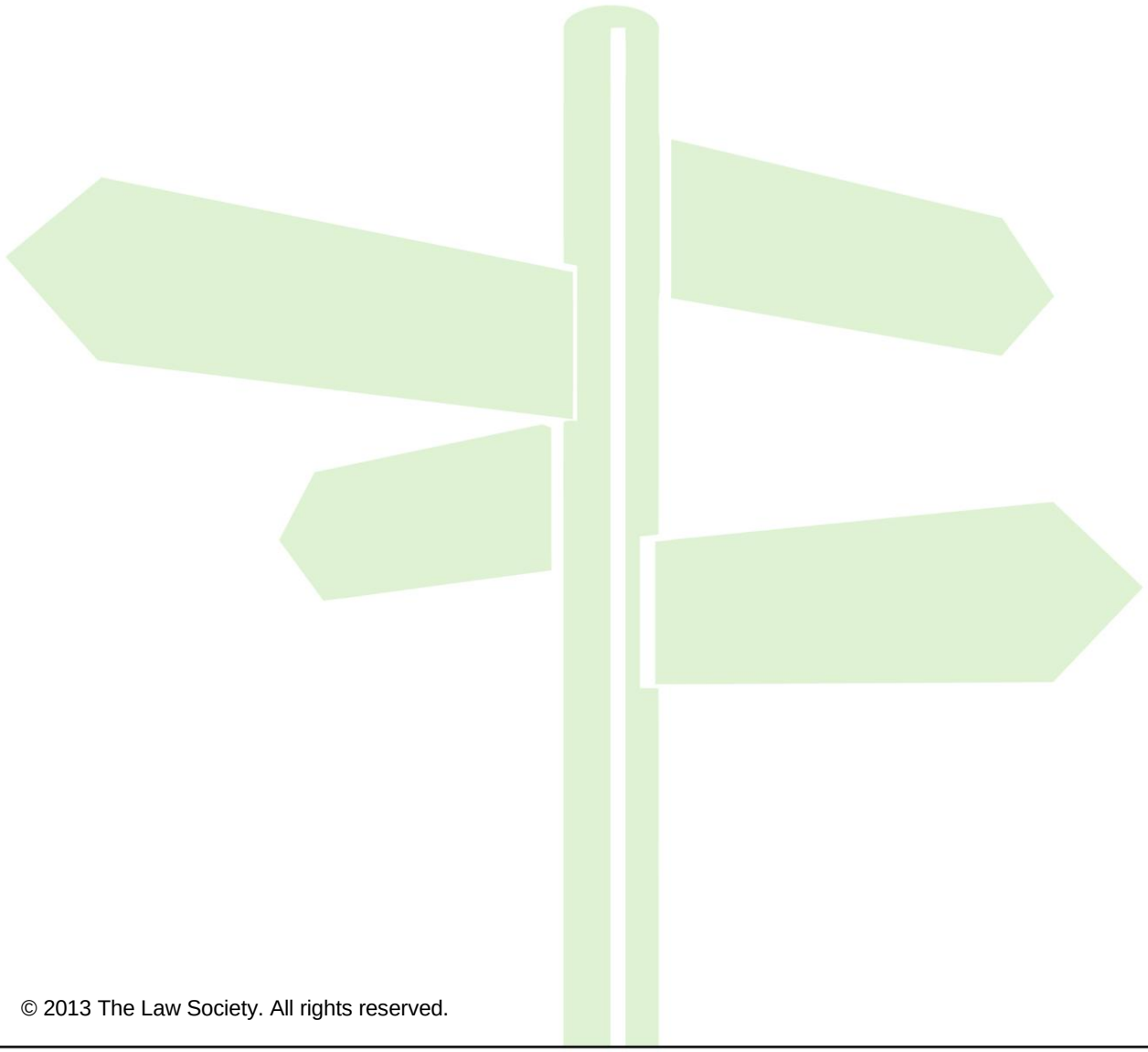
The Law Society

Looking to the Future: flexibility and public protection

JLD response to SRA consultation

September 2016)



Looking to the Future: flexibility and public protection

Junior Lawyers Division

RESPONSE

About the Junior Lawyers Division

The Junior Lawyers Division of the Law Society of England and Wales (the "JLD") represents LPC students, LPC graduates, trainee solicitors, and solicitors up to five years qualified. With a membership of approximately 70,000, it is important that we represent our members in all matters likely to affect them either currently and in the future.

