

# SOLICITORS DISCIPLINARY TRIBUNAL

## 2021 ANNUAL REPORT

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# Welcome to our Annual Report for 2021

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**INTRODUCTION**  
**FROM THE**  
**PRESIDENT**

**By way of introduction, in February 2022 I became the President of the SDT, having been elected as Vice-President during 2021. To become the first woman to lead the Tribunal is a great honour. I am quite sure the next three years will continue to bring new challenges which I am very much looking forward to tackling along with the rest of the Board. I would like to thank my predecessor, Ed Nally, for his hard work and commitment during his two terms as President.**

I expect it will come as little surprise to hear that 2021 was also a challenging year. A fluctuating caseload, ongoing/changing pandemic restrictions and the exercise of a member recruitment campaign (all of which I touch on below), meant the need to continue to demonstrate flexibility, and adapt to new ways of working and required dedication on the part of both Members and staff alike.

Turning first to the recruitment campaign. During 2021 we commenced a recruitment campaign for new Members

(both solicitor and lay).

We received an excellent response which exceeded our expectations. Whilst being welcomed this also, however, meant additional time and resource was required to manage the process properly.

I am pleased to report that finally earlier this year the Master of the Rolls appointed several new Members of the Tribunal who will start to sit on cases from later in 2022. As those of you who regularly read our Annual Report will know, Member recruitment had been planned for some time so it is a significant achievement that this has been concluded.

As you know, 2021 was a year of flux, with changing Covid restrictions and the impact of the pandemic on all of us in different ways.

Throughout the year the Tribunal adapted and made changes, often at short notice, to enable cases to continue and hearings to be held whether remotely or with parties in our courtroom or in some form of hybrid model.

My thanks go to all my colleagues at the Tribunal for their hard work and dedication that made this possible and run as smoothly as possible.

Every case that comes before the Tribunal is different and is, of course, both considered and decided on its own facts. That said, we are seeing ill health raised as an issue in more and more cases and this can result in cases being adjourned or even stayed, often at late notice.

To help parties before the Tribunal understand what information the Tribunal needs in order to consider health issues, we developed a [Guidance Note \(Health Issues\)](#) during 2021 which we hope will prove helpful and also assist the Tribunal in ensuring the efficient and most appropriate progression of cases.

In 2021 our caseload was sometimes difficult to manage given that we did not see the predicted flow of cases being referred to us (whether due to the pandemic impact on SRA investigations or because of late Agreed Outcomes).

What we did see though consisted of a wide variety of matters including cases relating to anti-money laundering policies and procedures, convictions, misuse of client account and falsifying documents and/or misleading clients.

It is true that we have not received as many cases based on alleged sexual misconduct as we might have anticipated given the

number of such cases that the SRA was investigating at one time. However, we are very aware that there is an increasing concern in the profession as a whole about counter-inclusive behaviours and healthy workplaces. We have seen some cases reflecting these issues and would anticipate seeing more of them.

Before concluding I want to look forward to the remainder of 2022 and beyond.

The Tribunal are developing a Corporate Responsibility Strategy and a new Equality, Diversity and Inclusion Strategy with input from Members and staff.

We will be reviewing our strategic and operational plans in the Autumn and focussing on ensuring that we continue to progress cases efficiently and effectively.

Whilst maintaining our independence and being mindful that ultimately it is a matter for the SRA as to the cases they bring before the Tribunal, we are discussing with them the cases we would still expect to be referred to us despite the increase in the SRA's internal fining powers and to seek a better understanding of likely sitting days required based on predictions of referrals from them.

We hope in terms of working practice we will be back to our (new) normal going forward.

This year for the first time we are reporting on five new KPMs relating to diversity and user satisfaction. I hope that you find this information, and indeed the content of the whole report, interesting and informative.

**Alison Kellett  
President**

The Solicitors Disciplinary Tribunal (SDT) is an independent statutory tribunal set up under the Solicitors Act 1974.

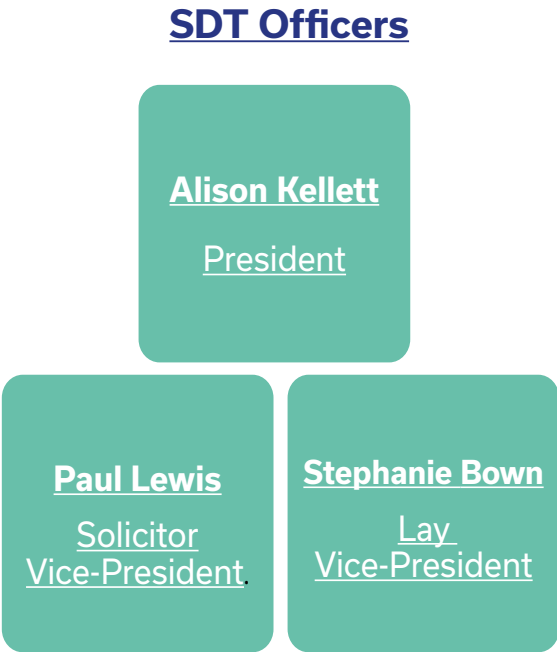
It hears cases of alleged misconduct by solicitors, registered European Lawyers, registered foreign lawyers and employees of solicitors' firms. It also decides on applications for restoration to the roll and the ending of suspension from practice. The SDT also hears appeals in relation to certain internal decisions by the SRA. Its decisions are subject to a right of appeal to the High Court.

