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By E-Mail: [LSA@sra.org.uk](mailto:LSA@sra.org.uk)

## **The Legal Services Act 2007: New forms of practice and regulation (Consultation paper 14)**

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The Legal Services Commission (LSC) welcomes the opportunity to respond to this consultation. Please find below our comments.

### **Introduction**

The LSC is a non – departmental public body sponsored by the Ministry of Justice (MoJ). With an annual spend of £2 billion; we are responsible for the delivery of civil and criminal legal aid services and the development of community legal services to over 2 million clients annually.

The LSC is committed to ensuring that clients have access to quality legal services that meet their needs, and that providers deliver client focused quality services that represent value for money.

### **Response**

In general, the rules, although clear, do not go into sufficient detail for a full and detailed response. In principle, the LSC agrees with the prescribing of circumstances in which the SRA may make a disciplinary decision (rule 3) and agree that the disciplinary decisions should only be made by adjudicators (rule 7).

This consultation does not explicitly ask for comment on the effectiveness of the proposed measures i.e. rebukes or fines. However, it would be beneficial to consider whether they would have a preventative impact? The proposed method of fine and rebuke would occur 'after the event' and therefore would not be in the client's best interest. The LSC suggests a more risk-based approach, allowing for targeted monitoring of those individuals considered to be high risk. The LSC proposes, that in addition to fines and rebukes, direct linkage to either restrictions to practice rights, or as a mechanism to possible re-accreditation, or to accreditation status should be fully considered.

The approach to an internal appeals process appears to be a sensible suggestion. That said, early monitoring is required to ensure that appeals do not double up, resulting in increased administration and burden.

Whilst proposals on disclosure and access appear broad enough to cover issues around access to publicly funded matters, the proposals as a whole tend to be thought through from a private client perspective only. What is the proposed approach to deal with written rebukes/fines where the matter is publicly funded?

In relation to fines, what will the approach be if the client receives compensation? Do the recouped fines go to the clients even though they may be fully publicly funded, or do they go to the LSC directly? The rules do not seem to be written to take account of public legally funded matters. In particular, there is no detail regarding the process for dealing with the payment of fines.

In light of our comments above, we would be very open to working collaboratively to design a scheme more appropriate for publicly funded clients. If this offer is accepted we would require early warning and liaison, as discussed with your Chief Executive, Antony Townsend.

I hope you would find this response useful. If you have any queries about its contents, please do not hesitate to contact Louise Sowden, Project Manager for Quality Assurance Scheme for Advocates, at [louise.sowden@legalservices.gov.uk](mailto:louise.sowden@legalservices.gov.uk).

Yours sincerely

**Carolyn Regan**  
**Chief Executive**  
**Legal Services Commission**

cc. Louise Sowden