insurance cover and the Solicitors Indemnity fund.

This affects all solicitors whether you are sole practitioners or work in a firm, or are a consultant. I would urge you to engage

with the consultation and let your views be known to our regulators the SRA and the LSB.

The consultation ends on 15 February 2022 and the consultation online response can be accessed at <https://www.sra.org.uk/sra/consultations/consultation-listing/solicitors-indemnity-fund/>

## **Annual Business Growth Summit Carden Park**

I am pleased to inform members that the SPG Business Growth Summit is confirmed as being at Carden Park the weekend of 24-26 June 2022.

Our Regulators the SRA and LSB are expected to attend as well as the Law Society, Legal Ombudsman and the Land Registry.

We are also inviting the Chairs of other Associations with SP members to attend as the guest of SPG to improve interaction between us.

I recommend you book early for this to secure your place as the venue is a luxury Hotel & Spa in the heart of Cheshire's countryside with interesting speakers, a range of exhibitors to assist in your practice as well as the opportunity to engage with fellow SP's and have some fun too .

## **Pastoral Care/Health and Wellbeing**

I believe it is increasingly becoming more important that we provide access and assistance to our members in this area.

Dorcas Falode heads this new area for the SPG and will be engaging with people/ firms in this area to provide information and assistance for our members both ongoing and at our Annual Business Growth Summit at Carden Park in June.

## **New Committee Members**

Andrew and Zoe attended our National Executive Committee meeting on 2 November 2021 in London. They were invited to join the Executive Committee and to my delight they both agreed.

If any SP would like to attend the National Executive Committee meetings as an observer please contact me at [joanna@spg.uk.com](mailto:joanna@spg.uk.com) and I will arrange it for you.

## **Engagement with Members**

We have maintained contact with our members via Mail Chimp with seminars, consultations and other items that may be of interest to you.

The Yorkshire region meeting I was due to attend with Dorcas Falode in Harrogate on 10 December 2021 was postponed due to the new Covid issues. The meeting is now due to take place early February with a date yet to be confirmed.

The SPG website is in the process of having a members private interactive forum added to it. I hope it will go live shortly. Members will be able to engage with each other and access useful information in their areas of practice (and other areas).

## **Attendances**

I have attended externally the following since my last Chair Report

1. Legal Ex Event – 9 and 10 November 2021
2. SRA Compliance Officers Event – Birmingham 22 and 23 November 2021
3. SPG Birmingham Regional & West Midlands meeting 6 December 2021

**Joanna Connolly**  
SPG Chair  
17 January 2022

## Have you ever attended one of our Regional Meetings? Would you like to attend one?

Sometimes being a Sole Practitioner can be a little bit of a lonely place. Regional Meetings are a great way to network, meet other SP's and catch up with SP's you already know.

We have a number of regions who hold meetings, these used to be in person, they moved to the virtual world due to the recent pandemic.

It's a great way to find out what the SPG Executive Team are up to, voice any issue you are having that we can support you with and interact with other SP's.

If you would like to attend a meeting for your region please visit our website and become a member for free.



## Get to know the Exec Team - Zoe Tranter

Zoe established Tranter Mills Solicitors 13 years ago. She has worked in various organisations including national and international law firms, and consultant to a number of Local Authorities. Zoe has also acted for a number of major institutional pension funds and major household names from the retail sector.

### 1. WHY LAW?

I undertook work experience with our family solicitor at the age of 15 and decided a legal career was for me. I enjoyed observing the way of life in the firm and the work - meeting clients, solving their problems, helping them to achieve their goals. I also like the fact that the law is the law, and that sometimes, no matter what the issue, the collective might of the man on the street can defeat the establishment. There are not many other professions that can lay claim to achieving that.

### 2. WHAT IS YOUR FAVOURITE THING ABOUT YOUR CAREER?

The intellectual challenge and meeting people - both clients and other professionals, from all walks of life and from different perspectives. I also enjoy helping clients achieve their goals.

### 3. WHAT MOTIVATES YOU?

Pressure. A desire to succeed. The pursuit of perfection (which life has taught me, does not really exist, but I keep aiming high nonetheless). Helping my clients stand up to bullies, and dealing with matters that offend my sense of fair play.

### 4. WHAT DID YOU WANT TO BE WHEN YOU WERE A CHILD?

A chef - my family and friends still think I am a good cook even now, apparently!

### 5. WHAT WAS YOUR FIRST JOB?

Debt collection for my Father's construction company, alongside studying for my A Levels. It was tough, but I learned a great deal about people and business.

### 6. WHAT MAKES YOU LAUGH THE MOST?

I love stand up comedy. I have seen a number of high profile comedians live, and I also attend my local for comedy nights where newbies try out their material.

### 7. WHAT WAS THE LAST BOOK YOU READ?

"Empire of Pain", by Patrick Radden Keefe, about the opioid pandemic in America. I prefer to read non-fiction and memoirs / biographies. In particular I enjoy books about economics, politics and historical figures.

### 8. WHAT'S YOUR BIGGEST PET PEEVE?

People who do not do what they say they are going to do. People can "talk a good game", but few put their money where their mouth is.

### 9. WHAT'S YOUR FAVOURITE TV SHOW?

Succession. I really enjoy the show, despite the fact that not one of the characters is remotely likeable.

### 10. HOW WOULD YOUR FRIENDS DESCRIBE YOU?

After a straw poll, I am apparently - honest, loyal, focussed, determined, scatty at times, genuine and down to earth, and I have a dry sense of humour.

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### CONTACT US

on 01386 555114 or email  
[penny@harmony-house.co.uk](mailto:penny@harmony-house.co.uk) for a chat.



PENNY RABY  
The Divorce Rottweiler

# Conference 2021 – The Berystede Hotel Ascot, 8-10 October

Once again, The Solicitors' Sole Practitioners Group hosted a memorable, educational, and fun conference for our members.



Our main sponsors Lockton Insurance supported us with help from Leap Legal Software, the SRA and a contribution from IASME for the National Cyber Security Centre.

Planning for a live conference had been touch and go until only a couple of months beforehand, but your Executive Committee pulled it off with help from our wonderful Conference Organiser Jennifer Houlihan of Dottedlines and of course our huge, appreciated Administrator Anika Holm.

As a result of the highly polished and professional presentation of the business and social programme, SPG enjoyed significant media attention, especially through The Law society Gazette whose attending journalist was most appreciative and wrote up a number

of our sessions, especially our Secretary Clive Sutton's SIF and our Keynote Speaker Mark Stephens CBE, and of course our honoured guest Stephanie Boyce, President of The Law Society.

The Executive Committee were delighted to welcome members and speakers back to an in-person celebration of our profession and fellowship, and look forward to the next conference at [www.cardenpark.co.uk](http://www.cardenpark.co.uk) on 24th - 26th June 2022.

Recordings of the highlights of the business sessions of the conference can be found on the website.

**Don't forget to book in good time for next year – which will be even bigger and better!**



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# Sole Practitioners Group

## Executive Committee 2022

### JOANNA CONNOLLY

#### Chairwoman



Joanna is well known as an expert in the complex field of consumer credit law. She is a Solicitor Advocate and qualified to represent clients in the Higher Courts. Joanna's experience and passion for helping people is reflected in her exceptionally high success rate. Joanna and her team run a thriving practice dealing with clients from all over the country. Hers is the 'go-to' consumer credit defence firm in the UK.

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Email: joanna@spg.uk.com

Joanna Connolly Solicitors

33 Cheadle Avenue • Liverpool • L13 3AE

### CLIVE SUTTON

#### Honorary Secretary



Clive specialises in private and commercial litigation and has been a sole practitioner in Lymington in Hampshire since leaving a partnership in 1998.

He is Chairman of his local Amenity Society in Lymington and Trustee of the New Forest Centre Museum in Lyndhurst. In the past he has served as Chairman of the local Citizens Advice Bureau and Churchwarden and in the early 70s as a Resident Magistrate in the Seychelles. Clive has been an SPG committee member since 2000 and served as Chairman, and then as Hon Secretary and Chair of the Insurance Subcommittee from 2006. He was on the Law Society Council Membership Committee for 10 years and since 2017 has been the SPG Nominated Law Society Council Member, serving now on the Councils Scrutiny and Performance Committee.

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Clive Sutton Solicitor

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### KEM MASINBO-AMOBI

#### Honorary Treasurer



Kem qualified as a solicitor in November 2002 and has extensive commercial experience gained in demanding and challenging environments. Kem has spent

time at some of the most prestigious legal firms in Suffolk and Norfolk. A keen gardener, Kem has completed the RHS Level 2 Certificate in Horticulture and other hobbies include reading, travelling and cooking in true "Nigella" fashion.

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KMA Solicitors

Pishon Gold House • 12 Old Foundry Road  
Ipswich • Suffolk • IP4 2AS

### LUBNA SHUJA

#### Vice President of The Law Society



Lubna qualified as a solicitor in 1992. She is currently the Vice President of the Law Society and is due to become the first Asian President in October 2022.

She has been a Law Society Council Member since 2013 representing the interests of sole practitioners. She is also a member of the Law Society Board.

Lubna has been a sole practitioner at Legal Swan Solicitors in Birmingham since 2007 where she specialises in professional discipline and regulation. Lubna works with various regulators as a Chair of a number of Disciplinary/Fitness to Practise/Investigating and Professional Conduct Committees.

She is a Mediator (CEDR accredited) conducting both civil and family mediations. She is a past Chair of the Solicitor Sole Practitioners Group (SPG).

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### SUSHILA ABRAHAM

#### Solicitor



Sushila has lived in Surbiton, Surrey for over twenty years. She decided to start her own practice locally because she wanted to offer quality and care to the local community and

to be free from the constraints of working in a larger firm. She is married to Matthew a barrister, and her son is also a barrister. Outside work Sushila is 'Clr Sushila Abraham', having been elected as Lib-Dem local councillor in the Borough of Kingston in a by-election in February 2013 and then re-elected in May 2014. Sushila has been President of Surrey Law Society and Law Society Council Member for Surrey. She is also a Board member of the Membership Board at the Law Society and a Trustee of ICLR representing the Law Society. Sushila is a very community minded person and as Suzie's Kitchen has run cookery classes for local school children teaching them life skills.

