

An agenda for quality

A discussion paper on how to assure the quality of the delivery of legal services

2 June 2009

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Introduction

1. The purpose of the Solicitors Regulation Authority (SRA) is to ensure that clients obtain good quality legal services from solicitors and the firms in which they practise—an objective shared by all conscientious legal professionals. This paper invites a wide-ranging debate with users of legal services, with legal professionals, and with other stakeholders (including the new LSB Consumer Panel) about the best ways of maintaining a high, and where necessary, improved standard of quality. In particular, we wish to discuss the appropriate balance between responsibilities of legal professionals and those of the regulator.
2. The debate needs to take place in the context of the statutory objectives set out in the Legal Services Act 2007 (LSA). The regulatory objectives include requirements to
 - protect and promote the public interest,
 - improve access to justice,
 - protect and promote the interest of consumers,
 - promote and maintain adherence to the professional principles,¹
 - promote competition in the provision of legal services.
3. Like many professional regulators, our focus, until relatively recently, has been on the role and conduct of individual solicitors, rather than on the delivery of legal services. Through our pre-entry educational requirements, the Solicitors' Code of Conduct, the Legal Complaints Service, and accreditation schemes, we already have some tools for promoting quality, but there is not a coherent framework of quality standards. The changes being brought about by the Legal Services Act, and in particular the new powers given to the SRA to enable us to regulate firms as well as individuals, now give us the opportunity to think afresh about how to regulate the quality of legal services.
4. In order to make an effective transition to assuring the quality of the delivery of legal services, we need to reflect on the way in which our current requirements operate and to redesign some of our quality requirements. We know that solicitors and their colleagues in law firms are committed to the delivery of good quality legal services. We also know that regulation on its own will not deliver quality legal services. Our aim is to ensure that we develop an appropriate framework of standards and where necessary

¹ The professional principles are as follows: acting with independence and integrity; maintaining proper standards of work; acting in the best interests of clients; complying with practitioners' duty to the Court to act with independence in the interests of justice; and keeping clients' affairs confidential.

requirements, to support legal professionals in delivering quality legal services.

5. An important feature of this debate will be to define the appropriate balance of action between the SRA, law firms and individual lawyers, taking into account the shift in the general focus of regulation towards the organisation delivering services.
6. Another important element of the debate will be the need to agree how we can collectively ensure that the right quality of legal services are delivered through all forms of practice whether traditional solicitor firm models, in house or via the various vehicles that alternative business structures (ABS) will enable. The ability to tailor regulatory requirements to the very differing natures of different types of firms will be central to achieving a proportionate framework that is transparent to consumers.
7. We have published a separate discussion paper on ABSs which sets out initial proposals for the regulatory framework for ABSs and also how a supervisory model may be used to oversee ABSs and other types of legal firms. The proposals in this paper, and the debate we hope to stimulate, will inform the developing regime for the regulation of new business structures, and vice versa.
8. We have set out in this paper some of the areas for debate and some of our emerging thinking in these areas, so that we can seek views from all those who are involved in, or receive, legal services. Through a series of focus groups, conferences and discussions we aim to develop this agenda for quality into firm proposals for consultation. That consultation will take place in early 2010. We welcome your contribution to the debate.

Consumers and competition

9. Consumers have a right to high quality, good value, and accessible legal services. Regulators have a duty to enable those services.² We see a strong link between having in place a framework which assures the quality of legal services which can be readily understood by consumers and effective competition amongst those delivering legal services. Greater competition in service delivery and the delivery of innovative ways of meeting consumer demand balanced by consumer safeguards where necessary are key aspects of the reforms set out in the Legal Services Act 2007.
10. The Legal Services Board has published its first Business plan and it focuses on how effective the current regulatory frameworks are in terms of consumer protection and consumer understanding. For example, one of their aims is that by 2013 “all regulated lawyers need to be equipped with the appropriate skills to match their professional responsibilities. Consumers need to have faith in practitioners’ capabilities through, among other things, appropriate use of accreditation schemes. Fair access and high levels of competence are

² See “Regulating alternative business structures”, Legal Services Act consultation paper 18, www.sra.org.uk/sra/consultations/2786.article.

complementary, not opposed, objectives.”³ We agree with this statement and look forward to developing a clear and transparent framework for assuring the quality of legal services which will be informed by, and work in the interests of, consumers.