Consultation response

The JLD has responded to each of the SRA's questions below, but wishes to raise the following key points more generally:

Dual Codes

There is not a specific question on whether respondents support the implementation of separate codes for individuals and organisations. The JLD would like the SRA to consider the disproportionate effect this may have on junior solicitors. It makes sense that the content of a code of conduct should be worded appropriately to cover the individual and the organisation, and so a logical step is that there be a slightly different code for each. However the proposal fails to consider what happens when the two conflict – which takes precedence and who is more culpable? Most solicitors are employees, bound to follow instructions from their seniors. Whilst there is no question that each individual solicitor should consider themselves bound by a code of ethics and there are certainly incidents in which a solicitor should say 'no', regardless of the consequence, but what happens when an ethical question is ambiguous, and the more junior person feels under pressure? This is a real issue for junior lawyers, who are sometimes asked to work on matters they are uncomfortable with but are in a position in which they may not have job security or been working somewhere long enough to accrue any employment rights, and feel they have no choice.

"Qualified to Supervise"

The JLD considers the qualified to supervise requirement to be essential in ensuring that junior solicitors have the time to hone their skills, and fully understand their responsibilities, before they are placed in a position in which they could be wholly liable for the decisions they make. We strongly oppose the removal of this. Further, given that the SQE (the structure and content of which has not been finalised) is wholly untested, the JLD considers that it would be inappropriate at this time to remove the 'qualified to supervise' rule when no one in the legal profession can yet

vouch for the robustness of the SQE in producing NQs equipped with all the knowledge and skills they would need to set up their own practice.

As set out in our response to question 19 below, we consider that, given that the SRA, in discussions with the JLD and other parties, sought to rely on the continuance of the "qualified to supervise" requirement in seeking support for the SQE, the Handbook Review has not been considered with the concurrent SQE proposal in mind. We ask that this be addressed by the SRA as a matter of urgency, given that the next consultation on the SQE is imminent.

Question 1 - Have you encountered any particular issues in respect of the practical application of the test (either on an individual basis, or in terms of business procedures or decisions)?

The JLD understood the desire to remove the administrative burden of requiring students to enrol with the SRA and pass the suitability test before undertaking the LPC, but have continually expressed concerns that students are committing huge sums of money as well as several years of their time in education and training sometimes not knowing or understanding the test and how it may prevent them from becoming a solicitor until they get to the point of admission. This is unacceptable. The JLD believes that additional guidance is required and the SRA need to do more to ensure that students are aware of the requirements of the suitability test in order to avoid problems for firms and trainee solicitors at the point of qualification. We do note that this is not entirely down to the SRA and students, need to take some responsibility for this but we would like to see the SRA working with universities to provide guidance at an early stage. We suggest that this be signposted clearly on the portal for applications to undertake the LPC, including some sort of "checkbox" that the student has considered the test and do not believe they need to apply for an early assessment at the time of their application.

Question 2 - Do you agree with our proposed model for a revised set of Principles?

Whilst the JLD is keen to see a concise set of modern Principles that apply across the profession and are relevant today, we do not want to see a “watering down” or the loss of some of the important and necessary 2011 Principles, such as the current Principle 10 - to protect client money and assets. This is surely a fundamental principle for client protection.

It should, however, be noted that we would not wish to sacrifice clarity for concise Principles. The Principles are fundamental to the profession and ensuring the protection of clients.

As an overarching comment, whilst we agree that the 2011 SRA Handbook is not perfect, we do consider that wholesale changes are necessary every 5 years because this is likely to lead to further confusion and not clarity.

Question 3 - Do you consider that the new Principle 2 sets the right expectations around maintaining public trust and confidence?

We would like this to be more personal in that the public should have sufficient confidence in each individual solicitor because otherwise this could bring the profession into disrepute (at least as far as someone with a bad experience with one

solicitor may believe). The application and consideration of this Principle becomes more complicated when viewed in the context of the ongoing expansion and flexibility in the way in which legal services can be provided.

Clients need to have confidence in the individual providing legal services as well as the firm the individual is an employee of. Given the proposed separation of a Code for solicitors and a Code for firms, we consider this appropriate.

Question 4 - Are there any other Principles that you think we should include, either from the current Principles or which arise from the newly revised ones?