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### SUKHJIT AHLUWALIA

#### Head of Marketing Sub-Committee



Having worked in some of the most prestigious banking and consultancy organisations, Sukhjit opted to provide a more personal, one to one service through his own practice. He has been based in Goodmayes in Ilford since 2003. Sukhjit likes to get involved in charitable activities, working with organisation to assist people from all backgrounds and ages in

reaching moral excellence either in their private or professional lives. His children are still young and take up a great deal of his time but when he does have time for himself, Sukhjit likes to sit, read a good book and watch the world go by.

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Ilford • Essex • IG3 9TH

### MOSES AJAYI

#### Solicitor



Moses was admitted as a Barrister and Solicitor of the Supreme Court of Nigeria in 1987. He has also a qualified solicitor in England and Wales. Moses specialises in Human

Rights and Immigration, general civil and criminal matters. Outside work he enjoys sailing and has participated in many sailing events around the world. He also enjoys discovering new places and spending time with his family.

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Slade & Fletcher Solicitors

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Wimbledon • London • SW19 1NE

### PENNY RABY

#### Conference Organiser (Previous Chairwoman)



Penny has been a SP specialising in family law for 20 years, working with her husband Mike a Forensic Accountant on divorce cases involving business and complex

asset and income tracing and Inheritance Act disputes. She won Worcestershire Family Lawyer of the Year award in 2014 and was nominated for the National Family Law Magazine Family Law Firm of the Year for 2015. She has appeared on radio and television and has presented her networking pantomime 'Snow White and the Seven Small Business People' here and abroad.

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Penny Raby & Co

Harmony House • 7-9 Church Street  
Pershore • Worcestershire • WR10 1DT

### DAVID BARTON

#### Editor, Solo



David qualified as a solicitor in 1982. He became a sole practitioner in 2003. He specialises in solicitors' professional misconduct and criminal road

traffic work. He has rights of audience in the Higher Courts. David is married with 3 grown up children. He is a keen cyclist, golfer, walker, traveller, and reader.

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#### RAHIL CHAUDHARI

Solicitor



Rahil Chaudhari is a Senior Solicitor at Arlingsworth Solicitors. Rahil secured an LLM at University College London and trained and worked at some

of the most prestigious law firms in the City before joining Arlingsworth in 2005. Rahil is a highly experienced and versatile solicitor and specialises predominantly in immigration, human rights and company law. Rahil has become a leading authority in these areas. His client base spans a wide range of sectors from multinational companies to private individuals.

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#### DORCAS FALODE

Head of Pastoral Health & Wellbeing



Dorcas has been a Sole practitioner for over 12 years and has offices in London and Lagos, travelling regularly between them. She specialises in

Immigration Law dealing with entry clearance cases, settlement, visitors' and students' visa applications. The practice also deals with family and education cases, giving a voice to the weak and defenceless. She recently authored a book called Nigerians Inspire which serves to promote the image of Nigerians against a backdrop of bad publicity caused by a minority and to encourage young people to believe in themselves. She won the Gathering of Africa's Best (GAB) Award of excellence for contribution to the promotion of positive image of Africa and Africans through motivation. Dorcas is married with four children and outside work is a counsellor, nurse, cook, Taxi driver and tutor to her four young adults. She loves to travel and finds shopping very therapeutic.

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#### DAVID HINDE

Solicitor



David is a dispute resolution specialist with over 20 years' experience dealing with civil and employment law. He trained and qualified in the City of London

working at leading law firms before starting his

own niche practice as a sole practitioner based in Covent Garden. Acting for individuals and SME companies he has dealt with a wide-range of cases from judicial review in the European Court of Justice to contract and property disputes in the High Court and County Court. He is a member of the Employment Lawyers Association and speaks French. He is married with a son and is a school Governor of his local Primary School. He enjoys reading, cycling and the cinema.

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#### HAMISH MCNAIR

SRA Liaison Lead



Hamish is based in Fulham, London. Having initially specialised in copyright and trade mark work, both in the City and New York City, his practice now includes

conveyancing, wills trusts and probate, as well as litigation. Married with three children, when Hamish is not at work he enjoys open-air swimming, sailing, overnight bike rides, and has a passion for the theatre.

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#### OLUWAKEMI MOSAKU

Solicitor



Kemi was qualified a barrister and solicitor in Nigeria in 1989 and admitted as a solicitor in England and Wales in 2004. She has a

varied work experience which includes working in the immigration department of the Home Office and in private practice. She specialises in Immigration and Human Rights Law. She also undertakes family law work. Outside work Kemi enjoys spending time with her sons. She also enjoys keeping fit, music, networking, reading biographies and current affairs.

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 The Old Courthouse • 1 The Paddock  
 Chatham • Kent • ME4 4RE

#### TAHIRA SHAFFI

Solicitor



Tahira has been qualified for 20 years and started as a sole practitioner in 2010 after being made redundant. Working on your own can be a lonely experience but

she has found the SPG to be a wonderful source of support and friendship.

It is important for her that there is an independent body outside of the Law Society working hard to look after its members' interests. Tahira is based in Bury, Greater Manchester where she lives with her family. She has many interests outside of the law. Tahira was previously an LEA school governor and has stood as a candidate in the local elections. She is passionate about civic duty and putting something back into the community.

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#### ZOE TRANTER

Solicitor



Zoe has worked in various organisations including national and international law firms, a Regional Development Agency, and consultant to a number of

Local Authorities on regeneration projects. She has also acted for a number of major institutional pension funds and a number of major household names from the retail sector in connection with the management of their extensive property portfolios. She established Tranter Mills Solicitors 13 years ago as a niche firm reflecting her expertise. Outside of the office Zoe's interests include hiking, reading as well as baking and gardening. Zoe loves rally driving and can often be found attending the WRC Welsh Rally Stages as a spectator. It is her ambition to attend the Swedish stages of the WRC at some point.

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#### ANDREW OSADEBE

Solicitor



Andrew was first called to the Nigerian Bar in May 1990 after qualifying. He practiced extensively as a Barrister & Solicitor in Nigeria before

relocating to the United Kingdom in 1997. He has worked at several law firms as a Human rights proponent before he qualified as a Solicitor in England and Wales in 2007. Andrew is highly organized and motivated, and describes his goal as achieving excellent results for clients. He has been a sole practitioner since 2008. He specialises in Conveyancing, Matrimonial and Immigration law. Andrew is a family man with 3 children. He loves jogging, gardening and listening to music in his spare time.

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# SPG 25th Annual Conference

## The Business Growth Summit

Friday 24th – Sunday 26th June 2022 – Carden Park Hotel & Spa, Cheshire

We are delighted to announce this year's annual conference will take place at the luxury country house hotel Carden Park & Spa in Cheshire.

The weekend will kick off on Friday afternoon with a "BBQ on the lawn" for members and their guests. This is a great way to network in a social setting; catch up with Sole Practitioners that you may not have seen since the last conference, meet new members and mingle with the Executive Committee Team.

Saturday and Sunday will see a host of great speakers talking around the theme of growing your business, professional and practice updates, interactive sessions and much more.

Our famous Gala Dinner with this year's HOLLYWOOD THEME will take place on Saturday evening and everyone is invited to dress as their favourite movie star! As always there will be great food, a fun atmosphere, lots of entertainment and of course the option to dance the night away.

There are various activities to keep your guests / family entertained whilst you are at the conference; archery, 4x4 off roading, Segway's, laser clay shooting, football, swimming, indoor games and table tennis, mini quadding, giant chess, spa facilities and two championship golf courses – but you will have to book early to reserve these activities with the hotel which is a hugely popular venue for events of all kinds.

This venue has been chosen specifically to provide a relaxing setting, fun activities for all and a location easily accessible for all. As always, the conference will be subsidised by the SPG courtesy of our wonderful sponsors, in particular LOCKTON INSURANCE, allowing for a relaxing, fun and productive weekend for yourselves and you families at a knock down ALL INCLUSIVE PRICE, which you will be able to pay in up to THREE INSTALLMENTS.

Booking details will be circulated by email very very soon – places are limited so get your diaries out and be prepared to book soonest!

Last minute bookings cannot be accommodated – Bookings will be fully refunded in the event of government restrictions or cancellation of the conference cause by the Covid-19 pandemic.

**SAVE THE DATE!!! - Watch the video of the venue on [www.cardenpark.co.uk](http://www.cardenpark.co.uk)**

## New Exec Members

**In November last year we welcomed two new Executive Committee Members to the team.**

Both attended the SPG conference in 2021 and put forward a request to come and spectate an Executive Committee Meeting.

Executive Committee Meetings take place quarterly, Zoe and Andrew attending the November 2021 meeting and it was clear they would bring a wealth of knowledge, alternative thing and a different perspective to an already diverse Executive Committee Team.

Zoe has worked in various organisations ranging from national and international law firms, to working in-house for a Regional Development Agency, to consulting to a number of Local Authorities on regeneration projects, and also consulting to a number of Legal 500 law firms.

In addition to this experience, she has acted for the other public sector entities, a number of major institutional pension funds, and a number of major household names from the retail sector, all in the management of their extensive property portfolios.

She established Tranter Mills Solicitors 13 years ago as she saw a niche for her unique experience and expertise in the market. Zoe is proud to be a member of the SPG Executive Committee.

Outside of the office Zoe's interests include hiking, reading (mainly political history, biographies and social / economic commentaries – general non-fiction works) as well as baking and gardening. Zoe loves the sport of rallying and can often be found attending the WRC Welsh rally Stages as a spectator, and other historic events across the country. It is her ambition to attend the Swedish stages of the WRC at some point.

Andrew was first called to the Nigerian Bar in May 1990 following a successful completion of an LLB degree from Obafemi Awolowo University Ile Ife in 1988 and BL degree from the Council of Legal Education Nigeria Law School. He practiced extensively as a Barrister & Solicitor of the Supreme Court of Nigeria before relocating to the United Kingdom in 1997.