11. Competition between law firms tends to be more effective where clients are well informed, and can readily make informed choices between different providers of legal services. Where clients make informed choices and may be sophisticated repeat purchasers of legal services the need for regulatory intervention could be argued to be low. Conversely, individuals seeking legal advice on a less regular or emergency purchase basis are often much less well placed to make informed choices, or indeed to know whether the quality of work done for them or purchased for them on their behalf is good or bad. This is especially important where clients are less able to make well informed choices generally, or where the result of legal advice or action is of vital importance to them (e.g. where their personal liberty or other human rights are at stake, or where large sums of money are at risk).
12. The best ways of ensuring quality and consumer protection while maintaining access to justice and promoting competition can be expected to vary across different types of business.

Your views

1. How can we best ensure that consumers are able to access high quality and good value legal services?
2. Are there any particular consumer groups whose specific needs should be concentrated on by the SRA as a priority?
3. How can we ensure that the delivery of legal services reflects the diverse needs of consumers and clients?
4. Are there any commercial advantages or disadvantages of looking at different consumer groups, which may affect competition?

Defining quality

13. One of the key starting points is developing a clear definition of what a good service means for consumers, other stakeholders and solicitors. This is not a straightforward task when one considers that the consumers of legal services range from individuals needing legal advice or representation to large corporate entities purchasing services through in house counsel. Each client or consumer group is likely to have different expectations.

³ See Legal Services Board Business plan 2009/10, Paragraph 114, www.legalservicesboard.org.uk/news_publications/publications/index.htm.

14. General literature on quality suggests that quality is closely related to client expectations and satisfaction. Our 2008 consumer survey⁴ suggested that clients are unclear about what to expect from solicitors and that they perceive the process as frustrating due to a lack of communication and delays. We also know that a large number of complaints received about solicitors relate to delay and a lack of communication. Quality of service is clearly an important factor in determining quality for solicitors' clients, therefore, and is often used as a proxy for determining satisfaction in the client's absence of technical expertise.
15. In the case of legal services, however, client satisfaction does not necessarily mean quality, and dissatisfaction does not necessarily mean an absence of quality. A client who employs a solicitor to defend them in a criminal case may be dissatisfied with the service provided if they receive an unfavourable judgment, but that does not mean that the solicitor did not provide a good service. Equally, a client may engage a solicitor to draft a will and may be satisfied with the final product and the service received but may not be aware if a vital clause has been omitted. This example also highlights an additional problem with determining quality in legal services—it is not possible to do so until the advice, or the service, has been provided.
16. It is clear that the question of quality in the provision of legal services is complex. It goes further than simply meeting the client's expectations, and might not necessarily be achieved by the provider of legal services alone without intervention and support from the regulator. Economic literature suggests that there are a number of reasons why it is considered necessary to regulate the quality of professional services. These include the following:
 - the information asymmetry between the client and the professional;
 - the imbalance of economic power between an individual or small or medium enterprise client and the professional services provider;
 - the risk that the supplier of legal services will artificially inflate the need for services for commercial gain;
 - bad performance can cause negative consequences not only for the client who contracts with the solicitor but also for third parties and society at large (e.g. an inaccurately drafted will can harm the heirs of the testator);
 - equally, third parties can benefit from properly delivered legal services (e.g. the proper administration of justice—the public good argument);⁵
 - the infrequent consumer of legal services has no real redress against the solicitor, except the complaints procedure; but the information asymmetry may make this process difficult for the client and the

⁴ Consumer Engagement in the Solicitor Services Sector, Solicitors Regulation Authority 2008

⁵ Roger Van den Burgh, Towards Efficient Self-Regulation in Markets for Professional Services, European University Institute 2004

consequences of poor quality service provision may take a number of years to emerge.

17. The level of regulation needed will clearly rest on an assessment of proportionality and risk to clients and the public interest. In some cases, there may be a need for direct regulation and intervention whilst, in others, guidance to the profession and provision of information to clients may be sufficient, or reliance on the Code of Conduct.