As mentioned above, we are concerned that current Principle 10 has been deleted from the draft 2017 Principles. We would also like to see current Principle 5 re-instated because we do not believe that this is adequately covered by the other remaining Principles.

Assuming the above principles are re-instated, we are not sure what it adds to reduce the current Principles from 10 to 8. The current Principles are not, in our view, controversial or too extensive so we are not clear what removing a couple of them does to improve clarity. It just appears like unnecessary de-regulation from the Solicitors' Regulation Authority.

Question 5 - Are there any specific areas or scenarios where you think that guidance and/or case studies will be of particular benefit in supporting compliance with the Codes?

Whilst we appreciate that it would not be possible to provide guidance and case studies for *all* possible scenarios, we believe the following three scenarios/ groups will need a case study with specific guidance:

1. A solicitor working in an unregulated firm providing unreserved legal services to the public.

2. How common interactions, such as undertakings, will work with the new "two-tier" profession we believe will be created as a result of the SRA's current proposals.

3. The changes for in-house solicitors.

4. How an individual solicitor might act where, the firm considers it has complied with the Code applicable to it, but the solicitor is concerned about the application of the individual Code to them, in relation to a task which they are being asked to perform or facilitate.

Question 6 - Have we achieved our aim of developing a short, focused Code for all solicitors, wherever they work which is clear and easy to understand?

In line with our comments above, the SRA should be less concerned with making a short, focused (ie concise) Code for solicitors and should be more concerned with creating a clear and specific system of regulation to ensure that clients are protected and solicitors (and firms) know what is required of them in order to satisfy that regulatory burden (ie a "minimum standard").

We are concerned that parts of the new Code for solicitors are too vague and provide insufficient guidance for solicitors as to what is required of them. This, we fear, will give the SRA considerably more discretion than they already have and require individuals to keep incredibly detailed notes on every rational thought they take during a matter. Further, a shorter Code, in terms of number of words is neither clearer nor easier to understand if, as a result of its brevity it needs to be supplemented with lots of guidance in order to have relevance.

We would also like the SRA to consult on all points at the same time in order that we can see the "final" proposed model and the links between them. A piecemeal approach to regulatory reform is unhelpful and, in our view, does not work.

Question 7 - In your view is there anything specific in the Code that does not need to be there?

See our response above to Question 6.

If anything, there are considerable things missing from the proposed Code for solicitors but we are unable to fully consider this without knowing the full extent of the SRA's regulatory reform proposals and the links between the various elements of regulation in our profession. Not to mention the ongoing review of the Competition and Markets Authority, which could lead to a completely different picture in terms of legal services. As such, it is impossible to say presently how relevant this Code will be, and where the gaps are.

Question 8 - Do you think that there anything specific missing from the Code that we should consider adding?

As mentioned above, it is extremely difficult for us to identify what is "missing" from the Code for solicitors as this may appear in other areas of the SRA's regulatory reform programme.

We would like to see the current Indicative Behaviours (IBs) being kept, in some form or another. This may be covered within the scenarios and specific guidance in due course but, having studied the 2011 SRA Handbook during our studies, it was sometimes the IBs that made the current Outcomes clear as they provide examples of what may or may not acceptable. We agree that the SRA's analysis that the IBs are heavily relied upon, but would argue that an even shorter code with even less detail is not the answer to this.

Moreover, we consider that the theme that "brevity is better" running throughout this consultation is flawed, in that in order for this new Code to work, there will need to be supplemental guidance. The Code isn't being shortened, instead, some of the information within it is simply being moved to a separate document, which makes it harder to find for the solicitor in practice on a day to day basis. We consider that there is a great deal of practical value in the information all being in one place, which solicitors can print out, or have to hand on their shelf, just as they might have any other volumes which they use often in their day to day practice.

Question 9 - What are your views on the two options for handling conflicts of interests and how they will work in practice?

Whilst Option 1 largely replicates the current position, we do not believe that Option 2 would be workable in practice. It would be difficult to always successfully identify such conflicts, even at large corporate firms with whole conflicts teams. This would be considerably harder for smaller firms and sole practitioners.

We would be interested to see how in-house solicitors would approach this in practice given that the new Code for solicitors is expressly intended to apply to them also.