He has worked at several law firms as a Human Rights proponent before he qualified as a Solicitor of the Supreme Court of England & Wales in 2007. Andrew is a highly organized and self-motivated intellectual with borderless capabilities. He is goal oriented with a passion for achieving excellent results for clients.

He has dual qualifications from two Jurisdictions Nigeria and the United Kingdom and has been a sole practitioner since Zuriel solicitors was established in 2008.

He has excellent research & communication skills with a passion for excellence. His wealth of experience in Advisory, Drafting and Advocacy has enhanced his expertise in the key areas of Conveyancing, Matrimonial and Immigration law.

Andrew is a family man with 3 children. He loves jogging, gardening and listening to music in his spare time.

**If you would like to request to attend and Executive Committee Meeting please email [info@spg.uk.com](mailto:info@spg.uk.com)**

# The Pandemic Effect: The Outsourced Transcription Provider as a Resource

The pandemic, and its subsequent lockdown, hit many law firms hard. As a result, this has made firms reevaluate business continuity planning, and to look at what efficiencies can be made to improve the bottom line.

As a sole practitioner it is even harder: not only do you have to provide great service to your clients; you also need to spend time nurturing your business, to make it thrive and grow.

## An Immediate Fix

One aspect that has been in deliberation for many years is fee earners typing their own documents and emails. Consider the following:

Did you know that a Grade A Solicitor (at £409 per hour) who spends two hours typing their own documents/emails could lose their firm (after the deduction of transcription costs) up to £570.30 in chargeable time? Similarly, a Grade D Solicitor (at £138 per hour) could lose their firm up to £163.80.\*

## Dictation versus Typing

The simple fact is we can all speak considerably faster than we can type: *"The average person types between 38 and 40 words per minute"*<sup>i</sup>; and a *"good rate of speech [for dictation purposes] ranges between 140 - 160 words per minute"*<sup>ii</sup>.

These statistics show that simply dictating a document/email, is approximately four times more cost effective than typing. Add to this formatting and editing, this cost saving could stretch further.

Taking typing out of the mix allows practices more time to concentrate on increasing chargeable hours, whilst leaving more time to deal with WIP, release valuable lock up, social media or marketing.

You will find that outsourcing your typing needs are considerably cheaper than direct employment (i.e. salaries, NI contributions, leave, unproductive time, sickness absence etc.). Outsourced transcription also enables fee earners to work remotely and dictate on the go, without the need for specialist

equipment or software licenses. They also provide a great business continuity solution to enable law firms to access typing support that expands (or contracts) with your firm's specific needs on a pay-as-you-go basis.

## Testing the Theory

Some of the more established transcription companies have smartphone apps that allow you to dictate direct from your mobile phone allowing you to trial without purchasing any equipment.

## Why not take five minutes of your time to investigate?

*\*Based upon court approved rates for London. Typing costs deducted using OutSec's standard rate.*

## Citations:

<sup>i</sup> <https://www.livechatinc.com/typing-speed-test/#/>

<sup>ii</sup> <https://clearly-speaking.com/what-is-the-ideal-rate-of-speech/>







**Want to improve your law firm's profitability? Want to reduce costs?**  
**Simply dictate and send securely to your OutSec legal typist via your smartphone/tablet**

## WHY USE OUTSEC?

OutSec is the perfect solution for sole practitioners who need typing assistance on a pay-as-you-go basis, as it provides a cheaper alternative to employment and to:

- ✓ Allow fee earners to concentrate on chargeable hours rather than typing emails, file attendance notes, amending documents and frees time to release valuable lock up.
- ✓ Enable fee earners to dictate from home, from the office or on the go, by using the free OutSec app for iOS and Android.

## ABOUT OUTSEC

OutSec have been providing transcription services to the legal profession since 2002. At OutSec we take data security and confidentiality very seriously. Which is why we employ bank level security and are ISO27001 and Cyber Essentials certified.





**WITH OUTSEC** there are no contracts, no monthly fees or minimum charges. You just pay per minute of dictation.





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# Report from Law Society Council Member and Vice President – Lubna Shuja

As I write this report, we have been back to working from home again for the last two months, due to the Omicron variant, but I remain optimistic that it will not be for too much longer. Despite the pandemic setbacks, the Law Society continues to work hard in the best interests of members. The last Council meeting took place remotely on 15 December 2021. Below is a summary of some of the issues currently relevant to our profession. Copies of the reports to Council from the Law Society's CEO can be found on the SPG website at [www.spg.uk.com](http://www.spg.uk.com).



**The Solicitors Indemnity Fund** There is a full update in relation to the potential closure of the Solicitors Indemnity Fund (SIF) elsewhere in SOLO from Clive Sutton. The SRA Consultation closes on 15 February 2022. I can confirm that The Law Society is opposed to the potential closure of SIF and is preparing its own response to the recent SRA consultation. The Law Society position is that SIF and post six-year run-off cover (PSYROC) must be retained to ensure that both consumers and the integrity of the profession are protected.

The Law Society has engaged with the wider profession to develop its response to the consultation to ensure there has been ample opportunity for members to contribute and that the final document is a proper reflection of the views of members. It has held a series of meetings and discussions to engage with different segments of the membership, as well as former members.

Anyone who wishes to feed into the Law Society consultation response is encouraged to send any thoughts to

[SIF@lawsociety.org.uk](mailto:SIF@lawsociety.org.uk). The Law Society is strongly encouraging members to respond to the SRA's consultation (both individually and as firms) to stress that SIF protects clients and to ensure that the views of the profession are as impactful as possible. Responses to the consultation must be submitted by Tuesday 15 February 2022. If you wish to send your own individual response, the consultation documents can be found on the SRA website.

## Conveyancing Solicitors

Accusations of solicitors' involvement in alleged mis-selling of leasehold properties is an issue that the Law Society has been aware of and working on for some time. In the past three and a half years in particular, the Society has had significant engagement with government ministers, officials, and parliamentarians highlighting the important role solicitors play, identifying where the problems lie and promoting proper solutions for leaseholders.

In that time, the Society has had significant success in defusing the potential reputational impact of this issue for the solicitor profession. In particular:

- In 2018 the Law Society gave oral evidence to the Housing, Communities and Local Government Select Committee directly addressing questions around the conduct of solicitors, with the result that the Committee's report in 2019 did not reflect the more serious allegations that had previously been levelled at conveyancing solicitors.
- In the course of 2019, the Society engaged proactively with both the Ministry of Housing, Communities

and Local Government and the Shadow Housing Ministers and was successful in ensuring that neither the Government, nor the Opposition's policy proposals on this issue framed solicitors as being part of the problem.

- And most recently, the Law Society's positive engagement with the government saw the Leasehold Reform (Ground Rent) Bill brought forward. The Society expressed support for the central aims of the Bill, which appears set to pass unhindered through Parliament. In briefings to parliamentarians ahead of the various debates on the Bill the Law Society was positioned as a vocal supporter of the proposed legislation and took the opportunity to highlight not only the role solicitors play in the conveyancing process, but also the problems that emerge from issues that are out of their control (such as the lack of transparency from estate agents and developers over the provision of key lease information).

## Criminal Legal Aid Lawyers

On 15 December 2021 a report recommending increased remuneration rates for criminal legal aid lawyers was published as part of an independent review chaired by Sir Christopher Bellamy. The Law Society welcomed these proposals for increased pay for criminal legal aid solicitors as a step in the right direction, following its ongoing campaign work on behalf of members.

The last time pay rates for criminal legal aid lawyers were increased significantly was during the 1990s. Over the last 9 years, the

number of criminal legal aid providers has decreased by a third.

In the review, Sir Bellamy drew out evidence supporting the Society's view that the system is not currently economically sustainable, for instance:

- Rates are about 1/3 less than they were 13 years ago
- Defence rates are around 30-55% below those considered reasonable by the Crown Prosecution Service for committals/trials in the magistrates' court
- 'Structural underfunding' in the criminal justice system overall has contributed to difficulties, such as a backlog of cases

The key recommendation is an overall increase in funding for criminal legal aid (for litigators and advocates) as soon as possible. This would increase annual pay rates at least 15% above the present levels.

Other recommendations in the report echo the Law Society's submission to the review or are what the Society often advocated for in the past, namely:

- Applying the magistrates' court standard fee scheme to the police station and Crown Court
- Setting up an independent advisory board to help develop a more joined-up approach to criminal legal aid, reporting regularly to the lord chancellor
- That police station work, magistrates' court work and Crown Court work should broadly be sustainable, rather than dependent on firms relying on other work streams to subsidise their legal aid work
- Introduce a weighting system in police station work, so that experienced lawyers are rewarded for dealing with serious cases

In line with the Society's recommendations, the report rejects: competitive tendering and expanding the Public Defender Service (PDS) as the current system is "sound in concept but suffering from severe underfunding".

After 25 years of freezes and cuts, it remains to be seen whether this will be enough to stem the exodus of firms from criminal legal aid and attract new lawyers

into the sector. The Law Society remains concerned about how long it will take members to benefit from these proposals and will continue to press the MoJ to get the money, which was stated in the report as the minimum necessary, to members as soon as possible. The government has published a ministerial statement, committing to publish its response to the report and a consultation by the end of March 2022.

#### **Court Backlogs and Extended Hours**

There are more than 58,000 Crown Court cases and more than 372,000 cases in the magistrates' courts waiting to be dealt with. Some trials have been delayed to 2023 which means that defendants, victims and witnesses are being denied timely access to justice. This impacts on confidence in the justice system. More Crown Court rooms are to be opened as restrictions ease and leases have been extended at many Nightingale Courts. However, the issue now is not just physical space but also staffing as HMCTS is struggling to find enough judges and staff to operate existing court rooms. The Law Society is continuing to call for urgent sustained investment into the justice system.