Your views

5. How far do the factors set out in paragraph 16 above provide a clear rationale for reviewing the SRA's regulatory requirements? Are there any other factors which we should consider?

Delivering quality

18. There are a number of factors which together determine the quality of legal service delivery. These include the following:
- the organisation or management of the environment in which legal services are provided, including the quality of internal supervisory arrangements;
 - the competence of the individual undertaking the work, whether a qualified solicitor or not—not just technical legal competence but the combination of skills needed to deliver the right level of service to clients, including business and interpersonal skills;
 - the quality of the service experience.
19. These factors, which are present before or at the time the service is delivered, will apply both to private and commercial clients. It is, however, likely that the ability to assess the quality of the service and the terms on which these are negotiated will differ between the different types of client. Where the three factors coincide effectively, the delivery of the legal services is likely to be of good quality. This is different from assessing the “level of quality” after the event—for example, through peer review—although it is possible to assess the standard of legal work and the quality of the service experience through a variety of measures.
20. Our current thinking is that we should seek to strike an effective balance between requirements on individuals and requirements on entities to ensure both the basic standard of the legal work and an adequate quality of the service experience. It would then not be necessary to measure routinely the standard of legal work itself. This is our proposed quality assurance approach.

Your views

6. Do you agree that individual competence, the management of the environment and the quality of the service experience together help determine the overall quality of the delivery of legal services?
7. How far do you think we can rely on the above factors without routinely measuring the standard of legal work itself?

The current framework

21. The current framework attempts to ensure that individuals are competent to do the work that they take on by
 - a. Code of Conduct requirements on competence to undertake work (e.g. rule 1.05 and rule 2.01(1)(b));
 - b. the setting of standards at the point of qualification and at various points leading to qualification;
 - c. a minimum annual continuing professional development (CPD) requirement applicable to all solicitors (whatever their role and level of seniority and based on a blanket hours requirement rather than an assessment of their development needs and whether these have been met);
 - d. mandatory accreditation of individual solicitors in a limited number of statutory areas and voluntary accreditation in a larger number of areas;
 - e. a generic, one-day compulsory management training course for all newly qualified solicitors;
 - f. a broad management training requirement for anyone wishing to set up in practise or manage an office;
 - g. an experience requirement (but no training or competence requirement) for anyone wishing to supervise trainee solicitors.
22. The current framework also sets out through the Solicitors' Code of Conduct 2007 ("the Code") the minimum expectations of behaviour of individuals as well as broad requirements on client care issues and the management of the environment in which the work is delivered. Additionally, there are annual reporting requirements such as accountants' reports, CPD returns etc.
23. The current framework does not systematically provide assurance to consumers about the quality of legal service they receive and it is not tailored to the differing needs of different consumer groups and the risks associated with different types of work and practice approaches. We will undertake work to better understand these needs and risks and will develop a configurable

quality assurance approach that provides a clear statement of expected standard of delivery of legal service.

24. The great majority of firms deliver good legal services. We want to work with a wide variety of practitioners and firms to distil good practice in the development of our quality assurance approach and to develop a collaborative approach which delivers a more visible assurance of quality to all users of legal services.

Your views

8. How far do you think the current framework assures the quality of the delivery of legal services?
9. Are there any areas of good practice which we should look at immediately?

Developing our quality assurance approach

25. We already have in place the “Day One Outcomes” which provide the standard which all solicitors must meet as a minimum at the point of qualification.⁶ They set out clearly the level of competence expected of a solicitor on day one of qualification, and could provide a basis from which the regulatory framework can be built.
26. We are implementing a programme of work to align the qualification processes (both domestic and transferees) with the Day One Outcomes and to ensure that individuals demonstrate their competence at appropriate points during the qualification process. This includes changes to the Legal Practice Course which take effect from 2009, piloting Work Based Learning and overhauling the Qualified Lawyers Transfer arrangements. Together, these initiatives aim to ensure that all those entering the profession are competent to do so. Our focus for quality now needs to turn to post-qualification.
27. We are proposing to develop a professional standards framework against which our regulatory requirements can be mapped. The framework will need to identify the various roles that solicitors undertake within a law firm which together assure the quality of delivery of legal services (see paragraph 44). For each of these roles we would aim to set out expected standards of knowledge, skills and behaviours which could be demonstrated by solicitors. There will be some elements of the framework which are likely to be regulatory requirements, for example for a Head of Legal Practice⁷.

