

Sent by email only to Chris.Handford@sra.org.uk



28 June 2021

Dear Sir/Madam,

Consultation: The SRA's draft Business Plan for 2021/22

The Panel welcomes the opportunity to comment on the SRA's Business Plan for 2021/22.

The Panel is broadly supportive of the SRA's plan. We are particularly impressed with the work stream on law-tech. However, we are disappointed with the plans outlined for diversity and inclusion, as well as advocacy standards. These areas are in much need of robust regulatory interventions; our response below expands on this.

We hope the SRA reflects on our comments and finalises a plan commensurate with the shortcomings found in these areas.

Reflection on the SRA's questions

Consultation question 1

What do you think about our proposal to more clearly segment the market when considering regulatory issues and how we might target our resources in response to them?

The Panel is in full support of the segmentation approach outlined in the consultation document. We welcome the commitment to this approach, not least because we believe it can help the SRA prioritise and manage its resources more effectively.

The Panel published a paper on segmentation in 2017¹ and we have encouraged regulators to use this approach for the reasons expressed in the consultation document. Segmentation can empower regulators to target solutions or interventions more efficiently and effectively. In turn, this ensures that varying needs are met or prioritised.

We note that although segmentation is referred to in the introductory parts of the document, the later sections do not include any information on its scope or where it would be applied. For example, we expected to see activities to develop or use segmentations mentioned under objective 3 as part of the strategic research programme.

Segmentation remains an area of ongoing interest to the Panel, and as recently as February 2021 we commissioned research to better understand how different segments of consumers shop around, and experience legal services. This work will

¹ LSCP. Segmenting Consumers: Understanding the Needs of Legal Services Consumers, March 2017.

be published at the end of June, and we look forward to discussing the findings with the SRA and other regulators.

Consultation question 2

Do you have any views on the proposed priorities for our work in 2021/22 towards meeting objective one of our Corporate Strategy?

The Panel is supportive of the work proposed under objective one, the crux of which focuses on reviewing, monitoring, and evaluating previous regulatory policies. This evaluation and monitoring work-stream is crucially important for understanding how regulatory policies are affecting consumers and providers, including what is making a difference and what needs to be improved.

However, the Panel notes that the consultation document is silent on the details of the framework that will underpin this monitoring and evaluation piece. There may be justifiable reasons for omitting this, at this stage. However, the Panel believes that the effectiveness of this work depends on the quality of the framework. And the quality of the framework is very much dependent on the robustness of the thinking and matrix behind the framework. It is therefore imperative that the SRA creates opportunities for stakeholders like the Panel, to feed into the framework that will underpin this process.

We would also like to encourage the SRA to develop evaluation plans at the start of pieces of work or policy development rather than part way through. Retrofitting evaluation is always less effective, as by this stage, useful metrics may be lost.

The Panel notes the work around advocacy standards and we are disappointed that the SRA does not yet have a clear plan to tackle the shortcomings it uncovered a few years ago. We had expected to see a robust regulatory response to addressing the inadequacies that have been evidenced for several years now. Intervention in this area is urgent and needs to be robust, not least because some of the areas found wanting have a significant impact on vulnerable people, for example advocacy standards in youth courts, and in immigration matters.

Consultation question 3

Do you have any views on the proposed priorities for our work in 2021/22 towards meeting objective two of our Corporate Strategy?

The Panel is in full support of the priorities set out under objective two of the SRA's Corporate Strategy. The SRA has demonstrated commendable proactiveness in this area and we have welcomed the various initiatives that it has launched to help it understand and respond to technology better.

We have been impressed with the SRA's foresight in partnering with tech businesses, academics, and various other stakeholders in this sphere. We believe these partnerships will lead to better outcomes for consumers in the long-term.

We are also pleased that the SRA is aware of the potential for law tech to plug some of the unmet legal needs gaps, and we welcome the SRA's plan to ensure that future projects take account of these needs.

Finally, we commend the SRA for highlighting the importance of responsible technology. We agree that there must be a balance between the benefits and risks of technology.

Consultation question 4

Do you have any views on the proposed priorities for our work in 2021/22 towards meeting objective three of our Corporate Strategy?

The Panel supports the priorities under objective three. However, we believe that there needs to be a stronger and clearer description of how consumer focused research will form a part of gathering intelligence for better regulatory policies and solutions.

With regards to diversity, we have consistently said that the SRA's equality and diversity plan is not robust enough for the deficiencies that have been identified. We are disappointed to feel we need to reiterate this point. The SRA should be beyond the stage of analysing and exploring data. There should already be clearer action plans or proposals for interventions. It is now time to outline, specifically, how the SRA proposes to tackle the attainment gaps and the evidence that its enforcement practices disproportionately affect ethnic minority solicitors for example.

Consultation question 5

What do you think of our aim to maintain a flat budget for 2021/2022 and the proportion we allocate to our work under each of the three objectives?

The Panel has no objection to maintaining a flat budget, if the SRA considers this to be appropriate, and if this is a true reflection of what would be needed to deliver on its objectives.

Consultation question 6

Do you have any comments on the initial equality impact assessments? Do you have information that will help us to further build our understanding in relation to impacts on different groups of solicitors?

The Panel is concerned that where data does not exist, the SRA has left this blank without seeking to analyse what the impact could be for different groups.

I hope you find these comments helpful. Please contact Lola Bello, Consumer Panel Manager, with any enquiries.

Yours sincerely,



Sarah Chambers
Chair
Legal Services Consumer Panel