#### **Judicial Review and Courts Bill**

The Law Society responded to the government's announcement of the Judicial Review and Courts Bill expressing concern that the changes proposed will make life easier for the government as there will be little accountability and an adverse impact on access to justice. The Society opposes prospective only remedies as these will not provide any resolution for past injustices. The proposals would mean that more unlawful actions by public bodies could go unchallenged and the purpose of judicial review – to ensure good, lawful, accountable decision-making by public authorities – would be lost.

The Society gave evidence to the Judicial Review and Courts Bill Committee in parliament pointing out that the proposed changes to the ways in which legal challenges can be brought against the state could weaken checks on power as well as damage access to justice. The MoJ appears to have taken some of this advice, providing for Judges to make suspended quashing orders. Such orders will allow the government to make any necessary changes before the decision comes into effect, but this would only be at the Judge's discretion rather than the default position.

#### **COVID-19**

With the new Omicron COVID-19 variant causing concern worldwide, I would like to

remind all members that the Law Society has provided resources to support members' employment, mental health and safety. These are all available on the Law Society website and include: support for individuals (redundancy, questions about the end of the furlough scheme etc); safety guidelines when attending court/Tribunal buildings; and a police station interview Covid-19 protocol.

#### **New DVP and New Interim CEO**

Nick Emmerson became the new Deputy Vice President of the Law Society in October 2021. Nick is a partner with Lewis Mathys Emmerson LLP specialising in cross border mergers and acquisitions as well as international capital markets. He has been a Law Society Council Member since 2015 representing the constituency of Leeds.

Gerry Walsh took over from Paul Tennant on 17 December 2021 as the new Interim CEO. Gerry is a former interim CEO of the Chartered Institute of Procurement and Supply and has had a career in infrastructure, including a leading role in the delivery of the 2012 London Olympics. He brings a wealth of experience in interim CEO roles and will lead the Law Society until a new permanent CEO is appointed. I would like to welcome both Nick and Gerry to their new roles and look forward to working with them.

Please do have a look at the Law Society website for further information about the work of the society and events (many of which are free). Please also register on My Law Society on the website if you have not already done so. This will enable you to access Law Society Connect which is a popular online secure private portal for sole practitioners and small firms to chat, network and support each other. Please also follow me on LinkedIn and Twitter (@lubnashuja) to keep up to date with Law Society work. If you would like any further information on Law Society activities, or wish to discuss any issues affecting sole practitioners, or indeed, if you would like me to raise any matters with the Law Society, please do not hesitate to contact me on Lubna.shuja@lawsociety.org.uk or on 07980 725626.

**Lubna Shuja**  
Vice-President of the Law Society of England and Wales

SPG Law Society Council Member

Member of the Law Society Board

17 January 2022

# Honorary Secretary's report for Winter 2021



**In my report for the last edition for Autumn 2021 I hoped that we would soon be seeing each other in person. Well, many of us did at the highly successful autumn conference in Ascot. We had some really good speakers – and also myself with an update on the Solicitors Indemnity Fund!**

There was a lively discussion with the members during the Any Other Business section of the AGM, and it is always useful for the Executive Committee to have feedback to know that they are doing what the members want. At that meeting we said goodbye to Penny Raby as Chair who had held the reins for two years since 2019 and provided tremendous leadership to the Group throughout the worst problems of the pandemic.

At our first meeting immediately following the conference Jo Connolly was elected unanimously by the committee as the ongoing Chair of the Executive Committee and accordingly Chair of the Group. She has got off to a flying start with a very lively set of ideas at our first executive meeting in November, which we were able to hold in person, and which have been followed through to our next executive meeting in mid-January, which had to be held virtually.

The main subjects have been to improve the website and bring it up-to-date and to prepare for the June conference, the dates for which are now fixed and for which you will see advertisements in this edition of Solo. Having had such a successful conference

last October which was organised by Penny we are now sure there is going to be an even more successful conference next June also organised by Penny. The venue is in Cheshire to be easily accessible to those in the Midlands and the North. Members of the committee will be cold calling you to get your bookings or establish what excuses if any you will have for not attending our conference which we heavily subsidise!

Quite apart from the information you can pick up you will be able to meet, question and interact with the leaders of all those organisations which control our lives – the SRA, The Law Society and the Legal Ombudsman. Barring another unexpected Covid variant the conference will go ahead and we are insured so that if there is a cancellation, all booking fees will be repaid.

## **Solicitors Indemnity Fund.**

Now for the bad news. This Fund which I described to you in the previous editions of Solo is now at severe risk of closing and the funds frittered away. The consultation which I referred to has now come out and the preferred option of the SRA is to close the Fund on the basis of the following arguments.

The expert accountancy opinion is that to continue the Fund will cost each practitioner £16 per head or, converted into a per firm figure, then £240 per firm. The SRA argue that this will be passed on to clients thereby reducing access to justice. I would imagine most of you would agree that either of these figures are unlikely to make any impact on our charges which are probably linked to court rates in any event.

The SRA believes that set against that risk, the potential loss of the ability for clients to make post six year run-off claims against retired solicitors, is something that the clients can be expected to bear without complaint.

The summary of the arguments is as follows:

By the SRA in favour of closure – a possible increase in solicitors fees based on a maximum of £240 a firm will prejudice access to justice.

By everyone else against closure – the prospect that 30 or so clients a year will not be covered by insurance which the profession are prepared to pay, in respect of a post six year run-off claim averaging out at £34,500.

When these claims start to fall in and not be paid, anyone of these clients could go to the press and blame the SRA and course the reputation of the solicitors profession for any unrecovered loss, the possibility of which the public would have been completely unaware.

The collateral damage against solicitors, which the SRA say they are prevented from taking into account, will be potential claims against retired solicitors' personal assets and even their estates for which there will not be any alternative insurance.

This consultation finishes on 15 February and I hope you will have read this edition before then and, if you have not by then contributed to the SPG response to the consultation, then please do so and complete the SRA consultation response which is online and can be dealt with quite easily and quickly.

This is one of the more dangerous proposals that has affected the future of sole practitioners who are unlikely to be able to find a successor practice. Once the substantial Solicitors Indemnity Fund reserves are dissipated by the closure of the fund there will be no going back to create another fund. This will be a permanent decision, whereas hopefully the current hardening of the insurance market will only be temporary.

There is a fund in existence resulting from the original closure of the Solicitors Indemnity Fund which should be used to continue to provide post six year run-off cover for both clients and solicitors and it should not be closed.

**Clive Sutton**  
Honorary Secretary  
September 2021

# Thinking about retirement?

## Preparation is key

**When the time comes to 'hang up our boots' and retire, a sole practitioner will usually consider the sale, merger, or closure of the firm.**

Whichever route is taken, there are a few key things to consider:

### **Planning:**

Preparation is key to ensure a smooth transition. The process may take 2-3 years but an early discussion with R&R Solutions about your options will provide all the information to make the right decision to realise best value - from WIP, brand and other assets, to managing employees through the process and deciding on an end date.

### **Professional indemnity:**

You may be required to put in place 6 years run-off cover for any claims made following closure or by a purchaser. This may not be required in other scenarios, so all options should be thoroughly explored as it is expensive cover.

### **Clients:**

Good communication with your clients is essential to reassure them of what they can expect in the transfer process and beyond. Client care is essential so you don't leave them feeling abandoned and deciding to take their case elsewhere.

### **SRA:**

Taking advice from a compliance professional will pay dividends. The SRA are primarily interested in ensuring that clients are looked after, but there are regulatory requirements that need to be met too.

The R&R Solutions model can be used to assist in the retirement process; whether you decide to close, merge, or sell your firm, we can help.

Our model is predicated on the fact that no two firms are the same and consequently is very flexible so that it can be tailored to meet your own specific needs, whilst ensuring SRA compliance.

Our team manage the transfer of files from start to finish, placing case files with an approved law firm to protect the integrity of the client's case.

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# The importance of client selection

When considering Professional Indemnity claims it is often worth looking back at the root of where the issues first arose. What can become clear is that many claims could have been avoided if the client selection process at the firm was more robust.

In an uncertain political and economic landscape it is understandable that solicitors will seek to welcome new clients or generate more enquiry from existing clients in new areas to help ensure positive turnover for the firm. However, there is risk involved in accepting instructions from both new and existing clients and, if the firm's risk management procedures are not strong enough, what is usually seen as beneficial in the short term (more revenue and potentially a new long-standing relationship with a client that brings repeat business) is potentially detrimental in the long term.

In this article, I will look at the factors fee earners should consider before acting on a piece of work to ensure they keep their business shielded from a professional negligence claim.

## The client onboarding process

It is of paramount importance to ensure the firm has a robust procedure for considering which clients to accept. Some things to think about are whether you have a solid client vetting process in place and, once the process is completed and it has flagged concerns in regards to the risk of taking instructions, whether you seek to get further information to satisfy or ease those concerns. Insurers are increasingly asking more questions about what kind of new enquiry firms are bringing in and how they are vetted, including the type of client, type of work being undertaken and the values involved.

It is also imperative that before any work is undertaken you ensure there is no conflict of interest. Have you acted for the opposite side previously? Has someone within your firm acted for the opposing side in this matter? If the answer is yes to either of those questions then the most prudent action may be to decline the instructions.

Regardless of how attractive accepting new instructions can be, you need to ensure that you or the colleague undertaking the work have the expertise and skills required to do it to a high level. While solicitors can often be presented with what seem to be good

opportunities, they do not always fall within the specialisms of the fee earner. Dabbling in work that is not in your area of expertise can often lead to mistakes and therefore increase the risk of a professional negligence claim being made against your practice.

Another consideration worth noting is your capacity to accept new instructions. Even if acting on the new work is within your expertise, it is important to also ensure that you can give the time and attention needed to guarantee good quality work is done for the client. Spreading yourself too thinly can result in work not being done to the best possible level and can leave you exposed to a claim.

## Client expectations

Establishing the client's expectations prior to accepting instructions is another consideration that should be central to your onboarding process. It is common to have certain clients who have expectations that are largely unattainable. It is therefore essential to give thought to whether you are able to deliver what the client is asking in the given timeframe. Ask yourself whether the client's expectations are fair and reasonable or if they are unrealistic. If you think it is the latter, it is vital to communicate this to the client and aim to establish a realistic plan you can commit to confidently. If you are unable to agree on a plan that works for both parties it is best not to accept the instructions.

