

SRA BOARD**CLASSIFICATION – PUBLIC**

SOLICITORS REGULATION AUTHORITY
Minutes of the SRA Board meeting
held on 18 October 2022 at 14.00 at The Cube, 199 Wharfside Street, Birmingham,
B1 1RN

Subject to final approval by the SRA Board at its meeting on 6 December 2022

Present: Anna Bradley (Chair)
Ann Harrison
Lisa Mayhew
Vikas Shah
Liz Smart
Selina Ullah
Nicola Williams

In attendance: Paul Philip, Robert Loughlin, Jane Malcolm, Juliet Oliver, Liz Rosser, Chris Handford, Chris Rogers, Julie Swan (observer), (observer), Raj Uppal (observer), Nabila Zulfiqar (observer) Dominic Tambling, Susan Stenson (Independent Audit) (observer)

1 WELCOME AND APOLOGIES

1.1 The Chair welcomed Board members to the meeting. Apologies had been received from Paul Loft. The Chair reminded the Board that we had been granted a waiver from the Legal Service Board's requirement that we have a lay majority when making decisions until the end of December, but said that we would in any case ask Paul Loft to ratify any decisions made at this meeting. The Chair also welcomed Susan Stenson from Independent Audit who was observing the meeting as part of a review of Board effectiveness.

2 MINUTES OF THE PREVIOUS MEETING ON 13 SEPTEMBER 2022

2.1 The minutes of the meeting held on 13 September 2022 were approved as a true and accurate record.

3 MATTERS ARISING AND DECLARATIONS OF INTEREST

3.1 There were no matters arising that would not be covered elsewhere on the agenda. All actions due had been completed other than the Chair noted that a paper on proposals for consultation on provision claims management activities relating to certain financial products and services would be circulated shortly.

3.2 Interests were as previously declared and available to view on the SRA website. Members would declare any additional particular interest in an individual item if necessary.

3.3 The Chair thanked Board members for their participation in the Board workshop the previous evening. The Board had received and discussed an update on our current approach to anti-money laundering (AML) and how this may need to

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change in response to a changing legal and political environment (see also section 5).

- 3.4 The Board had also considered a review of our policy work since May 2022 and our key priorities for the next six months as we began to deliver our new Business Plan, including some key new areas of work that we planned to take forward. The Executive would give further consideration to prioritisation of policy work, which would also feed into the next discussion on the Corporate Strategy in February 2023.
- 3.5 Board members had attended a dinner the preceding evening with stakeholders from in and around Birmingham including key consumer groups and representatives of the profession, which had generated interesting and helpful discussions.
- 3.6 In a workshop session that morning the Board had discussed its desired strategic focus for the next three-year Corporate Strategy focusing on five potential emerging themes developed following a discussion in May 2022. The Board considered these in the context of our statutory regulatory objectives as set out in the Legal Services Act 2007 and any potential strategic risks. The Board would look at the Corporate Strategy again in the New Year ahead of a consultation on our objectives for 2023-26.
- 3.7 Finally, the Board discussed initial thinking on responses to the recent consultation on our approach to publishing regulatory decisions. The Executive would now look at this again, taking into account the Board's views, and provide advice on how to proceed with the various elements on which we had consulted.
- 3.8 The Chair also updated the Board on the process for recruiting two new members. Longlisting meetings had taken place on 11 October 2022 and our recruitment agency was interviewing candidates ahead of shortlisting in early November.

4 RULE CHANGES ON HEALTH AND WELLBEING IN THE PROFESSION

- 4.1 The Board was asked to consider the outcome of our consultation on changes to the Standards and Regulations regarding (i) appropriate treatment of colleagues in the workplace, and (ii) circumstances where a solicitor's health may affect their fitness to practise, including their ability to take part in disciplinary proceedings.
- 4.2 On treatment of colleagues in the workplace, the proposed rule changes would strengthen our regulatory position and ability to take action against any case of unfair treatment that posed material regulatory risks. This would build on new guidance on the workplace environment we had issued in early 2022 to explain our regulatory approach and give examples of good practice.
- 4.3 Board members discussed consultation responses to our proposal that the new rules should cover behaviour away from the workplace or direct delivery of legal services, where that behaviour was in the context of a relationship between colleagues rather than a purely personal relationship. They noted the concerns

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expressed by a number of professional bodies and agreed that the guidance accompanying these rules would be important in explaining and addressing how we would approach these boundaries in practice. The Board concluded that it was minded to make the new rules, and that these should apply in the context proposed, subject to being content with the accompanying guidance.

- 4.4 On circumstances where a solicitor's health may affect their fitness to practise including their ability to take part in disciplinary proceedings (part (ii) in para 4.1), Board members noted that the proposed approach was to strengthen our ability to take action either on admission or in relation in respect of their practising certificate, where a solicitor is unable to meet our regulatory standards due to ill health. This would enable us to attach conditions to a practising certificate at any stage when it would be appropriate to do so.
- 4.5 The Board agreed to make the rule changes that related to solicitors' health and fitness to practise.

NB: annex 2 of this paper will not be published because it relates to emerging strategy or policy

5 REVIEW OF MEETING AND ANY OTHER BUSINESS

- 5.1 The Board reflected further on our approach to AML and noted that following a wide-sweeping consultation on the future of AML supervision in the summer of 2022 the Treasury had published its response which stated that there would be a further consultation looking at four different models of AML supervision. The Board agreed that we should engage constructively in conversations with the Treasury on our future role in AML supervision and feed into discussions on shaping the wider AML landscape.
- 5.2 The Chair thanked Board members for their contributions. The next meeting would be held on 6 December 2022.