

SRA BOARD**CLASSIFICATION – PUBLIC**

SOLICITORS REGULATION AUTHORITY
Minutes of the SRA Board meeting
held on 24 March 2020 at 12.00 by phone and Skype

Subject to final approval by the SRA Board at its meeting on 2 June 2020

Present: Anna Bradley (Chair)
David Heath
Peter Higson
Paul Loft
Barry Matthews
Geoff Nicholas
Selina Ullah
Elaine Williams
Tony Williams
David Willis

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

1 WELCOME AND APOLOGIES

1.1 The Chair welcomed Board members to the meeting. Apologies had been received from Dame Denise Platt and Juliet Oliver.

2 ORGANISATIONAL IMPACTS OF THE COVID-19 CORONAVIRUS PANDEMIC

2.1 The Chair said that she and the CEO had thought it important to call a meeting to update the Board on the current situation regarding the impacts of Covid-19 and the likely future effects. It was clear that a great deal of work had been done over the past few weeks to mitigate the impacts and she thanked the Executive for everything they and their staff had done.

2.2 The CEO said that the organisation was facing an unprecedented situation, as was wider society. Our response to the threat of the virus and government measures to combat it had been under continuous review in what were rapidly changing circumstances. The paper which had been circulated in advance of the meeting addressed four main areas for the Board to be aware of and to comment on.

Operational work and short-term implications

2.3 Firstly, a significant amount of work had been done to ensure that the organisation was able to continue operating effectively. This had included provisions for home working for nearly all our staff, along with the procurement and distribution of more than 220 new laptops and the introduction of guidance and line management support for staff working from home.

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- 2.4 In response to questions from Board members it was confirmed that steps had been taken to ensure that staff were able to work from home safely. A questionnaire on their home working environment had been completed by each member of staff and any individual issues which this had highlighted were being addressed.
- 2.5 The CEO said that the decision had been taken to close our Martin Lane office on Wednesday 18 March 2020 and following the government's new advice issued on 23 March The Cube in Birmingham was now also closed, except for key maintenance services. For example, it might be necessary for a small number of staff to access The Cube on occasion, for instance to ensure the continued operation of IT systems. Provision was being made to ensure that they could do this as safely as possible. The CEO confirmed that following Board members' advice we would look at issuing critical worker letters for those who might be required to travel for work.
- 2.6 It was also agreed that as well as being more alert as an organisation to the possibility of phishing attacks as a result of increased home working we should alert the regulated community to this additional potential threat.
- 2.7 The CEO also confirmed that arrangements had been put in place to enable those stakeholders who needed to contact us but did not have the necessary online access to be able to do so.
- 2.8 In response to questions from Board members the CEO said that although there were very few staff whose absence due to illness would be difficult to cover, there were plans in place to ensure continuity of work if this did happen. He would update the Board on this issue at its April meeting.
- 2.9 In response to questions from Board members it was confirmed that we were looking at recruitment issues on a case by case basis against a background of flexibility of working and careful workforce planning. Plans were in place to induct new staff as effectively as possible.

Longer term impact of the current situation on our operational work.

- 2.10 The CEO said that the paper also set out areas of work which might be affected in the medium term if the restrictions imposed as a result of the virus continued, though it was currently very difficult to predict the extent and duration of these restrictions.
- 2.11 The first of these areas of work was the potential impact on our operational work covered in paras 24 to 28 of the paper. For instance the Solicitors Disciplinary Tribunal had closed down until after Easter and would keep this under review. This would cause significant delays to our prosecution/case work. Moving to home working and the likelihood of increased sickness and vacancy levels would impact on our performance and KPIs, particularly on timeliness.

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- 2.12 The second key area where there are potential impacts was the implementation of our new IT systems through our modernising IT Programme. A great deal had been achieved and delivered in recent months and we are currently on track for delivery. However, the current COVID-19 situation is changing quickly and they may impact on us, our providers and indeed on firms' capacity to adjust to our new IT. We were working closely with our providers to ensure that everything possible was being done to keep the Programme on track.
- 2.13 The CEO also noted that work continued on developing the Solicitors Qualifying Examination with the next milestone being a submission to the Legal Services Board (LSB) in summer. We were working with the SQE provider, Kaplan, to keep work progressing and would continue to monitor the situation against the backcloth of the pandemic. The Board would be asked for views on assessment methodology at its April meeting and to make decisions on this in June before submission to the LSB. We will be contacting the LSB to confirm that it will be able to process the submission in a timely way.
- 2.14 The CEO confirmed that we were considering what areas of work could potentially be dropped if sickness absence or other factors made that necessary, Consideration was also being given to whether there were any aspects of our work with the regulated community that might be amended, such as the extension of deadlines for submissions from regulated individuals and bodies.
- 2.15 We would continue to review all of our plans, including the potential financial implications of the changes we have made and of future developments. We would also need to keep an eye on post virus implications as it was likely to take some time to get back to normal working once restrictions began to be relaxed. The Executive would bring further detail to the April Board meeting.
- 2.16 Board members noted that although the financial position for the remainder of the 2019/20 financial year was stable, increased expense arising from the virus changes meant that the position for the coming financial year was less clear. Careful thought would need to be given to the setting of the Net Funding Requirement and Practising Fees, especially considering that a number of firms might close or at least contract their business as a result of the virus.

