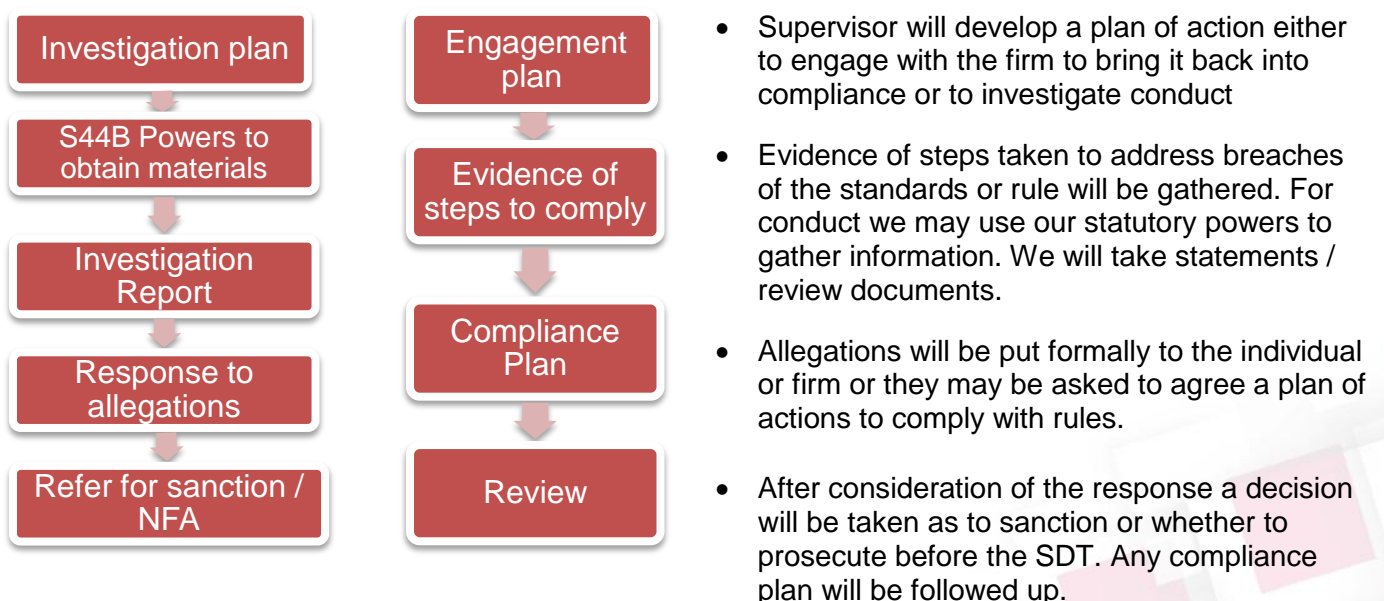
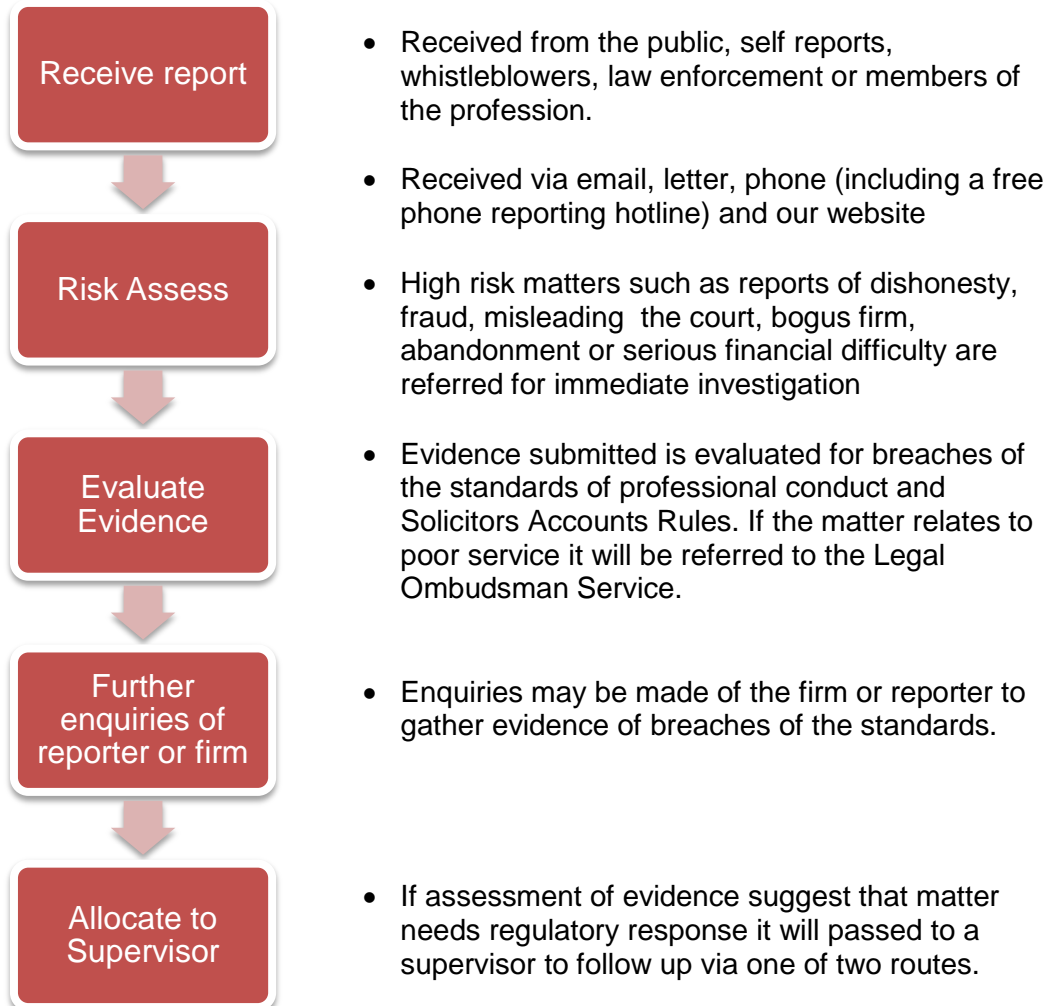