Overall, we are not sure what benefit there is in changing the current regime, particularly to make it more restrictive as Option 2 does.

Question 10 - Have we achieved our aim of developing a short focused Code for SRA regulated firms which is clear and easy to understand?
Our answers to Question 6 to 8 apply to this question.

We also consider that the Code for firms should either repeat all the relevant bits of the Code for solicitors or just cross-refer to the other. The current drafting repeating some bits but cross-referring at other points is confusing.

It is also extremely unclear how the two Codes will work with (or against) one another or be applied and enforced in relation to one another. How will firms, and individuals demonstrate compliance or non-compliance with their respective Codes and what will this mean in a situation where a firm or solicitor's behaviour is being called into question.

Question 11 - In your view is there anything specific in the Code that does not need to be there?

See our responses to 6 and 7 above.

It is more a case of additional guidance and clarity that is required rather than things need taking out. We also need to be able to consider the regulatory reform as a whole.

Question 12 - Do you think that there anything specific missing from the Code that we should consider adding?

Again, as above, it is not possible to provide a considered response to this question without seeing all the guidance and regulatory reforms proposed. A piecemeal approach to regulatory reform will not work. We consider that the SRA needs to look at this again in the context of broader changes to the provision of legal services which may come about as part of the work of other bodies, including the CMA.

Question 13 - Do you have any specific issues on the drafting of the Code for Solicitors or Code for Firms or any particular clauses within them?

Proposed rule 6.4 is in the Code for firms but refers to the obligation being on individuals. This is inconsistent.

Clarity is also needed for subjective wording such as “competent”, “attributes” and “properly arguable”. In our view, the Code needs to be objective (insofar as practically possible) and clear enough that solicitors (and firms) can easily see what regulatory requirements they are required to satisfy and in order to ensure consistency across the profession, particularly amongst firms, as this is surely the most important point for clients to be able to know they will get at least a certain standard of professionalism and protection when receiving legal advice.

Question 14 - Do you agree with our intention to retain the COLP and COFA roles for recognised bodies and recognised sole practices? In responding to this question, please set out the ways in which the roles either assist or do not assist with compliance.

Whilst we believe the COLP and COFA roles are a good thing and should remain, we are conscious that this implies a reduction in the need for individual solicitors to have extensive knowledge and to be able to make important decisions regarding such matters.

However, it is particularly good for junior solicitors to be able to raise such issues with those more qualified and with specialist knowledge to make necessary decisions. These roles provide a "go-to" person for questions, particularly where a junior solicitor may disagree with their immediate supervisor, and an obligation on those individuals to take a junior solicitor's concerns seriously.

Question 15 - How could we improve the way in which the COLP/COFA roles work or to provide further support to compliance officers, in practice?

We understand that the Law Society is shortly going to publish its 2015 Regulation Survey which could further inform both the SRA and ourselves and enable us to provide a fuller response in due course.

Whatever changes are proposed/ made to the current roles, the SRA must ensure there are clear guidelines for who is responsible and how the system must work in practice.

Once again, we wonder where the current role of COLP/COFA will fit in with the outcome of the CMA review.

Question 16 - What is your view of the opportunities and threats presented by the proposal to allow solicitors deliver non-reserved legal services to the public through alternative legal services providers?

We are very concerned with this proposal. We do not wish to see such de-regulation by the SRA as this causes significant risks for clients.

In our view, clients do not understand the distinction between reserved and unreserved activities at present and merely want to know that if they go to a solicitor they can expect a certain minimum, ethical and regulated standard. The sole protection for consumers in this proposal seems to be based on this arbitrary distinction that consumers (and indeed many solicitors) do not understand.

This proposal will result in a “two-tier” profession. It raises a number of issues, the worst of which is that smaller firms, who must remain regulated entities to carry out

reserved activities, will have an increased regulatory burden when compared to large businesses (or parts of them) who are unregulated. As such, the effect will be disproportionate.

Not only is this distinction confusing for clients to understand, it is likely to stifle competition and the availability of legal services at a reasonable cost. For everyday matters such as conveyancing, which is generally required by most individuals at some point during the course of their lives, this could increase costs and prevent access to legal services rather than assisting, or make it no longer a viable option for certain providers, despite it currently being a key source of revenue.

Question 17 - How likely are you to take advantage in the greater flexibility about where solicitors can practice as an individual or as a business?