You should also consider why you have received the enquiry. Has the client instructed another firm before engaging with you? Where possible it is important to find out why they have sought your advice after dealing with another firm. What went wrong? Could the same issues arise due to the client's unrealistic expectations?

You should also think in the long term.

At the initial stage of engaging with the client make sure you consider what sort of client you think they will be and whether you are both aligned. Not engaging at all may be the best approach if you think frequent issues will arise.

## Existing clients

It is important to ensure that your client due diligence processes are still applied when acting for existing or previous clients. You cannot assume that you do not need to apply your client vetting process just because you or someone in your practice has acted for a client before. The instructions from the client may differ from those they gave previously or the client's situation may have changed. Whilst this may take time, it might be worth considering creating an existing client due diligence process so that it is not so onerous in future.

## Insurance perspective

Limit of Indemnity: Remember to bear your insurance in mind when accepting new work. Depending on the structure of your practice, primary layers of PI insurance are either £2m or £3m. When you are instructed to take on a new piece of work where the transaction value exceeds this level, ask yourself whether your business has the appropriate amount of cover. Even if it is just one transaction where the value is higher than your current limit of indemnity, it is not advisable to undertake this work without appropriate top up cover. You cannot take out cover for a one-off transaction and any top up cover should be maintained for a minimum of six years after the transaction has taken place. The current excess layer market has seen significant increases in premium, so it is important to consider whether the enquiries you may receive are worth undertaking if it means spending potentially significant sums on excess layer coverage which in the long run will outweigh the fees generated from the work.

Whether you take out top up cover or not, it is also important to consider whether instructions you have received mean acting on a transaction(s) that is significantly higher than what you usually undertake.

This changes the risk profile of your practice and could result in your insurer no longer being comfortable with your risk. If you are ever unsure it is always worth speaking with your broker before accepting such instructions.



**Areas of Work:** is any new work in line with your existing areas of work? You should consider your risk profile in the eyes of insurers before taking on work which has not been undertaken by the firm before or when the amount of fee income derived from a certain area increases significantly. For example, many insurers have caps on certain areas such as property, commercial and personal injury work. Whilst it can be a good source of income, you must not forget your obligation to disclose new areas of work under the 2015 Insurance Act. Your insurer could refuse to pay out if they are not notified of new work and a claim is made relating to that new work type.

**Source of Enquiry:** As mentioned above, insurers are asking where firms are sourcing their new enquiries, the quality of such enquiries and the potential risk factors that may come with a certain profile of client. Do you meet with all of your clients? If you do not meet with your clients, what measures are taken by your firm to ensure you have enough comfort to act on their behalf? Another important consideration when completing

your renewal presentation is to mention whether you have a clear policy on who you will not act for and, if there is data collected, the average amount of enquiries the firm has refused during the year. Whilst it may not seem significant, by mentioning this you can show insurers your attitude to risk which can often have a positive impact on your PI renewal.

You should also seek to understand why the client has come to you. For example, if you are based in Surrey and you receive an enquiry from an individual based in Yorkshire wishing to purchase a property in Yorkshire, ask yourself why. Whilst you may have received a referral due to the reputation of your business, it is worth seeking clarity as to why the client has come to you and not a local solicitor practice. Insurers take note of the location of your client base and, unless your practice has the infrastructure to undertake a matter that is located far away, it can create issues with your renewal.

It is of the utmost importance that you have a well-thought-out client selection process

which ensures your firm's position is not compromised. Think about the long-term implications of accepting instructions from a client and weigh up whether it is worthwhile accepting them. In a more challenging market, insurers are seeking more supplementary information along with your proposal form, so showing them what your client selection process includes will aid your broker when they undertake renewal negotiations on your behalf.

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# The updated Cyber Essentials scheme - a minimum cyber security baseline for law firms

**The Government approved Cyber Essentials scheme is based on five technical controls that help protect organisations of all sizes from the majority of commodity cyber attacks. The certification badge signals to customers, investors and those in the supply chain that a firm has put the Government approved baseline level of cyber security in place and can be trusted with their data and business.**

A team of experts review the scheme at regular intervals to ensure it stays effective in the ever-evolving threat landscape. The digital transformation made necessary by the Covid pandemic has accelerated risks related to the wide adoption of cloud services, the move to home working and business use of privately owned devices.

The Cyber Essentials scheme was introduced by the UK Government in 2014, as a way to help make the UK the safest place to do business. In January 2022, the scheme receives its biggest overhaul to date, with changes to the technical requirements that reflect today's security challenges. In addition, the pricing of Cyber Essentials will adopt a new tiered structure that is affordable for micro and small businesses, yet reflects the complexity involved in assessing larger organisations. It uses the UK government criteria which defines the size of an organisation based on number of employees.

The evolution of Cyber Essentials allows UK businesses to continue raising the bar for their cyber security.

## What are the main technical changes?

**Home working devices are in scope, but most home routers are not.**

Anyone working from home for any amount of time is classified as a 'home worker'. The devices that home workers use to access organisational data or services, whether they are owned by the organisation or the user, are in scope for Cyber Essentials.

Home routers that are provided by Internet Service Providers or by the home worker are now out of scope, but the Cyber Essentials controls must be applied to the software firewall on the user device (computer, laptop, tablet and/or phone).

A router supplied by the organisation, however, is in scope and must have the Cyber Essentials controls applied to it.

Why the change? Home working or hybrid working (coming into the office for only some of the working week) is now normal practice for most businesses and is unlikely to change back in the short term. It is difficult to impose rules onto multiple employee's private home routers unless that router is provided and controlled by the organisation.

## All cloud services are in scope

Cloud services are to be fully integrated into the scheme. If an organisation's data or services are hosted in the cloud, then the organisation is responsible for ensuring that all the Cyber Essentials controls are implemented. Different types of cloud services are described as Infrastructure as a Service, Platform as a Service and Software as a Service, depending on the service, it will vary on whether it is the cloud service provider or the user who implements the control.

### Why the change?

People commonly assume that cloud services are secure out of the box, but this is not the case. It is necessary for users to take responsibility for the services they use and spend time reading up and checking their cloud services and applying the Cyber Essentials controls where possible. Previously, Platform as a Service (PaaS) and Software as a Service (SaaS) were not in scope for Cyber Essentials, but the new requirements now need organisations to take responsibility for user access control and the secure configuration of their services which would include securely managing access to the different

administration accounts and blocking accounts that they do not need. Where the cloud service provider is in charge of implementing one or more of the controls (eg security update management or malware protection), the applicant organisation has the responsibility to seek evidence that this is done to the required standard.

## Multi factor authentication (MFA) must be used for access to cloud services

As well as being good practice and providing extra protection for passwords in general, multi factor authentication should always be used to provide additional protection to administrator accounts and user accounts when connecting to cloud services.

No matter how an attacker acquires a password, if multi factor authentication is enabled, it will act as a safeguard on the account. The password element of the multi-factor authentication approach must have a password length of at least 8 characters with no maximum length restrictions.

### Why the change?

There has been an increasing number of attacks on cloud services, using techniques to steal user's passwords to access their accounts.

## Thin clients are in scope when they connect to organisational data or services

Thin clients are a type of very simple computer holding only a base operating system which are often used to connect to virtual desktops because they are cheaper and easier to maintain than regular hardware. The update requires thin clients be supported and receiving security updates.

**Password-based and multi-factor authentication requirements** will include implementing protections from brute-force attacks, using technical controls to manage the quality of

passwords and establishing a process to change passwords promptly if a compromise is suspected.

### All high and critical updates must be applied within 14 days and remove unsupported software

#### How the changes will work

There will be a grace period of one year to allow organisations to make the changes for the following requirements: MFA for cloud services, thin clients, and security update management.

### Help and support

If you need help preparing your firm for Cyber Essentials, there is a free online tool that helps you gauge your current level of cyber security in relation to where you need to be to achieve Cyber Essentials. The Cyber Essentials Readiness Tool includes a series of guidance documents to help you understand the five controls. Your answers to the readiness tool questionnaire will inform the tailored guidance and step by step action plan which you can read and download at the end.

The technical requirement and price changes will come into effect on 24th January 2022.

The new requirements for infrastructure and question set can be found here: <https://iasme.co.uk/cyber-essentials/free-download-of-cyber-essentials-self-assessment-questions/>

Apply for Cyber Essentials here: <https://iasme.co.uk/cyber-essentials/cyber-essentials-apply-now/>

# Later Life Lending - Flexible solutions for over 55's

**Equity Release, or Later Life Lending as we prefer to call it because it encompasses more than just equity release mortgages, has not always enjoyed the best of reputations historically, largely fuelled by inflexible, expensive products and poor advice standards.**

When we first talk to clients, they are often sceptical, thinking they will lose their home, the interest rates will be very high, products will offer limited options.

The Later Life Lending market has gone through a revolution recently and there are now over 700 products available. This rise in product numbers has created competition which, in turn, has driven down prices and increased innovation.

The new style product interest rates are surprisingly low, they are far more flexible allowing repayments of interest which avoids the main objection which is the effect of compounding interest, no negative equity guarantees and known early repayment charges.

Coupled with much improved product design we have also seen an increased in regulation resulting in improved advice standards, something we take very seriously.

Later life lending was sometimes seen as a last resort in the past but now the products have so many uses it can offer real solutions for the elderly.

Typical examples are:

- Paying off an interest only mortgage or other debt.
- Gifting, typically to help children and grandchildren with a property purchase.
- Supplementing income. To boost income in retirement in a tax efficient way.
- Tax planning. IHT planning.
- Buying property. It is not commonly known that Later Life Lending can be used as a purchase tool to increase the purchase price of a property.
- Lifestyle. Typically a conservatory, car, boat, caravan etc.
- Home adaptations for disabilities
- Lease extensions
- Divorce. Often to assist with the purchase of a more suitable property.