⁶ See www.sra.org.uk/sra/how-we-work/committees/1200.article.

⁷ Head of Legal Practice (HOLP) is a role defined within the Legal Services Act.

28. In broad terms, we envisage developing a Professional Standards Framework which will
- place primary importance on the public interest, and in particular the needs of the consumer;
 - recognise the diverse nature of the profession and clients;
 - be accessible to the public as well as legal professionals;
 - adopt a proportionate, proactive and preventative approach to regulation;
 - place responsibilities on providers of legal services to assure quality;
 - be in line with the principles of better regulation; and
 - consciously minimise any adverse effects on competition, in part by targeting regulatory requirements on identifiable risks.
29. Specifically, it would
- identify the standards of knowledge, skills and behaviours which qualified solicitors should demonstrate in defined roles that they take in their practising environment;
 - identify requirements, where appropriate, for SRA-regulated entities;
 - identify requirements, where appropriate, for individual solicitors;
 - identify what aspects might be mandatory regulatory requirements, what might require regulatory guidance of good practice, and what should be left to individuals and individual law firms.
30. Many firms already have in place appropriate mechanisms for assuring the competence of their staff to deliver legal services. These include training and development frameworks, competency frameworks, CPD, development of specialisms, supervision, performance development plans, intra-firm peer review, etc. We do not wish to duplicate these or hinder their existence or development. We do wish to put in place a framework which will work with and acknowledge the mechanisms that firms already have in place.
31. Central to this is the notion that firms take the primary responsibility for delivering a quality assured service within the broad parameters of a regulatory framework. Regulatory requirements—for example, tailored CPD or accreditation—would be used only where there is a demonstrable regulatory need to so. Through adopting this co-regulatory approach, law firms' own business interests and the SRA's regulatory responsibilities can be mutually self reinforcing. Our starting point will be to understand how good law firms already develop and operate these mechanisms.

32. We envisage the professional standards framework focusing on two of the factors influencing quality that we identified in paragraph 18:
- a. the organisation or management of the environment in which legal services are provided, and
 - b. the competence of the individual undertaking the work.
33. We believe that, by focusing on these two factors and having in place appropriate standards for SRA-regulated entities and individual solicitors within them, firms will be able to demonstrate that they deliver an appropriate standard of advice and service.

Your views

10. What do you think about our proposal to develop a professional standards framework?
11. Have we identified all the areas that such a framework should cover?
12. How can we best make a co-regulatory approach work?
13. How far do you think we should provide assurance to consumers and others about the quality of legal services?

The organisation or management of the environment in which legal services are provided

34. Research undertaken by the Department for Constitutional Affairs⁸ in 2005 showed that firms that are well organised, pay attention to the development of their people and seek to offer high standards of client care are more likely to offer high standards of service in their legal work. From a consumer interest perspective, we believe that clients are more likely to select a firm rather than an individual when choosing a legal services provider. We see the changing landscape, and in particular the introduction of new ABSs, as an opportunity to explore ways to place more emphasis on the environment in which legal services are delivered and less emphasis in regulatory terms on the individuals providing the legal services. A firm-based approach requires competent individuals to take on roles and responsibilities with a firm-wide remit.
35. The professional standards framework would set a minimum standard for all SRA regulated entities. This would ensure that all SRA-regulated entities have in place appropriate arrangements for ensuring that

⁸ Quality in the Legal Services Industry, A Scoping Study, Department for Constitutional Affairs, August 2005