We believe that some junior lawyers who are finding it difficult to find a job in a traditional solicitors firm could seek to take advantage of this flexibility. However we believe they may do so naively, and not understanding the responsibility which they would be required to take on due to the fact that they are not in a regulated firm and protected by a structure designed to ensure that they are only held responsible for those matters which are within their control and capability. Please see our response to question 19 below. A junior solicitor, may be an employee of a business and will still be bound by the Code, even though their employer will not be (indeed, their employer may have no knowledge or recognition of such a Code) , which could create serious difficulties for a junior lawyer in particular.

In light of this, the JLD would not seek to actively encourage its members to take advantage of such opportunities at this time, as we consider there to be a risk that they are disproportionately, to the detriment to junior lawyers.

Question 18 - What are your views about our proposal to maintain the position whereby a sole solicitor (or REL) can only provide reserved legal services for the public (or a section of the public) as an entity authorised by the SRA (or another approved regulator?

We agree with this proposal. Any relaxation of this position would concern us greatly as it could be to the detriment of clients and create even more confusion between regulated/ unregulated. However, as mentioned above, relying too heavily on the distinction between reserved and unreserved activities as a means of consumer protection is dangerous, given that in reality this will have no effect – consumers will expect the same level of service and ethical practice from anyone who seeks to call themselves a "lawyer". Once more, we refer to the reviewing being undertaken by the Competition and Markets Authority, including the comments in its Interim Report (to which the JLD submitted a response). We invite the SRA to look at this issue again in the context of the outcome of that review.

Question 19 - What is your view on whether our current 'qualified to supervise' requirement is necessary to address an identified risk and/or is fit for that purpose?

As representatives for the junior members of the profession, we are alarmed by this proposal, and we consider the continuance of the "qualified to supervise rule" to be absolutely essential. We are surprised that the reasoning for proposing its removal is the “results” of the “data analysis” that indicates newly qualified solicitors do not pose

a significant risk to the delivery of a proper standard of service. The reason newly qualified solicitors are seen not to be a risk is because their work is supervised (to varying degrees based on the value of such work) by more senior solicitors who have a vast amount more experience.

It would be extremely risky for the SRA to relax the current requirements (essentially, three years' post-qualification experience plus 12 hours management training) because to do so would be a considerable risk to clients; if any such newly qualified solicitors decided to set up their own practice.

Whilst we do not think that many newly qualified solicitors would seek to do that, for we hope that most understand their limitations, we believe that they might, if felt under pressure by the jobs market or by employers who do not properly understand the full responsibilities involved in providing legal services, including the ethical duties we owe to society as a whole.

Not only do we feel that this initial three year period post-qualification is essential for a solicitors' training and experience, we consider it is often the make or break point for many young people entering the profession. The experience gained in such years forms the foundations for our careers, either within the legal profession or outside of it. It is absolutely essential for the profession, and to the longevity of the provision of high quality legal services in our jurisdiction.

We also consider the timing of such a proposal to be wholly inappropriate in light of the SRA's proposal to implement a Solicitors' Qualifying Exam (**SQE**). The SRA will recall that in responses to its consultation on the SQE proposal, concerns were raised as to the quality of the newly qualified solicitors resulting from this proposal. The SRA sought to address some of these concerns during engagement meeting in part by reassuring stakeholders that the "qualified to supervise" requirement would remain. Indeed, this was used to justify the idea that perhaps less time training in a firm was needed – newly qualified solicitors had three years post qualification to develop. As such, we are astonished to see this proposal here, and consider that the SRA has misled respondents to the SQE consultation in this regard. Is it that the SRA has not considered the handbook review in the context of the SQE? In any event, we ask that the SRA address this, and confirm the position regarding the "qualified to supervise" requirement in its next consultation on the SQE due in October, as the environment in which newly qualified solicitors will practice in goes to the heart of the standard to which the SQE must be measured.

Until the SQE has been implemented and tested as to quality, the JLD considers it would be completely irresponsible to remove the "qualified to supervise" requirement. Neither the SRA, nor indeed anyone else has any idea whether the solicitors coming out of the SQE process will pose a risk to consumers or not.

Question 20 - Do you think we should require SRA regulated firms to display detailed information about the protections available to consumers?