## RESPONDING TO CONCERNS ABOUT SOLICITORS

### Overview of our process



## Our approach

Our Supervision team are responsible for investigating reports to the SRA about firms or individuals we regulate. We will investigate issues relating to the conduct of a firm or individual that highlight a risk to clients and the public. Issues of poor service are usually dealt with by a separate body the Legal Ombudsman Service.

Investigations by the SRA may lead to enforcement action where:

- a firm or individual is unwilling or incapable of making the necessary improvements;
- the issue is so grave that formal sanctions are required to maintain public confidence in the provision of legal services; or
- a deterrent is required to prevent future breaches.

We aim to:

- actively engage with firms to increase compliance;
- deal with all matters in a timely and proportionate manner;
- progress major investigations and conduct issues in an effective manner;
- respond quickly to bogus firm reports;
- respond effectively to any risk to client money and assets arising from financial instability; and
- identify and respond to potential interventions.

Supervision is split in to two distinct teams. The Investigation Team are generally responsible for investigating reports that have the potential to involve a commission to Forensic Investigations or raising allegations and seeking an explanation from the individual or firm in accordance with the DPR. The Engagement Team are generally responsible for investigating reports that are likely to be resolved through engagement with the firm/individual concerned.

The severity of the allegations and the evidence will dictate whether we engage or investigate a matter. The nature of an investigation or an engagement may be influenced by the co-operation of firms e.g. those that want to engage with us to remedy any breaches of the rule, and those that will not or cannot and the degree of insight shown about any misconduct.

Supervisors will work with Forensic Investigators in our more complex cases. At the conclusion of an investigation, and having considered the evidence and any responses from the firm or individual the Supervisor will:

- present the case for consideration by our legal department for prosecution before the Solicitors Disciplinary Tribunal
- present the case for consideration by our Adjudication function for fines, rebukes, placing of practice conditions
- present the case to a senior member of staff for issuing a finding and warning
- issue a letter of advice or guidance
- close the matter without further action

Supervisors work in small teams lead by a manager and can draw on legal and technical advice to assist them in their work.

## **Our assessment of matters for regulatory action**

A team of assessors reviews the material reported to us. They analyse the quality of the evidence submitted, the reliability of the source of information and the likely outcome that could be taken in the circumstances. Where there is a risk to consumers or the public they pass the case to our Supervision team to take regulatory action.

In making decisions about how we take formal action, the kind of factors we take into account include

- the number of clients affected and any impact on them
- any impact on public confidence
- patterns of behaviour, including prior poor conduct
- whether the conduct continued for an unreasonable period taking account of its seriousness
- the potential to affect on a vulnerable person or child
- any potential to affect a substantial, high-value or high-profile matter
- the previous history of the individual or firm, and
- any evidence of deliberate intent, recklessness or dishonesty.

Once we have taken into account the factors above, we apply criteria specific to the particular decision we are reaching. This helps us to ensure that we are complying with our legal powers and duties. Before we decide to take enforcement action we must ensure the legislation allows us to do so in those particular circumstances. Where the matter is not one for us we will signpost the reporter / informant to other sources of assistance.

Information on our decision making criteria is available on our website:  
<http://www.sra.org.uk/sra/how-we-work/decision-making/criteria.page>