The SDT has a President and two Vice-Presidents elected by its members (and collectively known as officers)

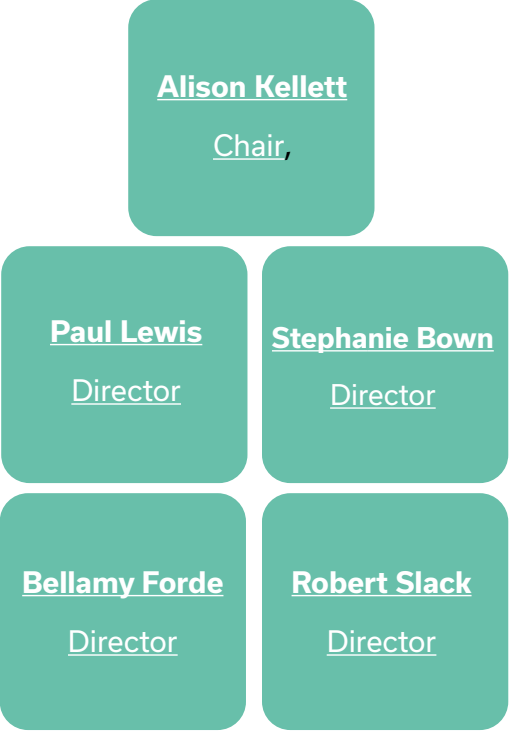
It is supported by an administration company, Solicitors Disciplinary Tribunal Administration Ltd (SDTAL), which employs a team of 16 staff who provide professional and administrative support for cases.

The Tribunal's Executive Team is headed by Geraldine Newbold, who fulfils the dual role of Chief Executive of SDTAL and Clerk to the SDT and works with the SDTAL Board of Directors to lead and govern the Tribunal. Geraldine also acts as Company Secretary of SDTAL.

ORGANISATIONAL STRUCTURE (present day)



SDTAL Board of Directors



The Board members also make up the SDT's Policy Committee, which is responsible for making and approving decisions about its policies and procedures.

CHANGES TO THE SDT OFFICERS/ DIRECTORS

2021 saw significant changes to the composition of the SDTAL Board and the SDT Officers.

In May 2021, Alison Banks completed her second and final term as Solicitor Vice-President and Alison Kellett was appointed as her successor.

In July 2021, Colin Chesterton retired from the SDT and from his role as a director of the Board. Bellamy Forde succeeded him.

Following Martin Hallam's resignation, Robert Slack was appointed to the Board in October 2021.

In February 2022, Edward Nally completed his second term as President and Alison Kellett became the new President of the SDT. Paul Lewis was elected as the replacement Solicitor Vice-President.

In early March 2022, Stephanie Bown commenced her second term as Lay Vice President.

CHANGES TO THE SDT MEMBERSHIP IN 2021

During 2021, we said goodbye to several Members of the Tribunal.

Claire Jones, Martin Hallam and Justin Evans resigned during the year.

Steven Marquez, Lucinda Barnett, Patrick Booth, Jane Martineau, Colin Chesterton and Elizabeth Chapman retired.

At the end of 2021, there were 21 solicitor and 10 Lay Members of the SDT.

The Tribunal Membership as at 31.12.2021

Solicitor Members		Lay Members
Alison Banks		Stephanie Bown
Teresa Cullen		Nalini Chavda*
Peter Davies		Sarah Gordon
Holetta Dobson		Paul Hurley
William Ellerton		Priya Iyer
Carolyn Evans		Lesley McMahon-Hathway
Bellamy Forde		Adair Richards
Ashok Ghosh		Jenny Rowe
Dominic Green		Robert Slack
Angela Horne		Carol Valentine
Paul Housego		
Peter Jones		
Paul Lewis		
Alison Kellett		
Mark Millin		
Edward Nally		
Richard Nicholas		
Bhavna Patel		
Andrew Spooner		
Gerald Sydenham		
Simon Tinkler*		

\*retired 2022.

# EQUALITY, DIVERSITY & INCLUSION

The SDT has an important role to play in encouraging a strong, independent and diverse legal profession. We are committed to ensuring equitable treatment for everyone, regardless of personal or professional background or of any protected characteristics.

We comply with our statutory responsibilities (including the Equality Act 2010) by protecting our staff and members, parties in cases and everyone else who comes into contact with the SDT from discrimination and unfair treatment.

Our goal is to ensure that our staff and membership teams reflect the make-up of the solicitors profession and the wider population of service users across England and Wales, and to improve the representation of currently under-represented groups where necessary.

The [SDT's Equality, Diversity and Inclusion \(EDI\) Strategy for 2020-23](#), sets out our diversity priorities and objectives for the next 3 years.

## OBJECTIVES

Our 4 diversity objectives are:

- Develop a better understanding of our regulated community.
- Meet our statutory obligations with regard to equality, diversity and inclusion.
- Develop a more diverse staff team and membership and create an inclusive workplace culture where everyone is treated fairly and equally and is able to contribute to the best of their ability.
- Ensure that our processes, rules and procedures are accessible to everyone, including vulnerable and disabled people,

and that the Tribunal's decisions are fair, proportionate and free from bias.

We hope that, by documenting and publishing our strategy, we will increase awareness of our approach to diversity and inclusion and the emphasis we place on this aspect of our work.

## DATA CAPTURING

As part of our ongoing efforts to improve diversity monitoring and reporting, we have updated the diversity data we hold for SDT Panel Members and staff to reflect changes in the Tribunal's membership. Key Performance Measure 6 sets out the diversity information in relation to our Members and staff as well as the practicing population.

We included optional questions about gender and ethnic diversity in the user satisfaction survey which we launched during 2021.

We continue to try to capture data about the protected characteristics of respondents. However, gathering diversity data about respondents continues to be a challenge as respondents are reluctant to provide this information.

We have continued to engage with the SRA to collaborate on ways we can benefit from their data gathering capabilities to improve our own ability to monitor case outcomes relative to protected characteristics.

Diversity data gathering requirements were built into the design of the new case management system which we implemented in April 2021.

