

SRA BOARD**CLASSIFICATION – PUBLIC**

SOLICITORS REGULATION AUTHORITY
Minutes of the SRA Board meeting
held on 27 April 2021 at 13.00 by Microsoft Teams

Subject to final approval by the SRA Board at its meeting on 8 June 2021

Present: Anna Bradley (Chair) (for items 1 to 8)
Ann Harrison
Peter Higson
Paul Loft
Barry Matthews
Dermot Nolan (for items 1 to 4 and 9)
Geoff Nicholas
Vikas Shah
Liz Smart
Selina Ullah
Tony Williams

In attendance: Paul Philip, Robert Loughlin, Jane Malcolm, Juliet Oliver, Liz Rosser, Tracy Vegro, Julie Brannan, Chris Handford, Dominic Tambling

1 WELCOME AND APOLOGIES

1.1 The Chair welcomed Board members to the meeting. There were no apologies.

2 MINUTES OF PREVIOUS MEETINGS ON 9 MARCH AND 12 APRIL 2021

2.1 The minutes of the meetings held on 9 March and 12 April 2021 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 or were in hand.

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.

4 CHAIR'S UPDATE

4.1 The Chair thanked Board members for their contributions to a seminar panel discussion on 26 April 2021. The panel had been invited to talk to the board about what had changed in the 18 months since the new strategy had been agreed, to support a discussion on future policy priorities. The panellists were: Cordella Bart-Stewart, a solicitor, part time immigration judge and co-founder of the Black Solicitors Network; Attiq Malik of Liberty Solicitors and Secretary of the Society of Asian Lawyers; and Carl Creswell, Director of Services at the Department for

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Business, Energy and Industry. The Board passed on its thanks for their helpful contributions.

- 4.2 The panel session had supported a workshop discussion on 27 April on our policy work programme to achieve the ambitions of the 2020-23 Corporate Strategy. The outcome of that discussion would be reflected in the draft Business Plan on which we would shortly be consulting (see item 5) and further discussion on policy priorities would then take place at the October strategy day in the light of consultation responses.
- 4.3 The Board had also discussed the importance of collaborative working with the other legal regulators in the light of specific proposals from the Legal Services Board (LSB) on potential areas for future collaboration.
- 4.4 Finally, the Board had reviewed a report on Human Resources activity during the year 2020/21 and current and future priorities in this area.
- 4.5 The Chair noted that plans for future meetings had been circulated to Board members and that this included the aim of meeting face to face in July.

Minor amendments to the SQE Assessment Regulations

- 4.6 The Chair informed the Board that she had agreed some minor changes to the SQE Assessment Regulations under the delegation that the Board had agreed in July 2020. These changes had been flagged with the LSB which had confirmed that it expected to deal with them as an exemption application and therefore anticipated that it could process them within 28 days.

Compensation Fund reforms

- 4.7 The Chair said that following the Board's steer at its meeting on 12 April 2021, the Executive had had further discussions LSB about how we could take forward the application for our Compensation Fund reforms.
- 4.8 In the light of those discussions and further information we had provided in relation to larger charities and trusts, the Board agreed that we should submit an amended application with the reduction in the single claim limit from £2 million to £500,000 removed from the reform package. This does not preclude returning to this proposal at some future date, but does mean that the rest of the package can be implemented in a more timely fashion.

5 SRA BUSINESS PLAN AND BUDGET 2021-22

- 5.1 The Board was asked to consider the SRA's draft Business Plan and Budget for 2021 – 2022 and the next steps required for public consultation, finalisation of the Business Plan, and its publication by 31 October 2021.
- 5.2 The Board asked that the discussions held the previous evening and that morning be reflected in the draft of the Business Plan and budget to be published for

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consultation. A summary of the relevant points would be circulated to the Board for comment.

- 5.3 The Board advised that there was some further work required for the business plan in relation to diversity and inclusion, public legal education, technology and access to justice. In particular they advised that the work needed segmenting to account for differential impacts on different parts of the profession and public. Moving forward there should be clear plans for measuring and evaluating success.
- 5.4 The Board also noted that we would publish the numbers of candidates for the November SQE1 assessment in due course, once registered. The Board also noted ongoing work on continuing competence including the checking of training records.
- 5.5 The Board considered the draft budget for 2021-22 and some of the key assumptions made in preparing it and noted it would enable us to keep our share of the Practising Certificate fee at the current level, in line with our forward financial strategy.
- 5.6 The Board agreed the draft Business Plan and Budget for 2021-22, subject to the points made in discussion, and delegated final approval of these to the Chair. It also agreed the public consultation process outlined in the paper and approved the recommendation for the 2021/22 Compensation Fund contributions.
- 5.7 The Board further asked to be kept informed about the engagement processes planned for the consultation so that Board members could attend engagement sessions if they wished to do so.