Yes. However, the distinction between regulated and unregulated firms will become more crucial and the SRA will, based on the current proposals, have no power to ensure that unregulated firms explain the distinction to their clients or prospective clients, which is a major concern. We believe this will cause increased confusion for clients.

We would also be interested to know what level of “detail” the SRA is proposing that regulated firms should display together with guidance on how and where this should be presented.

We also consider that it is, in part, also the SRA’s job as regulator to ensure that clients are aware of the differences it makes to be regulated by the SRA and not. This should not just be a responsibility for regulated firms.

Question 21 - Do you agree with the analysis in our initial Impact Assessment?

Whilst we do not disagree that some form of regulatory reform is probably necessary given the changes to the profession over the past decade, we do not consider that enough factual, measurable evidence has been sought to form (or back up) the Impact Assessment. This is currently just an opinion based on a few findings which are not extensive nor detailed enough.

Such important changes to the regulatory system could have a long-lasting (possibly catastrophic, in our view) impact on the profession and how it develops over the next 5 to 10 years in particular. This is, of course, a considerable concern for junior members of the profession at a key time in many of our careers.

We would therefore ask the SRA to take a step back and consider the regulatory reform proposals extremely carefully and collate a lot more evidence, carrying out a lot more surveys, before proposing changes as a whole rather than in a piecemeal way, which is unhelpful as the proposals cannot all be properly considered in this way.

Our fundamental concern is client understanding and knowledge together with ensuring legal services are available for all those who require them. This, we note, is more likely to have an impact on smaller firms.

Based on the current proposals (as a result of the Impact Assessment), we believe that more confusion would be caused, although we do agree there are a few good proposals hidden amongst the changes.

Question 22 - Do you have any additional information to support our initial Impact Assessment?

We have not carried out any surveys or polls to provide any further information to support. We would like the SRA to conduct more surveys and data analysis and present this all at once before implementing any proposed regulatory reforms.
As mentioned above, we also believe that the SRA has not looked at the impact of these proposals within the context of other changes to the legal profession, including the SRA's own proposal to implement the SQE and also the CMA interim report.

Question 23 - Do you agree with our approach that solicitors working in an alternative legal services provider should not be allowed to hold client money in their own name?

As mentioned above, we see the protection of client money as a current Principle of great importance. It is essential that both client money and assets are protected at all times in the best manner possible. For this reason, we do not think it wise to allow

those working in alternative legal service providers to hold client money in their own name.

Question 24 - What are your views on whether and when in house solicitors or those working in Special Bodies should be permitted to hold client money personally?

On the basis that in-house solicitors (and alternative legal service providers - see above) are only permitted to often non-reserved legal activities to the public, we agree that they should not be permitted to hold client money in their own name. We acknowledge that the position may need to be different for Special Bodies, who often provide legal services to vulnerable people, but the overarching principle should be that client money needs to be protected and it is difficult for us to agree to client money being held outside of a client account of a regulated firm because the SRA otherwise have little power to enforce action and clients therefore are not adequately protected.

Question 25 - Do you agree with our proposal that the SRA Compensation Fund should not be available to clients of solicitors working in alternative legal services providers? If not, what are your reasons?

It would not be very sensible of the SRA to allow clients of unregulated firms access to the Compensation Fund when they, by virtue of being unregulated, would not have to take out professional indemnity insurance or contribute to the Compensation Fund. In addition, such firms would not be subject to the same rules and principles so it seems, to us, hard to justify giving their clients access to the Compensation Fund. However, it is a major concern that clients (of any firm) could go to a solicitor and not be adequately protected if and when things go wrong. There is a clear gap in client protection and this is another concern of ours with the proposed creation of a “two tier” profession.

What is even more concerning is that unregulated firms will not have to tell their clients that they are unregulated and have no access to such protection. It would take a rather prudent individual (with no knowledge of the legal system or the regulatory system) to understand this difference; particularly in a situation where the unregulated firm is under no obligation to make such things clear at the outset. In our view, most clients for whom this will be a concern do not appreciate the regulatory distinctions and differences in consumer protection that would be afforded to them based on the firm they choose to provide them with legal services. In fact, the distinctions are hard to understand for those in the profession trying to review the SRA’s proposed changes to the regulatory system.

Question 26 - Do you agree with our proposal not to make individual PII cover for solicitors a regulatory requirement on the individual solicitor?

