

Response to LSB statement of policy - ongoing competence

January 2023

SRA progress report and action plan

Executive summary

1. We welcome the Legal Services Board's (LSB) statement of policy on ongoing competence.
2. This progress report and action plan is our response to that statement of policy and the four outcomes for legal regulators it sets out. It demonstrates our commitment to making sure solicitors have the up-to-date skills, knowledge, attributes and behaviours they need to provide good quality legal services.
3. We will develop and broaden the ways that we identify solicitors who are not competent. We will take enforcement action, where necessary, to protect consumers and in line with the LSB's expectations. Our activities mean that we will meet the LSB's outcomes in full, and continue to meet those outcomes, by 31 January 2024.
4. As the largest regulator of legal services in England and Wales, we cover around 90% of the regulated market. We are responsible for setting and enforcing standards for the 156,000 practising solicitors and 9,600 law firms we regulate. In doing so, we are working to make sure that the competence of solicitors and firms is across everything we do.
5. We take a risk-based approach in the activities we undertake to secure competence, placing a particular focus on the competence of solicitors who advise and represent vulnerable consumers. We are also sensitive to the importance of consumers having access to advice and representation and so our interventions are proportionate. We will collaborate with other regulators where appropriate.
6. The activities we have detailed in this progress report and action plan reflect this approach. In summary:
 - We have set the standards of competence that those we regulate should meet at authorisation and beyond in our [Statement of Solicitor Competence \[https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/1\]](https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/1). This meets outcome A.
 - We collect evidence and identify areas where competence may need to be improved and respond in a targeted way through our proactive regulatory work, meeting outcome B.
 - We make interventions where we have concerns about standards of competence across the profession, or in specific



areas, meeting outcome C.

- We respond to individual cases of incompetence on a case-by-case basis by considering the seriousness of the case and any mitigating and aggravating factors, meeting outcome D. We will take remedial and enforcement action, such as to require training or enhanced supervision, where it is appropriate to do so.

7. As we enhance and broaden our approach, in line with the LSB's expectations, we will:

- Measure the impact of our Statement of Solicitor Competence through our 10 year evaluation programme for the SQE.
- Continue to build our [resources \[https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/\]](https://higher-rights.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/) to help those we regulate understand our approach and the key risks in relation to maintaining competence. This will include:
 - new best practice examples of how different types of solicitor and firm meet their obligations
 - regulatory case studies showing how and when we take enforcement action for incompetence.
- Undertake research to understand the impact of our targeted competence resources.
- Publish annually our determination of competence across those we regulate that will identify the most significant risks around competence. This will help inform our regulatory approach. We will promote and communicate the findings to those we regulate, the other legal regulators and key partners.
- Take forward thematic reviews to both target areas where competence is an identified risk and uncover other competence-related risks which we need to address.
- Begin a review of our annual competence declaration, using the findings of our research and thematic reviews.
- Continue to review training records, focusing on high-risk areas that we have already identified (for example, immigration advice and services). And looking at where we need to respond to any areas of risk or concern that our annual assessment identifies.
- Refresh our guidance to staff to further support them to identify competence issues. This will include when to initiate appropriate remedial action and when this should lead to enforcement action.
- Enhance our approach to following up on competence reports which do not meet our threshold for enforcement but where we would expect to see improvement.
- Pilot a proactive, risk-based approach to identifying and following up with firms, where our data and information shows they may not be meeting our competence standards.



8. Our full progress report and planned work for each outcome required by the LSB is set out in more detail in the attached pdf document.

[SRA response to LSB statement of policy - ongoing competence \[PDF 28 pages, 366Kb\].pdf \[https://higher-rights.sra.org.uk/globalassets/documents/sra/research/sra-response-to-lsb-statement-of-policy---ongoing-competence-pdf-28-pages-366kb.pdf?version=490aa2\]](https://higher-rights.sra.org.uk/globalassets/documents/sra/research/sra-response-to-lsb-statement-of-policy---ongoing-competence-pdf-28-pages-366kb.pdf?version=490aa2)