- a. offices and entities are properly managed in order to ensure that services are delivered competently;
 - b. effective supervision is in place;
 - c. individuals working in particular areas of law (to be specified by the SRA) are competent to do so, or are effectively supervised by those who can demonstrate such competence;
 - d. individuals in the firm undertake appropriate CPD.
36. We want to explore the development of a regulatory framework where responsibility for compliance with regulatory requirements rests primarily with the entity rather than the all the individuals within it. Although we would still set out the minimum standards for individuals, and we would need to find an appropriate balance between entity and individual requirements, we envisage that the primary responsibility for ensuring that these standards are met would rest with the firm rather than the individual. In firms that can demonstrate that they meet the SRA's minimum standards, we would explore ways in which the requirements for direct regulation of individuals in that firm could be met by way of self-evaluation.
37. For example, we would still expect all individuals to undertake regular CPD geared both in intensity and subject matter to their needs in relation to their practice. The present annual hours requirement neither supports relevance of subject matter nor the extent of individual need at different points in time (e.g. if there have been major changes in the relevant law), or at different points in a lawyer's career (e.g. the newly qualified are likely to need much more CPD than those with greater experience).
38. A more appropriate and proportionate approach might be to place a general CPD obligation on all law firms, supported by a suitable assurance regime for which, for example, the Head of Legal Practice might take responsibility. This could take a number of forms—for example, the approach of self-assessment operating in New South Wales which is substantially reducing the volumes of complaints, or a firm-based accreditation model which requires work (whether done by solicitors or other fee earners) to be supervised by an individual who is expert in that area. There is emerging research that a model such as this may increase the quality of the work done.⁹
39. Our proposed approach is to define the roles which have the most direct influence on the quality of legal services delivered. These roles, dependent on regulatory need, may have specific regulatory requirements put in place which, in conjunction with our annual reporting and supervisory visits, will enable quality legal services to be demonstrably delivered.

⁹ Richard Moorhead, Lawyers Specialisation – Managing the Professional Paradox. Cardiff Law School Research papers no:5

40. Some specific examples of our current thinking are set out below:

- Rule 5 of the Solicitors' Code of Conduct requires firms to have in place effective arrangements for supervision of clients' work. To comply with rule 5, firms could be required to demonstrate the standards of service and delivery of legal services to at least those expected of an experienced practitioner. Not everyone in the firm would need to operate at this level, but the standard would assume that there must be at least one experienced practitioner supervising to the correct level in each firm. The requirements for compliance would be on the firm, therefore, rather than on the individual, and the effect of proper supervision would mean that the firm will be delivering service to the appropriate level.
- Currently, a sole practitioner or one partner in each firm must have undertaken a minimum of at least 12 hours training in management topics. This is a very general and minimal requirement, and focuses on inputs not outcomes. As new forms of practice are allowed, the SRA might wish to introduce training or specific competency requirements for new supervisors/owners. Alternatively, we might suggest that firms need to ensure that their supervisors/owners meet a minimum standard of competence. The professional standards framework could provide the basis for developing a training course or an assessment to meet these requirements.
- Solicitors who practise in certain areas of law currently have the opportunity to become accredited in that particular area, and in a small number of areas this accreditation is mandatory. In conjunction with the profession and other key stakeholders, we will look at areas of law where we consider there is a justified regulatory need for accreditation. In those areas where we identify a regulatory need, the professional standards framework might be used to articulate both the generic and specific standards of competence and service which would be expected of someone practising in those areas of law. In line with our proposed firm-based approach, we might also want to explore the possibility of firm-based accreditation in those areas of law. The firm might be required to ensure that at least one individual in the firm was accredited in that area of law and who would then be responsible for supervising all practitioners to the relevant standard within the firm. The accreditation might be a firm-based requirement, therefore, with only the lead practitioners/supervisors required to be formally accredited.
- There could be a role for management standards such as Investors in People, Lexcel and the Specialist Quality Mark to provide evidence of how firms manage the quality of the legal services they deliver. By using third party evidence such as these quality standards, it would be possible to demonstrate that effective, firm-led quality assurance is in place without further regulatory requirements.

Your views

14. How far should responsibility for the quality of legal services rest with the entity as opposed to individual solicitors?
15. How far can supervision help ensure that work is done to the right standard?