No. Professional indemnity insurance provides the cornerstone of protection for clients in today's legal (and various other professional) markets. It is there for when things go wrong to protect both the firm and the client who has lost out. Whilst no-one would wish such mistakes to happen, at times, they do happen. It is a fact of professional life.

It is not acceptable, in our view to expect clients to check whether solicitors (or their firms) have professional indemnity insurance before instructing them. The insurance is fundamental to public trust in the profession.

Question 27 - Do you think that there are any difficulties with the approach we propose, and if so, what are these difficulties?

Based on the SRA's current proposals, there would be two options for solicitors carrying out unreserved work from within an unregulated firm. These are to have no professional indemnity insurance or to have professional indemnity insurance. As stated above, we consider it fundamental that solicitors have professional indemnity insurance to provide clients with the protection they expect if things go wrong. This is much the same if you went to an accountant, doctor or surveyor; you would expect they have insurance cover in place in case things go wrong, although you are not generally concerned whether the individual holds the insurance or the firm or body they work for does. It is important that when professionals are working with the public that they are adequately protected.

The proposals are made more difficult if a "two-tier" profession emerges within firms who carry out unreserved and reserved activities. Surely it is not appropriate for those carrying out unreserved activities to not have insurance in the same firm as those carrying our reserved activities.

If the proposals proceed as planned, it would be for clients to make a decision on the protections they have when instructing a solicitor. This is not, necessarily, a bad thing but the SRA are going to have to do a serious amount of work to ensure that clients are aware of the distinctions and options available to them as a result. We do not consider that it is good for anyone, consumers or legal service providers, if the market got to the point where a business saw no benefit in being regulated.

Question 28 - Do you think that we should retain a requirement for Special Bodies to have PII when providing reserved legal activities to the public or a section of the public?

Yes. As set out above, we believe such protection is fundamental for clients and cannot see a reason for such a requirement not to be retained, in particular where such Special Bodies are often providing services to vulnerable clients.

Question 29 - Do you have any views on what PII requirements should apply to Special Bodies?

We consider that equivalent professional indemnity insurance requirements should apply to Special Bodies as do to traditional law firms. Clients should be afforded equivalent protection in a consistent manner, despite the differences between traditional law firms and Special Bodies. It is the clients that are important, not the structure of those providing legal advice to them.

Question 30 - Do you agree with our view that it is not desirable to impose thresholds on non-SRA regulated firms, which are mainly or wholly owned by SRA authorised solicitors?

We are not sure what an arbitrary threshold does to protect clients. Arguably it is just another potential area for confusion.

It is not helpful for there to be regulated and unregulated providers offering the same service but with different standards of consumer assurance and protections.

Question 31 - Do you have any alternative proposals to regulating entities of this type?

We want to see a consistent approach across regulation. As mentioned above, we are concerned that the SRA are creating a "two tier" profession and this, in our view, is detrimental to both clients and the profession. It will not, in our view, assist in lowering the cost of all legal services, only some (ie those which become unregulated) and this poses a significant risk for clients who often will not understand the regulatory system in sufficient detail to make a decision based on all the pros and cons of a "two tier" system. Opening up the market and increasing competition is a valiant aim, but to do so in a way which misleads consumers as to the level of protection they have, and paving the way for businesses to take advantage of this is in no one's interest.

Question 32 - Do you have any views on our proposed position for intervention in relation to alternative legal services providers, and the individual solicitors working within them?

It is not clear from the SRA's proposals how this would work in practice. In theory, the SRA should be able to intervene where the solicitors are caught by the regulatory system as individual solicitors. However, it may be difficult to enforce this within an unregulated firm. It is also potentially unfair, given that most solicitors are also employees, and so are bound to do as their employers order. As mentioned above, this affects junior solicitors disproportionately, as they have very little power to influence the decisions and working practices of an organisation, or even their own practice.

We note the considerable obligations in the proposed Code for solicitors to provide the SRA with information and co-operate with investigations. Presumably the SRA would use this power but we would be interested to hear more about the SRA's proposals in this respect. This again highlights the need for the SRA to consider the regulatory system as a whole rather than by piecemeal consultations.

Question 33 - Do you agree with our proposal that all work within a recognised body or an RSP should remain regulated by the SRA?

Yes. There is no reason to change this. To do so seems to be de-regulation for its own sake.

Junior Lawyers Division
September 2016