Equity released will be secured against your home or property. Think carefully before securing other debt against your home or property. We do not advise on home reversion and income plans.

We have a wealth of experience and knowledge in this market, with qualified Advisers able to guide your clients in this sometimes complex and confusing market.

The vast majority of our clients are referred by professionals, such as yourselves. We will be delighted to discuss the opportunities further and how best to refer clients.

#### Please contact

John Crabtree or Paul Shirlaw  
enquiries@crabtreellm.co.uk  
01622 817366

We are all fully qualified to FCA standards and members of the Equity Release Council



# Cryptocurrency explained - What we as solicitors need to be aware of



**In 2021 it was estimated that approximately 9.8 million people in the UK owned crypto currency, a substantial increase on the estimated 1.5 million in the UK in 2018. Currently the UK government and legislature does not ban cryptocurrencies, but neither does it license them, although since January 2020 the Financial Conduct Authority (FCA) has been given the powers for money laundering purposes to regulate crypto currencies.**

The FCA imposed a ban on the marketing and distribution and sale to retail clients of derivatives and exchange notes referencing unregulated transferable crypto assets such as cryptocurrencies. In the UK most crypto exchanges must be registered with the FCA. While HMRC currently have no bespoke tax rules for cryptocurrency, they are keen to point out that cryptocurrencies are not exempt from Capital Gains Tax.

The independent nature of cryptocurrency made them attractive to many criminal enterprises, for example taking payments on the dark web for drugs and other illicit products, and the movement of funds around the world. The police are increasing the number of investigations into attempts by both businesses and individuals to hide the proceeds of crime through the use of crypto assets, something which we solicitors should take cognisance of.

In 2021 the London Metropolitan Police's Economic Crime command unit as part

of an international money laundering investigation seized nearly £180 million worth of crypto currency.

## **What is Cryptocurrency?**

Cryptocurrency is a difficult concept to understand and is generally explained in terms that do little to dispel the mysterious nature of the thing. Add to this the highly volatile value of these currencies, and it is something that many people avoid at all costs. However, it will undoubtedly become more prevalent in the future, so I hope the following will demystify the whole thing a little.

It may help to think for a moment what currency essentially is. Without currency, how would we obtain the things we need in life. If you go back far enough, people would swap something they had a surplus of for something they needed, say corn in exchange for cattle. However, without the internet, how do you find someone who wants to swap their cattle for your

corn? The solution was currency – an intermediate step, swapping for a medium of exchange, something with an agreed value to both parties.

The currency could be anything, so long as both parties agreed it's value or purchasing power. Pebbles, for example, wouldn't work, as they are so plentiful, and hence of no value.

The Aztecs opted for cacao beans, as they were scarce and highly sought after. Salt was another popular commodity-based currency in some parts of the world. Commodity based systems have drawbacks, however, being bulky and in some cases even perishable.

As early as 2,500 BC the Egyptians used metal rings as currency, and coins have been in use since 640 BC, initially in parts of Turkey and later adopted by the Greeks and Romans. Coins were minted by the Government and had many advantages, as they were small, durable and had an intrinsic

value, as most were originally made from gold or silver.

The use of coins, however, allowed unscrupulous Governments to become rich by reducing the amount of precious metal in the coins. This is said to have been a factor in the fall of the Roman Empire, when Roman Emperors did just this, leading to devaluation and instability in the economy. Europe became wary of coins as a result and returned to feudal methods until the Renaissance.

Paper money only became popular in Europe in the 1700's being an adaptation of the bills of receipt that goldsmiths gave customers for their gold deposits. The French government issued paper bills, which represented a real value of physical gold – essentially the gold standard.

This was the position with most major currencies until 1971, when the US left the gold standard, closely followed by just about every other major currency. The result is that there is nothing guaranteeing the value of the pound, the Euro or the dollar etc. There is no intrinsic value save by agreement of the parties including governments and banks etc., and the relationship between supply and demand. This is known as Fiat currency or Fiat money and leads to greater control over the economy by the central banks & governments, who control how much is printed.

So how is the above relevant to cryptocurrency? Many perceive cryptocurrency as having no real or intrinsic value, being essentially little more than a number stored on a computer. The truth is that cryptocurrency has, in some ways, more real value than our everyday currencies.

Bitcoin is the most well known of the cryptocurrencies, having been around since 2008, and based on an open source cryptographic technology that made available to all. It was created in order to provide a secure currency without government or central bank control, essentially a system 'without the need for trust'. Rather than relying on a central bank or server to record transactions, Bitcoin utilizes what is known as blockchain to store records on distributed servers around the world. The blockchain is the equivalent of a bank ledger in this context.

A blockchain is a series of transactions or records that are stored and grouped into 'blocks' and the blocks are connected together in a chain. All the blocks in the chain are encrypted in such a way that they cannot later be amended, as the encryption incorporates details of the previous block, the time and date etc. etc. Any changes require the creation of a new block at the end of the chain, and because every transaction is replicated across all the distributed servers, the system is highly secure. Every copy of the blockchain contains all the records of every transaction ever. The result is that for a hack into the blockchain to succeed, it would have to be replicated over more than 50% of the servers. As there are currently 13 million servers, this is unlikely.

Bitcoins are created through a process called mining. Think of this as an extremely complex mathematical puzzle, which takes a massive amount of computing to solve. The more bitcoins are 'mined' the more difficult it becomes to find new ones. The mathematics only allow a maximum of 21 million bitcoins, and there are currently over 18.9 million in circulation. That means there are only another 2.1 million that can ever be mined or created.

As previously mentioned, there are currently 13 million servers around the world connected and mining bitcoins. The cost of mining a bitcoin is currently estimated to be approximately £10,000, the bulk of which is electricity costs. The current value of a bitcoin is approx. £31,300, although at it's peak it was over £50,000. The high cost of mining or creating bitcoins, and the fact that there is a finite number of them gives them their value, although not quite the same as the intrinsic value of a gold bar.

While bitcoin and other cryptocurrencies are independent of government and bank direct control, they are not completely immune. Legislative changes could and does affect the value of these currencies, as does the adoption of them by companies and institutions.

For example, in 2020, Tesla announced that they would accept Bitcoin in payment for their vehicles. However, when they reversed this decision a few months later, citing climate change as the reason, Bitcoin dropped 10% in value. The possible introduction of government backed crypto currencies in the future could potentially

influence the value of cryptocurrencies in the future.

Growing concerns over the vast amounts of power being used to mine and maintain the huge server farms could also lead to backlash against the technology. Currently, Bitcoin is using .55% of world global electricity usage – approximately the same amount as the entire country of Sweden. This is the power to run the powerful computers, and the air conditioning to keep them cool.

There are various other cryptocurrencies available, for example Ethereum, Litecoin and Bitcoin Cash. There are also different types of cryptocurrencies, working on different mathematical algorithms, such as the Stablecoin. This is growing in popularity as it is designed to maintain a stable market value, through linking the value of the currency to that of a relatively stable asset such as gold, the pound or the dollar. Even Facebook (now known as Meta) have been busy developing their own cryptocurrency called Diem, although there is no release date currently.

So, are cryptocurrencies something in which to invest? You can buy a small part of a Bitcoin, and they are becoming easier to purchase through online crypto exchanges, which are analogous to stock brokers and in some cases even PayPal.

There are undoubtedly investment gains still to be made, but at the moment, the highly volatile nature and the potential for disruption probably make it an investment for the more adventurous.

What is important is that as solicitors, we need to be aware of the potential AML type issues, and ensure we adhere to FCA and other regulations as they evolve. I hope this has helped in some small way to improve your understanding of the strange and evolving world of cryptocurrency.

**Joanna Connolly LLB (Hons) MBA**

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# SPG stepping up for the environment and sustainability!

**With such a big emphasis around climate change, the environment, net zero and how we can all do our bit to reduce the impact we have around these issues. The SPG are taking steps to lessen its impact on the environment and encourage others to do the same, both at work and at home.**

We have taken a closer look at our SOLO Journal. We are pleased to confirm the paper used in the production of our magazine has always been an FRC certified product and has a high recycled content.

The ink used is vegetable based, and there are no laminates or coatings used during production, so the magazine can be recycled through all local authority schemes.

With regards to the outer packaging, we have been using a biodegradable poly film, whilst it biodegrades naturally it takes a long period of time to do so. Therefore, we have upgraded the outer packaging.

This issue you are reading now, and all future issues we will be using a recently introduced new compostable film, which can be disposed of with garden waste!

Researching into this led to a wider discussion about recycling and composting in general and how we can all take positive steps to lessen our impact on the environment. Being an enthusiastic gardener (with qualifications in horticulture) and an avid "recycler", I was asked to write some articles on the subject, in line with the newly compostable film, for this article I chose home composting.

## Composting

Homemade compost is invaluable in the garden – it is a great soil improver, mulch and growing medium.

To make good compost, you need a 50:50 mix of materials that are rich in nitrogen and carbon. Nitrogen comes from lush, green material such as grass clippings. Carbon comes from brown material, such as woody stems and cardboard.

For every bucket load of green material, you need to add the same volume of brown, otherwise you will end up with a sludgy, slimy mess. Shred woody stems before adding them so that they break down more easily. Loosely scrunch paper and leave egg boxes or loo rolls intact – these help to keep the compost aerated.

- Stand your compost bin directly on the soil (in a sunny spot if possible) – worms and other micro-organisms, along with heat, will speed up the composting process. Chicken wire at the base will keep rodents out. Add an equal mix of green and brown materials.
- Speed up the process by turning your heap occasionally with a garden fork to aerate it, mixing the outside ingredients to the inside.
- Cover your bin to keep the rain out, but do not let it dry out. Water is a key parameter in making compost. Microorganisms responsible for breaking down organic matter in your compost pile need water for the same reason all living things do. A steady supply of water helps the organisms to thrive, thus achieving rapid composting.
- When the mixture turns brown and crumbly and slightly sweet smelling, the process is complete. This will take around six months if you turn the heap regularly, but it can take much longer.