6 UPDATE ON ESTABLISHING SRA LTD

- 6.1 The Board was asked to consider an update on transferring to SRA Ltd the regulatory functions currently carried out by the SRA Board. Following agreement by the Law Society (TLS) at its Council meeting on 23 March 2021, the Board agreed to proceed to transfer the regulatory functions to SRA Ltd, and the associated TLS requirements, and this is planned to take place on 1 June 2021. In the meantime, the process of registration with the Charity Commission continued.

NB: the paper relating to this item will not be published because it relates to emerging strategy or policy.

7 REMOTE PROCTORING OF LEGAL PRACTICE COURSE ASSESSMENTS

- 7.1 The Board was asked to consider agreement in principle to allow remotely proctored assessment for the Legal Practice Course (LPC), should a provider meet our requirements.
- 7.2 The Board noted that the proposed conditions that we would require any LPC provider using remote proctoring on a permanent basis to meet were set out in paragraphs 26 and 27 of the paper, and that paragraph 28 set out our power to

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revoke authorisation, or make authorisation subject to any conditions that we see fit.

7.3 The Board was asked to agree to an amendment to the proposed requirements for LPC providers to meet in paragraph 26 of the paper so that it read as follows:

- That their remote proctoring arrangements maintain the security and integrity of the LPC assessment.
- That their remote proctoring arrangements are fair, including adequate arrangements being in place for:
 - students requiring reasonable adjustments; and
 - students who are digitally disadvantaged or unable to access remote teaching and assessment.

7.4 In discussion the Board agreed that it was important that providers wishing to use remote proctoring should be required to explain how this would benefit students, rather than just benefitting the provider. The Board also agreed that although some students might prefer remote proctoring arrangements, others might prefer to attend assessment centre, for instance because they did not have access to a suitable place to undertake a remote assessment. Providers should therefore be required to offer a choice between remote assessment and assessment at centres.

7.5 The Board agreed to the authorisation, as a matter of principle, of remote proctoring arrangements for LPC assessments

7.6 The Board also agreed that the criteria and conditions that we would require to be met by providers applying to use remote proctoring on a permanent basis should be that providers must demonstrate:

- A clear rationale for introducing remote proctoring, including the benefit to students.
- That their remote proctoring arrangements maintain the security and integrity of the LPC assessment.
- That their remote proctoring arrangements are fair, including adequate arrangements being in place:
 - For students requiring reasonable adjustments; and
 - For students who are digitally disadvantaged or unable to access remote teaching and assessment.
- That they offer choice to students between physical assessment and remote assessment. It would not be enough just to provide a physical assessment option to those students who are able to make a case based on exceptional circumstances around reasonable adjustments and digital disadvantages/home circumstances.

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7.7 The Board also noted that following its discussion on 12 April 2021, further work would be done to explore remote proctoring arrangements for the Solicitors Qualifying Examination and the matter would return to the Board at a future meeting.

8 UPDATE ON THE SOLICITORS INDEMNITY FUND

8.1 The Board was asked to consider an update on the plans for bringing the work of the Solicitors Indemnity Fund (SIF) to a close, and the delivery by the SIF of post six year run off cover (PSYROC).

8.2 The Board noted that work to wind down the Solicitors Indemnity Fund (SIF) and to put in place an alternative arrangement with a third-party insurer to meet the liabilities currently being met from the Fund was continuing. A further paper on this would be brought to the Board later in the year.

8.3 The Board also agreed the nature of the proposed response to the points raised by the Law Society in its letter of 25 March 2021.

NB: the paper relating to this item will not be published because it relates to emerging strategy or policy.

9 CONSIDERATION OF REAPPOINTMENT OF THE BOARD CHAIR

9.1 The Board was asked to consider the proposed reappointment of the Chair of the SRA Board.

9.2 The Board noted that Anna Bradley had been appointed for an initial three year term from 1 January 2019 and was therefore eligible to be reappointed for up to three years from 1 January 2022. All the requirements of the governance protocol on Board composition and appointments prescribed had been met.

9.3 The Board agreed to support the reappointment of the Board Chair for a further term of three years from 1 January 2022.

9.4 The Board also noted that if reappointment was supported by the Board then the protocol required the Nominations Committee to establish an appointment panel, including an independent chair, to consider the Board's recommendation for ratification. The Committee had considered this in principle at its meeting on 13 April 2021 and the membership would now be confirmed and a meeting arranged as soon as practicably possible

10 REVIEW OF MEETING AND ANY OTHER BUSINESS

10.1 There was no other business. The next meeting would be held on 8 June 2021.