

# Character and suitability FAQs

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Helpful answers to common questions about character and suitability issues, background checks and our assessment process.

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## **Can my application be expedited?**

No, applications are dealt with in order of receipt. We aim to decide within six months from receiving a completed application.

## **Do motoring offences need to be disclosed?**

If the offence resulted in a fixed penalty notice, you would not need to disclose this in your application.

If you received a conviction for the offence, where a court determined guilt and/or imposed a sentence/penalty, it must be disclosed.

## **What are protected cautions and convictions, and do they need to be disclosed?**

You must tell us about all criminal convictions or cautions including spent convictions or cautions unless they are protected, as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

Unless it was for a specified offence as detailed below:

- a caution will be protected after six years (or two years if aged under 18 at the time of caution)
- a conviction, which did not result in a prison or suspended sentence, will be protected after 11 years (or five and half years if aged under 18 at the time of conviction).

If a caution or conviction resulted in a prison or suspended sentence, you must disclose it within your application.

## **What is a specified offence?**

A specified offence is one which is serious. These often relate to sexual or violent offending and/or are relevant to the safeguarding of children and vulnerable adults. The full list of specified offences is available on the [UK government website \[https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check\]](https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check).

A specified offence will never be protected and must be disclosed to us.

### **How can I tell if an offence is protected?**

The DBS check that you complete as part of screening will not show the offence(s).

### **Can I apply if I am currently facing criminal charges?**

You can apply, but we advise that you await the outcome of any case before submitting an application. This will allow you to provide all the necessary evidence so that we may properly assess your character and suitability.

We may not be able to decide on your application while there are pending matters. We will give you the option to withdraw or we may refuse.

### **How do I obtain evidence that I have paid a court fine following a conviction?**

This can be obtained from the court that heard your case. The court will be able to confirm when the fine was paid or that there is no payment outstanding.

### **Do I need to disclose a Penalty Notice for Disorder?**

No, this does not need to be disclosed.

### **Do I need to disclose a satisfied County Court Judgment (CCJ)?**

Yes. Within your application you will be required to disclose if you have been subject to a form of personal or company insolvency, which includes CCJs. If you have a satisfied CCJ, please provide evidence of satisfaction of the judgment and a credit report (issued by organisations such as Experian or Equifax) that is no more than one month old.

We aim to decide on your application within a shorter timeframe if a satisfied CCJ is the only issue disclosed, usually a maximum of 60 days.

### **Do I need to disclose a CCJ which has been set aside?**

No. A CCJ which has been set aside has been cancelled and does not need to be disclosed.

### **I voluntarily registered with a credit reference agency to view my credit score/report. Do I need to disclose**

## **this?**

No. If you have registered with a credit reference agency such as Experian or Equifax to view your credit score/report you do not need to disclose this. Disclosure is only required where your credit report contains adverse entries such as defaults or where you have fallen behind with six or more consecutive payments.

## **I was previously in default or six payments behind on an account, but it is now up to date. Do I need to disclose this?**

Yes you will still need to disclose this. However, we would usually decide on your application within a shorter timeframe if:

- it is the only issue disclosed, and
- you provide evidence that you are now satisfactorily managing your finances, for example, a credit report (issued by organisations such as Experian or Equifax) that is no more than one month old.

## **Do I need to disclose a satisfied Liability Order?**

Yes. You will need to disclose a satisfied Liability Order and should provide evidence that it has been paid in full. We aim to decide on your application within a shorter timeframe if the satisfied Liability Order is the only issue disclosed, usually a maximum of 60 days.

## **What is personal insolvency?**

Examples of personal insolvency include, but are not limited to, the following:

- You have not kept up with contractual repayments to your creditors.
- You have entered into a debt management plan with your creditors.
- A CCJ has been issued against you.
- You have been ordered by a court to pay a sum of money, for example, a Liability Order, Possession Order (suspended), a Consent or Tomlin Order.
- You have entered into an Individual Voluntary Arrangement.
- You have been declared bankrupt.

## **What is company insolvency?**

Examples of company insolvency include, but are not limited to, the following where you were the manager or owner:

- The company has not kept up with contractual repayments to its creditors.
- The company has been liquidated because it is/was insolvent.



- The company has gone into receivership because it is/was insolvent.
- A CCJ has been made against the company.
- The company has been ordered by a court to pay a sum of money.
- The company has entered into or is currently subject to a formal voluntary arrangement to repay its creditors (for example, a Company/Partnership Voluntary Arrangement, Time to Pay Agreement).
- You have been fined, prosecuted or disqualified as a director.

### **Do I need to disclose regulatory or disciplinary findings brought by the SRA?**

Yes. The term 'regulatory body' includes us and the Solicitors Disciplinary Tribunal, approved regulators under the Legal Services Act 2007, as well as any other body responsible for regulating a profession.

### **Do I need to disclose matters which occurred in another country?**

Yes. If your supporting documents are not in English, provide an official translation.

### **Can my training principal sign off my period of recognised training (PRT) while you are assessing my character and suitability?**

Yes. If your training principal can sign off your PRT via mySRA if they are satisfied that:

- you meet the Practice Skills Standards
- have completed your PRT
- believe you to be of the required character and suitability.

If your training principal is not willing to confirm your character and suitability, they should [email us \[https://upgrade.sra.org.uk/contactus\]](https://upgrade.sra.org.uk/contactus) with further details and we will advise them how to proceed.

### **Can I provide further evidence after my application has been submitted?**

Yes, you can send this to us [by email \[https://upgrade.sra.org.uk/contactus\]](https://upgrade.sra.org.uk/contactus) or to your allocated caseworker once they are known to you.

### **Do I need to disclose an issue that has already been considered under your rules?**

Yes you will need to disclose this within your application and upload a copy of our decision. If you have no other issues to disclose, provide a

statement confirming this.

If there are no other issues, we will make our decision in a smaller timeframe, usually within 60 days.

### **When might conditions on my first practising certificate be considered when assessing character and suitability?**

If we are not satisfied that you have the necessary character and suitability, we can consider whether any risks can be mitigated by conditions on your first practising certificate. This may not be possible for some disclosure types, eg criminal offences that fall within the 'Most serious' category or other issues involving dishonesty.

### **Will I be notified if you are proposing to refuse my application?**

Yes, your allocated caseworker will advise you of this and outline your options.

### **What is a certificate of good standing?**

This is a document issued by the regulatory and/or professional body in any jurisdiction where you hold a legal professional qualification and have been admitted. The certificate must be less than three months old and confirm:

- your date of admission
- that you are in good standing
- that you have not been subject to any disciplinary proceedings
- that there are not any pending disciplinary proceedings against you
- if you are currently entitled to practise.