Education and training

- 2.17 The CEO reported that we had been reviewing our education and training requirements to look at how we could help providers to continue to deliver teaching and assessment at a time when social interaction is limited, while maintaining our assurance of consumer protection through proper professional standards. This included monitoring what other regulators were doing in this area.
- 2.18 COVID-19 was having a significant impact on students and education and training providers. Many key qualifications, including the Legal Practice Course (LPC), have supervised assessments taken in exam conditions, which is appropriate for what are high stakes professional licensing qualifications. This approach is no

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longer possible in the current circumstances, so we have reviewed the options and kept colleagues at the Law Society up to date on our thinking.

- 2.19 Board members discussed our requirements in relation to the assessment and timing of the Qualifying Law Degree (QLD) and Graduate Diploma in Law (GDL), the Legal Practice Course (LPC) and the Professional Skills Course (PSC). The level of prescription which we imposed for these varied and so proposals for addressing the issues raised by each also varied.
- 2.20 Board members underlined the need to consider accessibility issues for some candidates, for instance that they did not have the necessary technology or space to undertake assessments at home. It was agreed however that the immediate priority was to deliver something that would work for the majority of people, while assessing and attempting to meet the needs of those who could not take advantage of remote methods of assessment. Underlying these efforts should be the need to maintain the high standards required of those who were seeking qualification as solicitors.
- 2.21 Board members agreed that:
- (i) We should temporarily adjust our LPC requirements so as to permit skills assessments and elective subjects to be taken by alternative assessment arrangements, for us to approve.

The LPC core subjects assess the reserved activities so it is not appropriate to amend our requirement for a supervised assessment. But we should recognise “remote proctoring” arrangements as falling within our definition of a supervised assessment. Any adjustments to current requirements will be subject to our approval on a provider by provider basis, will be recorded, will be for a finite time, and will be subject to review. This adaptation will help a substantial majority of students to complete the LPC by September.
 - (ii) We will permit remote proctoring for the PSC, on the same basis as for the LPC core subjects. We are also exploring whether we can admit individuals subject to a condition to complete the PSC within 12 months after admission.
 - (iii) Similarly, for Higher Rights of Advocacy and Police Station Representatives Accreditation Scheme qualifications, we will require a combination of remote proctoring for supervised assessments, and assessment of oral skills through Skype or other conferencing facility, where possible.
 - (iv) As we do not currently specify the format or timing of assessment on the Qualifying Law Degree and Graduate Diploma in Law, we should write to universities, reminding them that they can make their own decisions about assessing students through alternative arrangements, such as coursework assessments, or take-home, open-book examinations or online, timed examinations. We will ask universities to notify us of any changes to current assessment arrangements.

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- 2.22 Board members noted that we would publish a list of Frequently Asked Questions to help training providers, firms and candidates to understand our position. We would also write directly to training providers and training principals and encourage course providers to contact us if they need us to authorise an alternative teaching or assessment arrangement.
- 2.23 We would continue to update this information as the situation develops and monitor the effects of any changes, including the results of the remote proctoring pilot.

Communications on COVID-19 to the profession and public

- 2.24 The Chief Executive said that the remaining main area of work that he wanted to highlight to the Board was on communications to the profession and the public. Publicising the decisions made today, including those relating to education and training, would be an important part of that communication. He had been in regular touch with the LSB and the Law Society and following the meeting would send them a formal update on our position. We would also continue to provide a wide range of information on our website and on Legal Choices, including advice for consumers, which would be regularly updated as the situation developed.

3 APRIL 2020 AWAY DAY

- 3.1 The Chair said that there had been a number of discussions on how best to manage the April away day discussions given the limitations of virtual meetings for running more wide-ranging discussions. Further information would be provided to Board members in the coming weeks.
- 3.2 Board members suggested that if the need to meet virtually continued for some time then measures such as providing a regular update from the CEO rather than his report at each meeting might help. Further consideration should also be given to the Board making decisions through circulation of papers with Board discussion only required where there was no agreement.

4 REVIEW OF MEETING AND ANY OTHER BUSINESS

- 4.1 There was no other business. The Chair thanked Board members for their contributions and asked for comments on how to work most effectively as a Board through virtual meetings to be sent to her and the CEO.