With limited information at an individual level about protected characteristics, we have looked at other personal and professional information that we gather as part of the case management process, such as gender prefix, legal representation at hearings and post qualification experience, in addition to the information we already gather on practice area and type of allegations

## APPOINTMENT PROTOCOL & RECRUITMENT

The new member recruitment process commenced in 2021 and was managed in accordance with the Master of the Rolls' SDT

Appointment Protocol which was published in 2021.

The Protocol includes an equal merit provision to enable us, in appropriate circumstances, to give priority to one or more candidates from groups which we know are underrepresented on the basis of the protected characteristics of ethnicity or gender.

As part of the recruitment exercise for new Tribunal Members, launched in late 2021, we introduced an updated diversity monitoring questionnaire to enable us to monitor the diversity of applicants at each stage of the process.

We also engaged the services of an expert recruitment practitioner to support us in all stages of the process, including the provision of specialised equality and fair selection training for everyone involved in the shortlisting and interview panels.

Early in the process we engaged with the Judicial Appointments Commission for advice and practical

assistance on how to extend the reach of our advertising campaign to a wide and diverse audience, resulting in a high volume of applications.

We also sought specialist advice on adjustments for disabled candidates to improve access and prevent disadvantage in the recruitment process.

## HEARINGS

During the year we listed a mix of remote, in-person and hybrid hearings maximising the use of technology to enable us to manage cases as flexible as possible.

## STAFF WELLBEING

A combination of home and office-based working continued to provide a better work-life balance for Members and staff.



## THE YEAR UNDER REVIEW

Perhaps unsurprisingly, our activities in 2021 were heavily influenced by the focus on maintaining fair and effective hearings whilst responding to the changing Covid situation.

2021 started with significant Covid related restrictions in place which gradually reduced during the year before increasing again as Omicron spread.

The SDT continued to offer remote and hybrid hearings (i.e. part remote and part in person) during this period. The listing strategy was kept under careful (and frequent) review so that we could ensure that the Tribunal was operating as effectively as possible.

This allowed hearings to take place and proceedings to be concluded in a timely manner. Flexibility from Members, staff and parties alike meant that when last minute listing changes were necessary, they were able to be accommodated without too much disruption.

### MEMBER RECRUITMENT

The [Master of the Rolls SDT Appointment Protocol](#) was published in 2021. This enabled the SDT to commence a Member recruitment exercise in October 2021.

Lady Justice Carr was appointed by the Master of the Rolls as the Appointment Panel Chair for the recruitment exercise.

The exercise included a webinar for potential new Members, and we were delighted to receive 512 applications.

The applications were sifted in late 2021 with interviews being held in early 2022. 17 new Members have been appointed as of 1 June 2022 with a further 4 joining the SDT at the start of 2023.

### CASE MANAGEMENT SYSTEM

The Tribunal's previous case management system (CMS) had become obsolete and pre-pandemic we had started to look at potential replacements before deciding on a dynamics-based system.

This work continued throughout the pandemic and in late April 2021 the new CMS went live supported by a new IT infrastructure.

The new CMS has helped us to manage cases smoothly and efficiently whether we have been working in Gate House or remotely as it records all of the information about a case in one place.

The development of workflows and automatic reminders has helped improve the monitoring of cases and enabled a more proactive approach when there has been non-compliance with the SDT's directions.

### KEY PERFORMANCE INDICATORS

2021 saw the introduction of five new performance measures.

We worked with a third-party provider to develop a survey to provide us with the relevant information for the user satisfaction related measures and are pleased to be able to report on these for the first time this year.

What the data has told us is that legal representatives are more satisfied with our services than parties acting in-person.

One factor seems to be the accessibility of information on our website and as we look to redevelop our website later this year, we will do our best to make it more user friendly.

### STRATEGIC AND OPERATIONAL PLANS

In late 2019 the Tribunal published its [Strategic](#) and [Operational](#) Plans for 2020-2023, with the intention that these would be reviewed annually.

At the end of 2021 we

published a Review of Activities for the year and our Planned Activities for 2022. We set out the progress we have made against the Activities Schedule that we published as part of our operational plan, and our [Proposed Activities schedule for 2022](#). This was done to support the achievement of our 3 strategic objectives. If you have not already done so please take a look at these documents as it provides more details as to the SDT's activities in 2021

### TRIBUNAL JUDGMENTS

A working party consisting of Tribunal Members and clerks was established and made recommendations in respect of the format and accessibility of the Tribunal's Judgments (including the use of plain English). The revised Judgment format was introduced from January 2022.

### NEW GUIDANCE NOTE

During 2021 a [Guidance Note on Health Issues](#) for Tribunal users was developed with input

from key stakeholders and was published on the SDT's website.

The Guidance Note is intended to assist applicants and respondents wishing to raise a health issue before the Tribunal.

### CASE DATA

2021 was notable in that whilst there was a 19% increase in applications year on year, we saw only a small increase in applications we received from the SRA (97 compared to 91 in 2020) and a significant increase in applications we received from others (39 compared to 23 in 2020).

Looking at the data we know that there was an increase in lay applications (17 in 2021 and 10 in 2020).

We also know that the number of other applications (for example applications for Restoration to the Roll) rose from 13 to 22.

Historically about 90% of applications in any given year have been made by the SRA and It will be interesting to see whether this shift in the nature of the SDT's caseload is sustained or was a one-off.

# OUR FINANCES

The SDT is funded under a Memorandum of Understanding with the Legal Services Board and the Law Society from a levy on solicitors and other regulated persons, included in their annual practising certificate fee.

A 3-year memorandum was signed in August 2019.

Our audited annual accounts are filed at Companies House.