The competence of the individual undertaking the work

41. The solicitors' qualification process goes a long way to giving consumers confidence that an individual solicitor is an appropriate person to be dealing with their legal problems. The requirements of the Code of Conduct, which include the exercise of competence, skill and knowledge as well as the requirement to act in the client's best interests, also provide some assurance. The current CPD requirements require all solicitors to undertake 16 hours of CPD per year, but apply equally to all solicitors and do not take into account the variety of roles and responsibilities that qualified solicitors undertake. The Day One Outcomes set out the expected knowledge, skills and behaviours at the point of qualification. However, they do not address what a client should be able to expect from a solicitor or what standards a qualified solicitor should be meeting once qualified and moving into different roles or taking on different responsibilities.
42. There is no need for all lawyers to be equally capable in all areas of legal services, but we believe that it is important for consumers to be able to identify those that are capable for their purposes and for the SRA to have confidence that solicitors fulfilling particular roles are competent to do so. This links directly to the firm-based approach where defined roles have responsibility for certain quality assurance requirements or processes. For clients to receive a competent service, there will not be a single standard for all cases. This is because different case types and client groups have different needs, so any requirements around competence, beyond that of the solicitors' qualification itself, will need to be category specific and in some areas client group specific.
43. Some solicitors will want to qualify and practise as an associate solicitor in a particular area of law for the rest of their career. Others may want to develop into new roles (e.g. supervision) or take on additional responsibilities (e.g. training principal). The SRA quality framework could work in a number of ways, for example as a development tool for those who want to progress, as a regulatory tool for the SRA, and as a signpost for consumers about the service they can expect.

44. We would work closely with the profession and other stakeholders including consumers to identify the appropriate roles to be included in the regulatory framework, but, as a starting point for discussion and by way of example, we would suggest that the key roles that solicitors move into after qualification might be as follows:
- Experienced/independent practitioner—in the current regulatory regime, this would broadly be an individual who has three years' experience and is, therefore, implicitly seen as able to practise without supervision. Where a firm-based supervision model may not provide sufficient assurance on its own that the delivery of the legal service is of an appropriate quality (for example, because the solicitor is providing advocacy services in the High Court), we may look to define requirements on an individual. Alternatively, where we have evidence of poor performance on a systematic basis, we may look to move beyond the firm-based model into individual requirements.
 - Supervisor—other than the rule 5 requirement, the current regulatory model makes little use of supervisors. This is in contrast with, for example, the Legal Services Commission's Specialist Quality Mark which requires category specific supervisors to be technically legally competent as demonstrated through accreditation or that they undertake a sufficient volume and breadth of work on an annual basis. In some areas, for example Immigration, the category supervisors must also be accredited in their supervisory skills. Using evidence-based and risk-based approaches, we plan to review categories of work to consider whether there is a wider need for any such requirements to apply. The framework could, for example, set out minimum standards to demonstrate competence to supervise which could be demonstrated in a variety of ways. In some areas of law, either where a client's capacity to make informed choices about their service provider is limited or where clients are particularly vulnerable or the potential outcome of the case is of a serious nature, we may look to ensure that supervisors have demonstrated their competence in the specific area of work.
 - Head of Legal Practice—this role, defined by the Legal Services Act, will have a pivotal role in assuring the quality of the legal services delivered and ensuring that Code of Conduct requirements are met. We will look carefully at the likely roles and responsibilities of these individuals and work with the relevant stakeholders to agree the knowledge, skill and competencies which are necessary to ensure they are competent to undertake this function. We will need to consider this particular role and develop its requirements alongside the emerging regulatory arrangements for ABSs.
 - Training principal—currently training principals have a pivotal role in developing and signing off trainees, yet there are very limited requirements on them. As we move towards work-based learning, we wish to consider how far those involved in the delivery of training should be able to demonstrate their competence in training and assessment.

- Partners or owners—other than the Code of Conduct requirements, there are few specific requirements on solicitors who become partners or owners of firms. The role of partner or owner can be very different from that of a solicitor—for example, business planning, risk management, financial management and human resources. Each of these areas has the potential to affect the environment and organisational delivery of legal services. We will wish to consider how far the current solicitors' qualification including the limited requirement for management training equips people to undertake these roles.
45. The role of CPD can be significantly extended to support each of the roles set out above. The SRA's current approach to CPD is understood within the profession and is simple to understand. However, when compared with CPD schemes for other professions that have more recently been developed or revised it appears weak. One of the key questions for debate is whether the SRA should continue to focus on and measure the amount of CPD undertaken, or whether the SRA should focus on and measure the effectiveness and relevance of the personal development undertaken. We could explore an approach which links inputs and outputs by requiring solicitors to use the professional standards framework to plan and undertake CPD to reflect the level at which they were working, or to which they aspire, and to identify any aspects of their performance that could be enhanced. The current (or modified/enhanced) CPD input requirements could be retained, as a simple to understand and monitor "safety net".