## What to add to your compost bin – and what to leave out.

Add in:

### Nitrogen-rich waste (green)

- Grass clippings
- Annual weeds
- Fruit and veg peelings
- Nettle leaves
- Teabags

### Carbon-rich waste (brown)

- Prunings
- Hedge trimmings
- Cardboard
- Straw
- Sawdust
- Pet bedding
- Paper towels
- Paper bags
- Paper or newspaper (loosely scrunched up is best)
- You can also add Eggshells, natural fibres (wool or cotton), and wood ash (not too much)

### Do not add:

- Diseased plants
- Perennial weeds
- Cooked food
- Raw meat
- Dairy products
- Ash from coal fires
- Cat or dog faeces
- Gloss or colour-printed paper
- Autumn leaves – they are best used to make leaf mould
- Citrus (slow to rot and very acidic, which reduces worm activity)

### Happy composting!

In the next issue of Solo, we will be looking at what changes we can make in the workplace environment. For anyone who would prefer to have an electronic copy of the Solo magazine instead of a hard copy in the future, you can let us know by email to [info@spg.uk.com](mailto:info@spg.uk.com).

### Sheila Mann

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# Still time to offer your views!



**A belated very Happy New Year to everyone, your families and your teams. It's hard to believe that it's February already and shaping up to be a busy year.**

So I'm writing about the two major consultations we are currently running, we really want to hear the voice of sole practitioners. We would appreciate your insight and feedback, and there is still time for you to submit your views.

The first consultation concerns the future of post six-year run-off cover (PSYROC) for firms and the Solicitors Indemnity Fund (SIF). I know this is a contentious issue, but certainly not a simple one. And while everyone agrees that we need a prompt decision and clarity on next steps, there has been to date no consensus on the best solution.

For those not aware of the historical background of SIF, what it does, and why action is now needed, this is laid out in our consultation document. When looking at this issue, it raised the question of whether our regulatory arrangements should include PSYROC or not.

So now we are setting out some options in a consultation on the future of PSYROC and of the SIF itself. We want to hear what consumers, insurers and - of course - you in the profession think. Of course, the SPG is ably represented on our reference group for this difficult issue, but many of you will also want to let us know what you think and how any changes could affect your clients or your business.

Our consultation explores a range of options, including ceasing to provide for PSYROC, continuing PSYROC through the SIF with new funding arrangements in place, arranging cover through another vehicle (possibly in a more targeted form), or arranging through insurance on the open market.

Our preferred option is not to continue the provision of on-going PSYROC because the costs compared to the volume and value of claims are unlikely to be a proportionate or efficient way of delivering consumer protection. Forecasts show the number of consumers likely to benefit each year would be around 31, with the average value of claims paid out, including defence costs, at £34,600. The requirement for ongoing funding from the profession is estimated at up to £2.4m a year, which is likely to be passed on to consumers.

As the regulator, we have to consider the right arrangements for the future, with a sharp focus on the interests of consumers and our other regulatory objectives. Our consultation runs until 15 February, and we've run, a webinar, roundtables, surveys and ongoing meetings, including with our reference group, ahead of making any decision.

The second consultation involves reviewing our fining regime, which hasn't been looked at in more than a decade. We know that the overwhelming majority of you do a good job, providing high-quality legal services to the public, and meeting the standards we set.

That's why solicitors are rightly held in high regard and the sector grows and thrives. But when things go wrong, we need to step in to make sure that consumers are protected and that confidence in the profession is well placed.

Our proposals are designed to resolve issues much more quickly, saving time and cost for everyone and, importantly, reducing the inevitable stress for those in our enforcement processes. Changes would also allow the Solicitors Disciplinary Tribunal to focus on the most serious cases where there is need for greater fines and sanctions.

The key proposals are:

- Increase the maximum fine we can issue to £25,000 (it's currently £2,000 unless you work in an ABS)
- Take into account the turnover or income of firms and individuals when setting fines
- Introduce a schedule of 'fixed penalties' for lesser issues

The consultation runs until 11 February and again, we would welcome your views.

I hope you can take the time to share your thoughts on these two important matters. Just five minutes to say what you think will help us to make well informed decisions. Further information can be found on our website at [www.sra.org.uk/consultations](http://www.sra.org.uk/consultations).

**Jane Malcolm,**  
Executive Director,  
External and Corporate Affairs

## You'll ne-ver work, a-lone...

**I am a very experienced solicitor, having dealt with a myriad of conveyancing transactions over many years.**

**As a former sole practitioner, I understand working alone can be rewarding, but also sometimes stressful!**

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**For more information please take a look at [www.beaconconveyancing.co.uk](http://www.beaconconveyancing.co.uk) or ring me on 07938 181 851 to discuss how I might be able to help YOU.**

**Many thanks. Paul Tollett - Founder**

# The Government's Proposed Reform of the Human Rights Act



## Human Rights Act 1998

**The Human Rights Act came into force in 1998 some 23 years ago and makes provision for certain basic rights such as freedom from ill treatment, right to life and right to a fair trial. These rights derive from the European Convention on Human Rights to which the UK is a signatory.**

The Government is intent on proceeding with its well publicised plans to reform the Human Rights Act and replace it with a Bill of Rights. Dominic Raab has said that "Our proposals will strengthen our proud liberal tradition, whilst bringing some much-needed common sense back to our human rights system".

In December 2020 an Independent Human Rights Act Review was set up with Terms of Reference to consider:

- The domestic courts relationship with the European Court of Human Rights; and
- How the Human Rights Act has impacted upon the relationships between the executive, the legislature and the judiciary

The Report was submitted to the Government in October 2021 and has now been published. The full Report can be accessed at : [The Independent Human Rights Act Review 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The Government's response to the Independent Human Rights Act Review Report was for the Ministry of Justice to begin the consultation process on 14 December 2021 seeking the public's view on their proposals for reform. The consultation closes on 8 March 2022. The consultation document can be accessed online at: <https://consult.justice.gov.uk/human-rights/human-rights-act-reform>

The Government's proposals, which go further than the recommendations of the Independent Human Rights Act Review's proposals, are causing much controversy.

Dominic Raab the Justice Secretary has said that the Government's proposals for reform prevent abuses to the current system and improve existing rights "like freedom of speech and trial by jury".

Baroness Kishwer Falkner, Chair of the Equality and Human Rights Commission, said:

*"We will analyse these proposals carefully. We will welcome any changes which would strengthen protections and oppose any that might reduce or weaken them"*

60 UK civil organisations have signed a statement in response to both the Review Report and the Government Consultation saying that:

*"The Human Rights Act is a sensible and transparent balance between the roles of the government, of Parliament, of public bodies, of the courts and for all of us who use human rights every day to ensure we are treated with dignity and respect. It's the bedrock of a fair and free society, but it is delicately balanced. Even tiny changes to this framework undermine the basis of our rights and freedoms, placing them at the mercy of fate not fairness".*

The Humanist UK Chief Executive Andrew Copson referring to the Government's

proposal to reform Section 3 of the Human Rights Act commented:

*"We are extremely concerned by proposals to remove this aspect of the Human Rights Act. Much UK law that today should apply to non-religious citizens as much as to religious ones is wording in an archaic way. Without the existing power of interpretation, freedom of belief for the non-religious will be severely undermined to the detriment of millions of people in the UK."*

Labour's shadow justice secretary Steve Reed described the Government's proposals as being "all mouth and no trousers", saying "they do nothing to deal with the severe failings in the criminal justice system".

President, I. Stephanie Boyce of the Law Society, said:

*"The powers government purports to introduce for the most part already exist. British judges deliver British justice based on British laws. UK courts do not, as government suggests, blindly follow case law from the European Court of Human Rights."*

One thing is certain. This is an important consultation and it is important that all sides of the debate respond to the consultation as it will shape the future of Human Rights in the UK for many years to come.

**Joanna Connolly**  
SPG Chair  
17 January 2022

# Winter is Coming



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# Plan B for Law Firms



**On 8th December, just hours before Boris Johnson announced the move to 'Plan B' restrictions in England, I was running a 'Plan B for January' session for my law firm clients. As we brainstormed the steps needed to get ready for more potential lockdowns, 'work from home' orders, and/or economic uncertainty in the new year, we had no idea that plan need to be actioned before the day had ended.**

If you haven't got your own Plan B in place yet, or you want to make sure you have a more robust plan in place to protect your firm against future restrictions, here are the 6 Critical Areas that I recommend you consider and some specific tips to implement now:

## 1. Office/Systems

Just being able to work from home isn't enough. Can you and your team work effectively? Do you have the right technology, systems, and support in place?

**Tip:** some of our law firm clients have invested in VOIP systems to allow the phones to be answered from anywhere but on a staff rota basis – meaning incoming calls aren't missed, but the staff aren't all constantly being disturbed by incoming calls and can have quiet time to get on with their fee-earning work.

## 2. Team

Whilst working from home, how will you and your team continue to work together, rather than in silos?

And how will you support team morale and mental wellbeing?

**Tip:** you might want to consider a short, daily online briefing/check-in with your team – invite everyone to bring their coffee/tea and any questions they need help with for that day.

## 3. Yourself

What kinds of working practices or routines will help (or hinder) you during another period of working from home or being remote from your team?

**Tip:** regular exercise (including a brisk walk) is good for both physical and mental health. But the best way to make sure it happens is to schedule it into your diary OR do it first thing in the day before you get to your desk and get distracted.

## 4. Clients

How will you ensure client projects stay on track and you meet agreed deadlines?

And how will you continue to deliver the right level of client service?

**Tip:** rather than just aiming to achieve 'business-as-usual' levels of service, this is a time you can stand out from your competitors by going above and beyond. During previous lockdowns we helped our Profitable Practice clients to really step into the 'trusted legal advisor' role, going above and beyond to support their clients, even in areas not directly related to the legal matter they were working on.

## 5. Prospects

How will you ensure the level of new enquiries and new instructions remains constant (or even increases) during the Plan B phase?

Do you need to do more (or different) marketing?