We recognise the importance of cost-effective and proportionate regulation and aim to minimise costs by maximising efficiency in working practices wherever we can. We make an annual budget application which is the subject of scrutiny and challenge by the LSB, before being approved for payment by The Law Society.

## BUDGET

In 2021 our budget was £3.136m. This represented an increase on the previous year of 0.5%. The cost per regulated person in 2021 rose by 6.9% on the previous year.<sup>1</sup> The main factors in this were an increase in legal costs, combined with achieving parity between solicitor and lay member fees and the expenditure on the recruitment of new tribunal members.

2021	2020
£19.67	£18.40

(based on 2021 and 2020 total expenditure divided by the number of regulated persons).

## COST PER COURT

As in 2020, the Tribunal’s physical courtrooms were not used as much as usual this year as a result of the Covid-19 pandemic.

<sup>1</sup> Regulated persons, used in the calculations above, are made up of practising solicitors, registered European lawyers and registered foreign lawyers. Source: SRA Data for Population of Practising Solicitors.

However, we have continued to conduct hearings via the Zoom platform, avoiding delays to proceeding wherever possible.

This also resulted in cost savings on business expenses associated with holding hearings in Gate House and a reduction in the amount of paper, printing, stationery and post used.

## SITTING DAYS

In 2021 the Tribunal sat for 239 days, compared to 253 in 2020. We monitored the hearings listed in 2021 to enable us to identify any issues arising at an early stage and ensure that hearings were effective.

We continued to list more sitting days per month than we expected to be effective to ensure our resources were utilised to best effect

## TECHNOLOGY

Our earlier introduction of Zoom technology and purchase of IT equipment to support virtual hearings, as well as investment in Covid-secure courtroom facilities in Gate House, (including additional video conferencing equipment, protective screens, changes to room layouts

and the provision of PPE) all supported remote and hybrid hearings during 2021.

## TRIBUNAL PREMISES

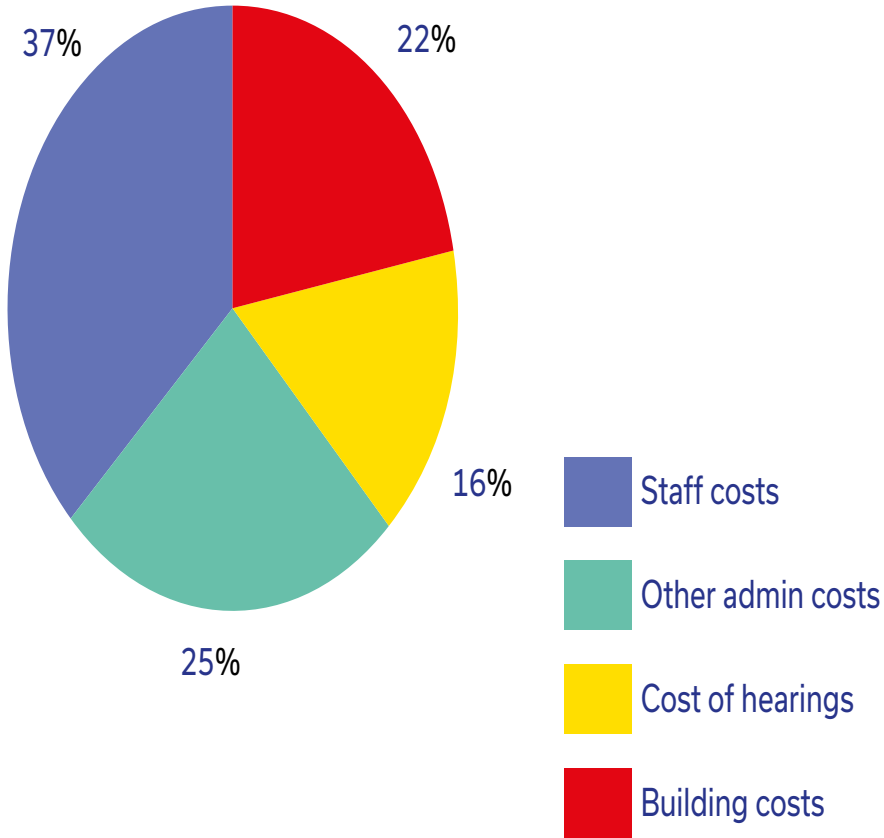
The SDT’s current lease of Gate House expires in December 2022.

During 2021 we reviewed our office accommodation requirements and decided that we could reduce the amount of office space needed in the future.

We looked at the different options available, including remaining in Gate House with a reduced footprint, or moving to alternative offices either within or outside London, with a view to obtaining best value for money.

Having considered all options, the plan is to reduce our footprint in Gate House and repurpose existing office space to utilise it more flexibly whilst retaining our courtrooms.

## WHAT WE SPENT OUR MONEY ON IN 2021



	£
Staff costs	1,154,509
Other admin costs	773,614
Cost of hearings	514,058
Building costs	706,901
Total	3,149,082

# KEY PERFORMANCE

This year’s report is the first in which the SDT presents data on its new performance measures (KPMs 6-10) in respect of the SDT’s diversity profile and user satisfaction information.

The SDT is committed to ensuring equitable treatment for applicants, respondents and others who use its services, regardless of personal or professional background or any protected characteristics.

It is therefore important that our staff and membership teams reflect the diverse service users across England and Wales, and that we focus on improving the representation of currently under-represented groups.

KPM6 was introduced to help us measure progress towards these goals. Performance Measures 7-10 aim to monitor user satisfaction in 4 key areas:

- Response of the SDT Administrative Team;
- Access to hearings;
- Experience using the SDT website;
- Time and opportunity for parties and advocates to present their case.

Data in respect of these measures were gathered via a user feedback survey which was sent out 3 times, each covering a 4 month period, starting in January 2021.