Your views

16. How can we best use the talents of solicitors and others within law firms to ensure that consumers and clients receive a good quality of service?
17. We have identified a series of roles to explore; have we captured the right roles and how far do you think these individuals could assist in assuring the quality of the delivery of legal services?
18. How can CPD be developed so that it supports a learning profession?

Initial conclusions and next steps

46. This discussion paper, an agenda for quality, sets out some ways in which the SRA and those it regulates can assure consumers of legal services about the quality of the work that is delivered. There are tensions inherent in some of the approaches set out and we will need to evaluate carefully the potential impact of any proposals that we make. This will need to include regulatory and equality and diversity impact assessments.
47. **Our first step** is to begin to get views on the broad propositions set out in this paper and specifically the proposal for a professional standards framework and its possible contents from as wide a range of stakeholders as possible. This will include the question of what is appropriate for the SRA to mandate, what the SRA should offer by way of guidance, and what should be left to the

profession alone. We will use these views to feed into our discussion about how to develop both the guiding principles and the detail of the new framework.

48. **The next step** will be to work with consumer groups, the profession and other key stakeholders to develop the detail of the framework. We propose to begin work to identify the standards of knowledge, skills and behaviours alongside this discussion phase as it is difficult to envisage any approach to assuring quality that would not require the clear articulation of the standards to be required by solicitors. Whether our future approach is concerned with CPD, accreditation, self assessment, monitoring, encouragement, inspection or sanctions there will be a need for agreement about what is to be achieved or what is to be looked for. We believe, therefore, that the standards can be developed ahead of any final decision on the use to which they might be put, for example whether they should have the status of rules, guidance or simply a statement agreed with the profession about good practice. The answer is likely to vary from topic to topic.
49. Once we have collated and considered views on the proposed approach set out in this paper we will begin to work up the more detailed requirements. This work will take place throughout 2009. We aim to publish a further consultation paper setting out the proposals for the detailed professional standards framework early in 2010.
50. We are starting development work on the standards. We plan to establish a number of focus groups to assist us in developing them. If you would like to be involved with this process, please contact Sue Parry. To contact us, please visit www.sra.org.uk/contact-us.

How to respond

51. Throughout this paper, we have asked a series of questions to seek your contribution to the debate; all of the questions are listed below. We would welcome your views on the issues raised in this paper by 2 September 2009. For our email and postal addresses, please visit www.sra.org.uk/contact-us.

Your views (all questions)

1. How can we best ensure that consumers are able to access high quality and good value legal services?
2. Are there any particular consumer groups whose specific needs should be concentrated on by the SRA as a priority?

3. How can we ensure that the delivery of legal services reflects the diverse needs of consumers and clients?
4. Are there any commercial advantages or disadvantages of looking at different consumer groups which may affect competition?
5. How far do the factors set out in paragraph 16 above provide a clear rationale for reviewing the SRA's regulatory requirements? Are there any other factors which we should consider?
6. Do you agree that individual competence, the management of the environment and the quality of the service experience together help determine the overall quality of the delivery of legal services?
7. How far do you think we can rely on the above factors without routinely measuring the standard of legal work itself?
8. How far do you think the current framework assures the quality of the delivery of legal services?
9. Are there any areas of good practice which we should look at immediately?
10. What do you think about our proposal to develop a professional standards framework?
11. Have we identified all the areas that such a framework should cover?
12. How can we best make a co-regulatory approach work?
13. How far do you think we should provide assurance to consumers and others about the quality of legal services?
14. How far should responsibility for the quality of legal services rest with the entity as opposed to individual solicitors?
15. How far can supervision help ensure that work is done to the right standard?
16. How can we best use the talents of solicitors and others within law firms to ensure that consumers and clients receive a good quality of service?
17. We have identified a series of roles to explore; have we captured the right roles and how far do you think these individuals could assist in assuring the quality of the delivery of legal services?
18. How can CPD be developed so that it supports a learning profession?

And finally...

19. Are there any other ways which you would like us to engage with you as we progress this work?