Do your team members need to increase their conversion skills so they can help prospective clients see the value of taking action now rather than delaying until "after the pandemic".

**Tip:** As well as increasing their marketing during lockdown periods, many of our Profitable Practice clients have invested in online systems for AML checks and Client Care Letter signing, to remove obstacles that might hinder the client onboarding process.

## 6. Cashflow

"Turnover is vanity, profit is sanity, and cashflow is king."

What steps do you need to take to protect and/or improve your cashflow? This is critical to protecting your firm or practice during potentially uncertain times.

**Tip:** there are three areas to consider: overdue invoices (chase them), ongoing work (interim bill where possible), and new instructions (ask for money on account).

## Take action

If any of the above 6 Critical Areas need your attention, make a plan now to tackle them. Starting with whichever area is weakest.

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## About the Author



Michelle Peters (The Business Instructor) is a former practising solicitor and the creator of the Profitable Practice Programme for sole practitioners and small firm owners

who want more clients and to increase their profits without working more hours. In addition to working privately with lawyer clients, Michelle frequently runs webinars and workshops to help lawyers identify what is slowing them down from having more of their ideal clients and higher profits, and what to do about it.

Michelle is also the author of the No.1 Best-Selling Book 'The Client Magnet Strategy for Lawyers' which is available on Amazon, or you can download the first four chapters FREE at [www.thebusinessinstructor.com/book](http://www.thebusinessinstructor.com/book)

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*Jay Sahota, Senior Partner, Jarman Solicitors*

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# Health & Wellbeing

We have set up a sub committee focusing on Health & Wellbeing. Our Executive Committee Member Dorcas Falode is heading this new sub committee. The emphasis of this is to help and support our members with any difficulties they may face in this area. Each edition of SOLO Journal will have a specific focus on Health & Wellbeing, in this edition the topic is New Year's Resolutions.

## My new year's resolution is to be kind to myself.

We've had the Christmas and New Year celebrations. The whole process was full of excitement and stress, it's all over now and we are in a New Year. It's customary to start the year with a resolution. Take care not to make one that will put you under unnecessary pressure. Guiding principle on resolutions: should be simple, measurable and achievable. For me: Plan my time, build in rest and worry less.

The goal this year should be about you and how you can be a lot kinder to yourself. One key lesson from the pandemic is that you need to take care of yourself. Eat healthy food and build up your immune system. When we work hard and we achieve a goal, we work even harder to achieve the next goal. Slow down and pace yourself, the world is different, things have changed and are still changing. Changing the way we work and adapting to our new environment carries its own pressures. Don't add to it by setting goals or making resolutions that will stress you further. It's easier to build a few minutes' rest into each day than to build in an hour.

I'm building in a 15-minute "me-time" to each day. I'm setting aside 5 minutes at the beginning of the day and 10 minutes at night with no phone, no computer, no TV and no talking. When you try it, you will realise how long 5 minutes is when you just sit quietly and reflect on things that truly matter to you.

While we've had to contend with COVID in the last couple of years, the effects are still lingering and the virus seems set to stay, at least for the time being, so we have to learn to live with it. Although unprepared, we've had to devise new ways of working, working smarter and caring for ourselves better whilst ensuring that our businesses were not too badly impacted, and our clients continue to get the good quality service that they deserve.

We have a lot under our control and it's important that we focus on building our better selves. Simplify your life and cut out all the irrelevant things. We wake up, go to work, eat, take care of our homes, family and sleep. Those are the essentials, everything else is by choice. Choose to spend your time on things that will add value and make your life easier. Friends that stress you out are not true friends, so keep them at arm's length and lower your stress level. You can apply this principle to all aspects of your life. Remove non-value adding activities and relationships.

Plan more and stick to the plan. It's very easy to make a list but it is hard to stick to the list because our lives are full of distractions. The mobile phone is the worst culprit so please limit the time you spend on the phone and turn off non-essential notifications. Only check the phone when you need to and set up your phone to report how many hours you spend on it daily. You may be unpleasantly surprised when you see the result!

## Helpful hints:

- Start the day with a few minutes of "me-time" – relax, reflect and clear your mind of disquieting thoughts.
- Your phone is a communication device not part of your body so when not using it, stay off it. We all spend far too much time on the phone.
- At the end of the day, leave the phone to charge in a different room, it will still be there when you wake up and so will all your messages.
- You don't need to go on a diet, it hardly works for many and puts you under undue pressure. It is better to make subtle changes to your lifestyle and eat healthily. You will not feel under pressure and the effects will be long lasting.
- Build exercise into your lifestyle. A few minutes of walking daily e.g., walking to the local shop instead of driving and taking the stairs instead of the lift can be effective. Don't wait until you have time to go to the gym before you exercise.
- Surround yourself with people who make you happy and cut out those who stress

you. Quality time with those you love is very important so spend more time with them if you can.

- Spend time with yourself. Relax, reflect and plan the year ahead. You will feel rejuvenated.
- All life's pressures are not going anywhere. When one pressure goes, another one comes along, so don't stress. You can do it. It's called living.
- Take care and pamper yourself from time to time and don't feel guilty about doing something nice for yourself. You deserve it!
- Work is a means to an end and not an end in itself! Your clients will get the best of you when you are at your best.

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**UNCOMMONLY INDEPENDENT**

# Geodesys drainage and water report for new build homes

The Geodesys NewBuildDW - the first of its kind - provides all the same quality data on water and sewerage connections as the Law Society's official CON29DW report. However, NewBuildDW focuses specifically on the information relevant to new build residential properties and offers conveyancers a lower-priced alternative to the full report. It also includes several pages of extra tips and advice for buyers.



Jonny Davey, Product Manager for Geodesys, comments:

***"We are committed to providing all the information home buyers and their legal advisors may need on a property to avoid any unnecessary future risks and additional costs."***

***"We decided to launch this new product after identifying a gap in the market for a comprehensive report which has been specifically tailored to provide information for new build residential properties. All data used in the report is sourced from Anglian Water, which retains liability for its accuracy."***

Making conveyancers' jobs easier, the new report will provide:

- 17 questions including two high quality water and sewerage maps
- Crystal-clear front-page customer dashboard highlighting information on key questions
- Easy-to-use interactive navigation making retrieving information easy for users
- Top tips and advice relevant to buyers of new build properties
- 5m professional indemnity insurance



Jonny continues: ***"Produced by industry experts, our streamlined report clearly outlines all the most pertinent information. Some data contained in a full CON29DW is simply not available for new builds, so NewBuildDW allows conveyancers to access the key details at a more competitive price."***

The NewBuildDW Report is available for 36 (including VAT) in the Anglian Water sewerage area only and for residential properties classed as new build. For more information, please visit: <http://www.geodesys.com>





# Built for New Builds

Get all the focused data you need from New Build DW



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The report also includes tips and advice for buyers, meaning built-in customer satisfaction and making New Build DW the number one option for this specialist market.

**Geodesys. All you need to know.**



# Do the Money Laundering Regulations apply to your Firm and what must you do if so?

**There can be little doubt that compliance with the various provisions concerning anti-money laundering controls remains a priority concern for the SRA, which has responsibility for the enforcement of the Money Laundering Regulations 2017 (“MLR”) for those that are regulated and controlled by them.**

**The entire regime for law firms also embraces the need to avoid committing the criminal money laundering offences found in part 7 of the Proceeds of Crime Act 2002, but whereas certain of these offences are simply the law of the land and apply to all, others, such as the “duty to disclose” offence at s.330, are limited to those in the regulated sector – in other words those practitioners who are subject to the MLR.**

In both respects being clear on whether your firm is subject to the MLR, and thus part of the regulated sector rather than exempt from it, is critical. As to who is regulated and who is exempt is something which is determined by the services they provide rather than to which professional body they are responsible. Therefore, rather than saying that all solicitors are subject to the MLR, the regulations instead apply to those providing certain listed services, regardless of their professional affiliation.

For lawyers the issue of whether the MLR apply to them will mainly be found at r.12, which lists conveyancers and those involved in other such transactional work only for the most part. There is also, however, a further relevant heading at r.11 headed “auditors and others” but which includes “tax advisers”. The effect of a recent change to how this group is defined has meant that many smaller and more specialist law firms now find themselves caught up in these provisions and so are regulated, whether they realise it or not.

The change of definition will be found in the Money Laundering (Amendment)

Regulations 2019 which took effect in January 2020. The full effect of these changes was not greatly commented on by the SRA until the November of that year and their advice on this issue is at <https://www.sra.org.uk/solicitors/resources/money-laundering/guidance-support/tax-adviser-guidance>. Whereas this heading was always before taken to mean someone who would offer “advice about the tax affairs of other persons” you will now be regarded as such if you provide “material aid, or assistance or advice, in connection with the tax affairs of other persons, whether provided directly or through a third party”.

This has led to the rather confusing position whereby a firm might still exclude liability for tax advice in their terms of business, but still be regarded as a tax adviser by the SRA. Those firms likely to be most directly affected by this change would be niche practices providing specialist litigation, family or employment advice where there might be tax consequences arising from their client work and even though the firm does not provide that tax advice but refers the problem on to others instead.

If yours is one of the firms affected by this change you may well have been approached by the SRA. If not, then you might need to submit a new form FA10 to the SRA which will advise them of your changed status as a regulated firm. The compliance responsibilities that follow on from this include the need to conduct an AML risk assessment as a precursor to adopting a relevant policy in accordance with the MLR. There will then be a need to

identify all clients, conduct suitable AML training for yourself and any other relevant personnel, and keep records of those checks that have been undertaken and the file records of work done for those clients.

The good news, so far as there is any to report on this issue, is that having ensured compliance with the regulatory requirements you are likely to be able to continue with your practice much as before. For all such new requirements, the real risks to your firm from increased exposure to money laundering activity will probably be no greater than before.

*Matthew Moore is a director of Infolegal, which provides guidance on this issue, including template forms and policies and filmed view-on-demand training programmes which are tailored for sole practitioner users. [www.infolegal.co.uk](http://www.infolegal.co.uk).*



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