Surveys were sent to 3 categories of participants in cases; Respondents, Applicants and Legal Representatives. Although the SRA is the applicant in the majority of cases before the SDT there were also 38 applications made other than by the SRA therefore applicants includes all applicants.

We worked with a third party provider to maximise efficiency and ensure anonymity of data and to encourage participation by people who might have been more reluctant to respond to contact directly from the SDT.

Recipients of the survey were asked 4 questions in relation to the 4 new KPMs and also asked to tell us their gender

and ethnic background in order to gather additional data about these protected characteristics, and in the longer term, help us to understand any possible link between people’s experiences of the Tribunal.

It is anticipated that as the Tribunal continues to gather, record and analyse data relating to the new user satisfaction KPMs, our understanding of how users experience the SDT will be enriched and will inform how we can improve their experience.

## KPM1

Proceedings to be issued or notification of non-certification sent to the Applicant within a set number of calendar days of date of receipt of Originating Application:

- A)** Solicitors, Former Solicitors, Registered Foreign Lawyers, Registered European Lawyers, Clerks & Recognised Bodies  
**Target: 85% within 5 working days**
- (B)** Other applications (e.g.Restoration to the Roll, Revoke a s.43 Order)  
**Target: 85% within 5 working days**
- (C)** Lay Applications  
**Target: 90% to be considered by a Member/ Panel of the Tribunal within 8 working days**

## KPM2

**A)** 75% of cases first listed for substantive hearing within 6 months of issue;

**(B)** Determination of application, by substantive hearing or otherwise, from the date of issue of proceedings to take place within:

- 60% - 6 months
- 80% - 6-9 months
- 95% - 9-12 months
- 100% - 12-24 months

## KPM3

Cost Per Court.

## KPM4

Following final determination of the application, Judgment to be served on the parties within:-

- 35% - <4 weeks
- 50% - 4-5 weeks
- 70% - 5-6 weeks
- 85% - 6-7 weeks
- 95% - 7-9 weeks
- 100% - 9-15 weeks

## KPM5

Number of SDT decisions appealed by either the Applicant or the Respondent or both, and outcome.

## KPM6

Ensure that the diversity profile of the SDT’s staff team and its membership reflect the diversity of the population it serves, and the solicitors profession (of England and Wales) in particular.

## KPM7

70% of those who contacted the Tribunal’s administrative team felt that their needs were listened to and understood by the staff they contacted.

## KPM8

90% of parties and advocates could access the hearing effectively (including those hearings held remotely).

## KPM9

70% of those who are a party or advocate in a case who referred to the Tribunal’s website found the information on the website was useful/ helped them prepare for their hearing/case.

## KPM10

85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing



## KPM 1

In 2021, approximately 25% of cases from the SRA were received within 20 weeks of the decision by the SRA to refer the case to the Tribunal and approximately 42% were received between 20-25 weeks.

A = 85% - 5 working days  
(Proceedings from SRA)

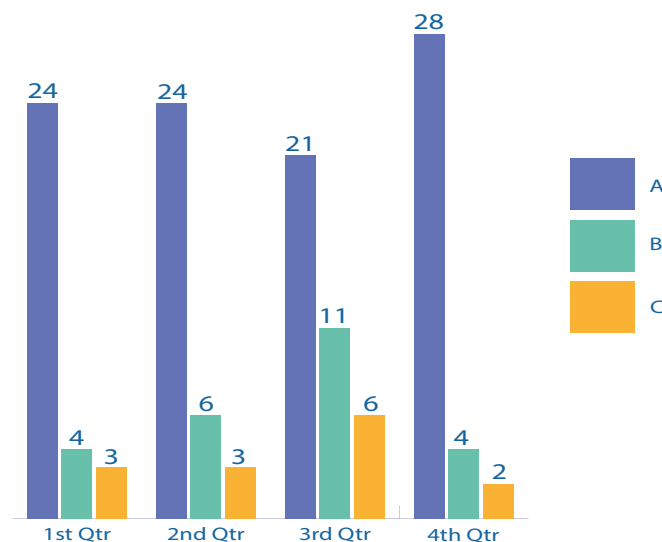
B = 85% - 5 working days  
(Other applications)

C = 90% - 8 working days\*  
(Lay Applications)

Category	A	B	C
Cases Received	97	22	17
Target Met	100%	92%	92%



Applications received by Quarter



## KPM 2

Throughout 2021, the Tribunal continued to operate under the unusual conditions imposed upon it by the pandemic. Nevertheless, the average length of cases remained consistent with previous years and the Tribunal improved its efficiency in increasing the number of cases concluded within 6 months of issue.



**A:** 75% of cases listed for Substantive Hearing within 6 months of issue

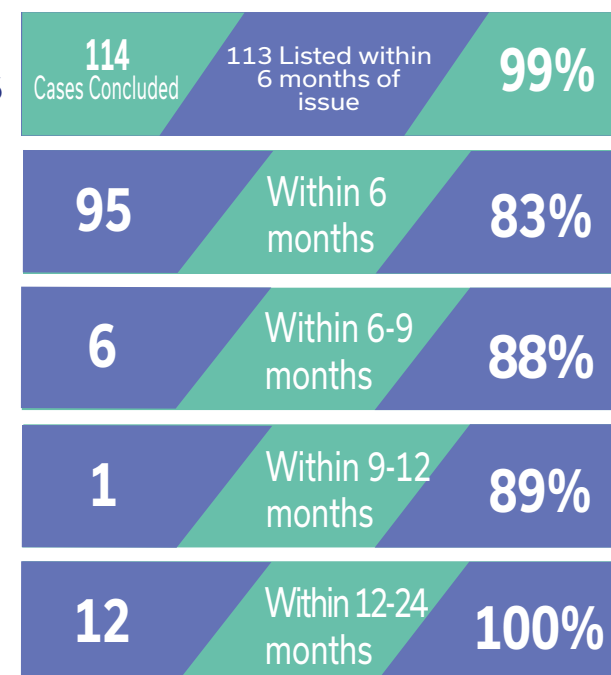
**B:** Determination of application, from the date of issue of proceedings to take place within:

60% - 6 months

80% 6-9 months

95% - 9-12 months

100% 12-24 months



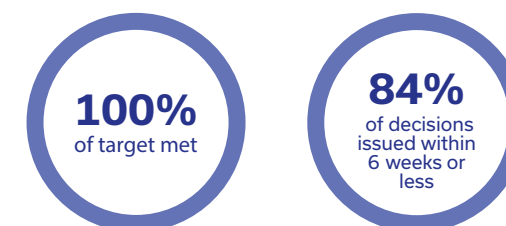
## KPM 3

- The overall cost per court increased by £1,923 (17.5%) compared to 2020. This was in part because administrative expenses (which are largely fixed costs) were spread over 14 (6%) fewer hearings in 2021.
- Administrative expenses rose by 13.6% in 2021. This rise was mainly due to the costs of member recruitment and some one-off legal fees.
- Member fees and expenses fell by just under £4,000. This reflected the decrease in sitting days between 2020-2021 but included the increase in Lay Members' fees to same day rate as Solicitor Members.
- Expenditure on travel and subsistence fell due to almost all hearings in 2021 being held remotely.

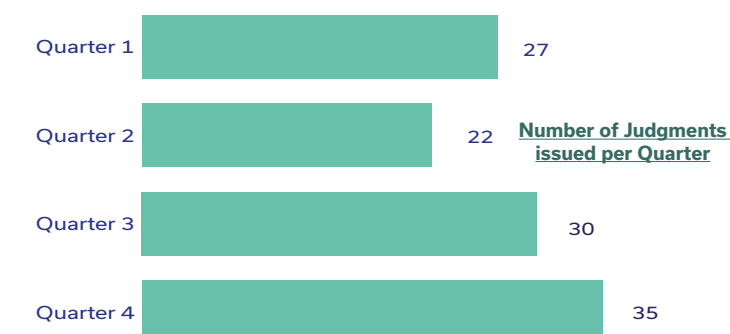


## KPM 4

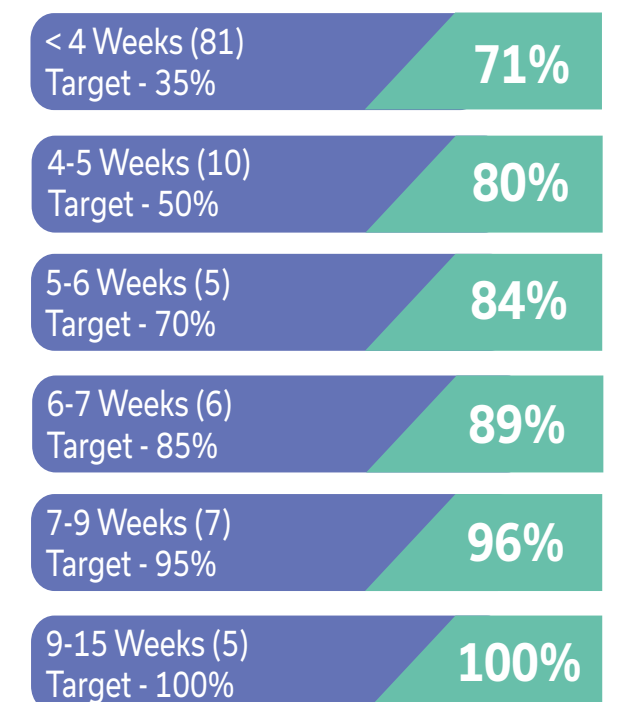
This target continues to be met and all judgments were issued within 15 weeks or less.



Efficiency of Judgment production improved across the board in 2021 as compared to 2020. 84% of Judgments were delivered in 6 weeks or less, representing an 8% increase on 2020.



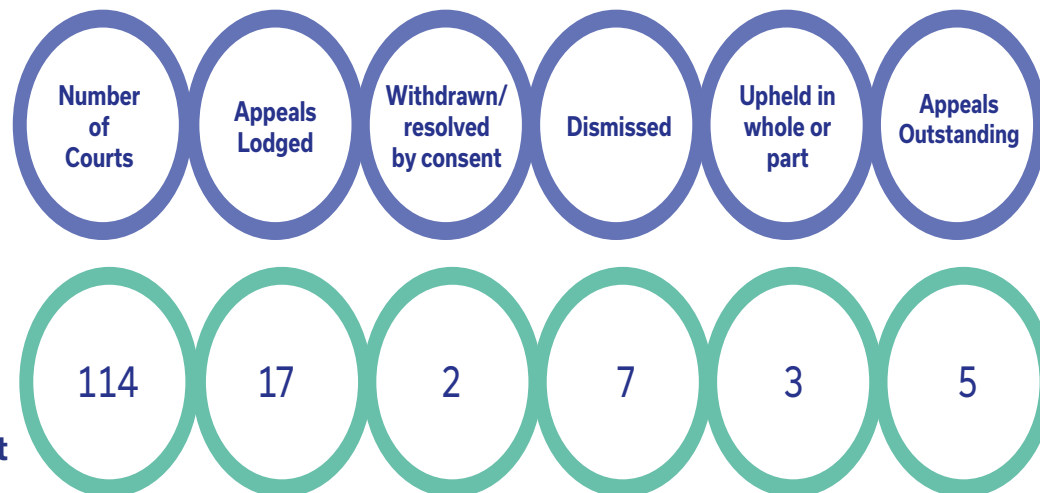
Following final determination of the application, Judgment to be served on the parties within:



(figures calculated cumulatively)

## KPM 5

Decisions by the SDT are subject to Appeal to the Administrative Court, with the time limit for lodging an appeal being 21 days from when the Judgment is issued.



Of the 17 Appeals lodged against Tribunal decisions:-

- 15 were made by Respondents
- 0 were made by the SRA
- 1 was made by an Applicant who had applied to be restored to the Roll
- 1 was made by a Lay Applicant in relation to the decision not to certify their application as showing a case to answer
- 11 of those appeals have been heard with 6 outstanding

The Tribunal continues to pay close attention to the guidance handed down in respect of appeals (both in relation to its own decisions and to relevant appeal cases within the regulatory field).

## KPM 6

Ensure that the diversity profile of the SDT's staff team and its membership reflect the diversity of the population it serves, and the solicitors profession (of England and Wales) in particular.

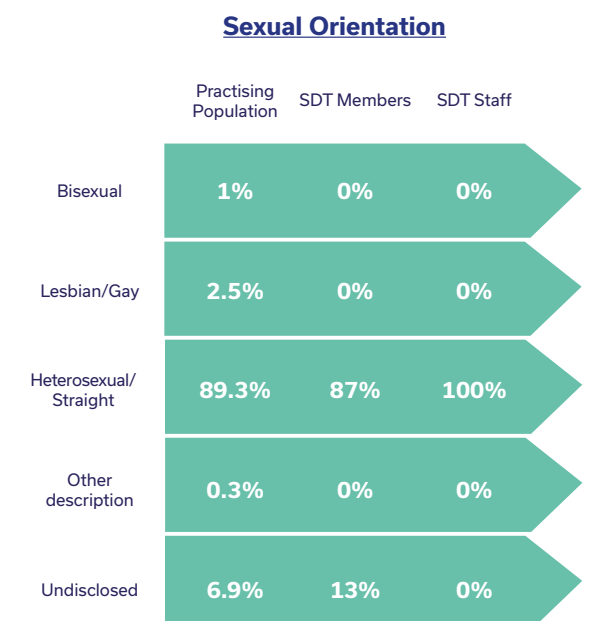
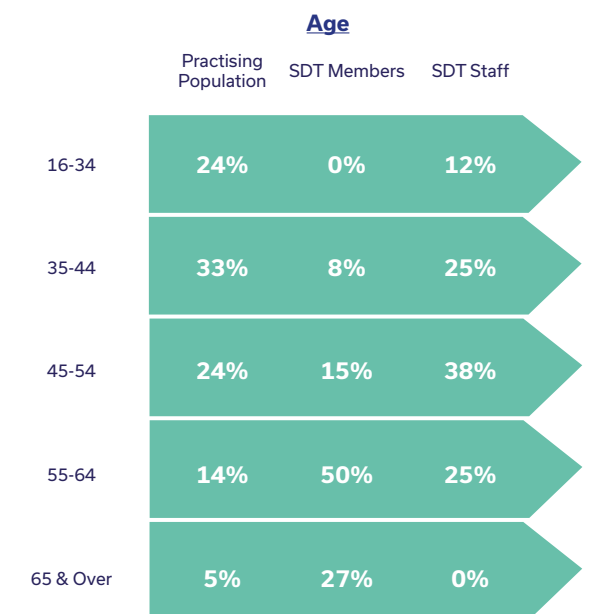
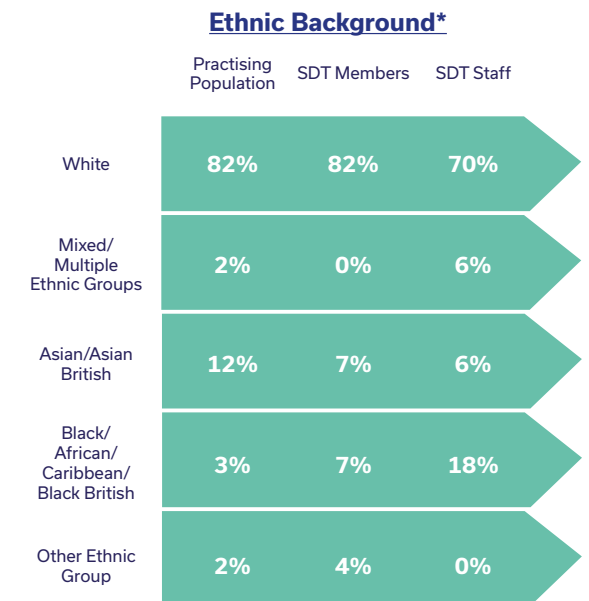
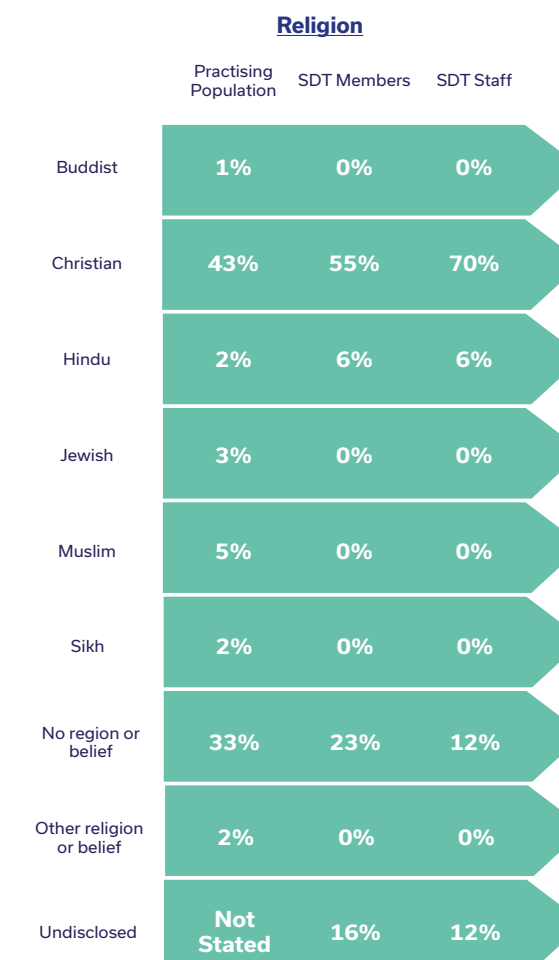
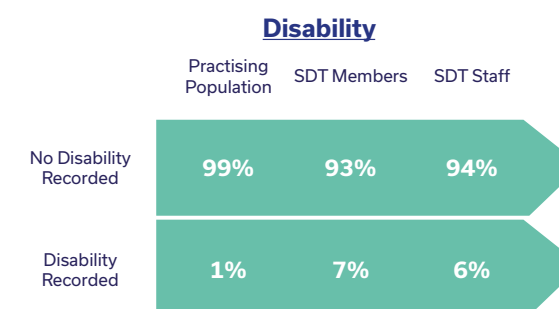
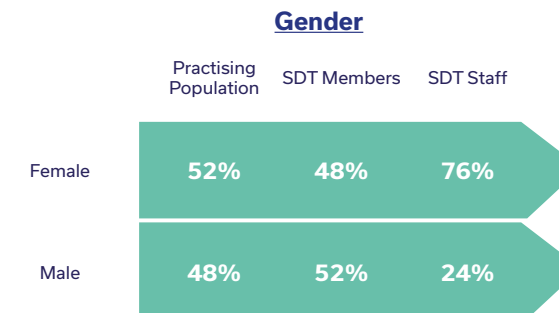
The charts on the page opposite compare the SDT's member and staff diversity profiles with those of the wider population of practising solicitors.

One of our key objectives is to develop more diverse membership and staff teams and create an inclusive workplace culture.

For the purposes of this data, we have compared the percentage of the SDT's staff and membership teams with the population of people for whom the SRA hold diversity information, published in the Diversity Monitoring, Supporting Report which accompanied the publication of the SRA's Upholding Professional Standards 2019/20 report.

By monitoring the extent to which the diverse make up of the staff and membership teams reflect the population we serve, we will be able to focus on improving the representation of currently under-represented groups.

## KPM 6



\*There is a small variation from the SRA's numbers due to rounding.

## KPM 7

70% of those who contacted the Tribunal's administrative team felt that their needs were listened to and understood by the staff they contacted.

Feedback Group	Answered yes	Answered No	Answered Not Applicable (not included in % calculations)
Respondent	4 (17%)	2 (40%)	4
Applicant	3 (12%)	3 (60%)	0
Legal Representative	17 (71%)	0 (0%)	2
Total	24 (83%)	5 (17%)	6

Overall, 83% of those who contacted the Tribunal's administrative team felt that their needs were listened to and understood,

exceeding the target for this KPM. However, this percentage was lower for respondents and applicants. Applicants

include both SRA and non-SRA applicants and there may be a potential reason for the variation which we will explore.

## KPM 8

90% of parties and advocates could access the hearing effectively (including those hearings held remotely).

Feedback Group	Answered yes	Answered No	Answered Not Applicable (not included in % calculations)
Respondent	3 (14%)	3 (60%)	4
Applicant	1 (5%)	2 (40%)	3
Legal Representative	17 (81%)	0 (0%)	2
Total	21 (81%)	5 (19%)	9

This measure is designed to assess the extent to which parties are able to attend (virtually or in person) the hearing as well as access the evidence and other documentation/information related to the case.

81% of those who responded said that they

were able to access the hearing effectively, missing the target.

Notably, most of those to whom this applied were respondents or applicants, with no legal representatives indicating that they had experienced difficulties in this regard. Comments

show us that some of the issues related to technical or IT issues associated with remote hearings however dissatisfaction was also expressed at not being granted an in-person hearing during the pandemic.

## KPM 9

70% of those who are a party or advocate in a case who referred to the Tribunal's website found the information on the Tribunal's website was useful/helped them prepare for their hearing/case.

Feedback Group	Answered yes	Answered No	Answered Not Applicable (not included in % calculations)
Respondent	4 (50%)	4 (50%)	2
Applicant	4 (67%)	2 (33%)	0
Legal Representative	17 (94%)	1 (6%)	1
Total	25 (78%)	7 (22%)	3

78% of respondents found that the information on the SDT's website was useful and/or helped them

prepare for the hearing/case, meeting the target. However, half of the responders, and a third of

applicants who replied to the survey indicated that this was not the case.

## KPM 10

85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing.

Feedback Group	Answered yes	Answered No	Answered Not Applicable (not included in % calculations)
Respondent	2 (50%)	2 (50%)	6
Applicant	1 (50%)	1 (50%)	4
Legal Representative	15 (94%)	1 (6%)	3
Total	18 (82%)	4 (18%)	13

The table above shows how the different feedback groups responded to the question:

*'During the hearing did you have sufficient times and opportunity to present your case/evidence to the Tribunal?'*

Only 82% of responders,

compared to the target of 85%, said that they had sufficient time and opportunity to present their case to the Tribunal during the hearing, with a marked decrease in the case of respondents and applicants.

It is possible that those who were unrepresented

found this to be case more often than legal representatives.

In future we hope to collate information about whether respondents are represented at their Substantive Hearing which may further our understanding of this issue.

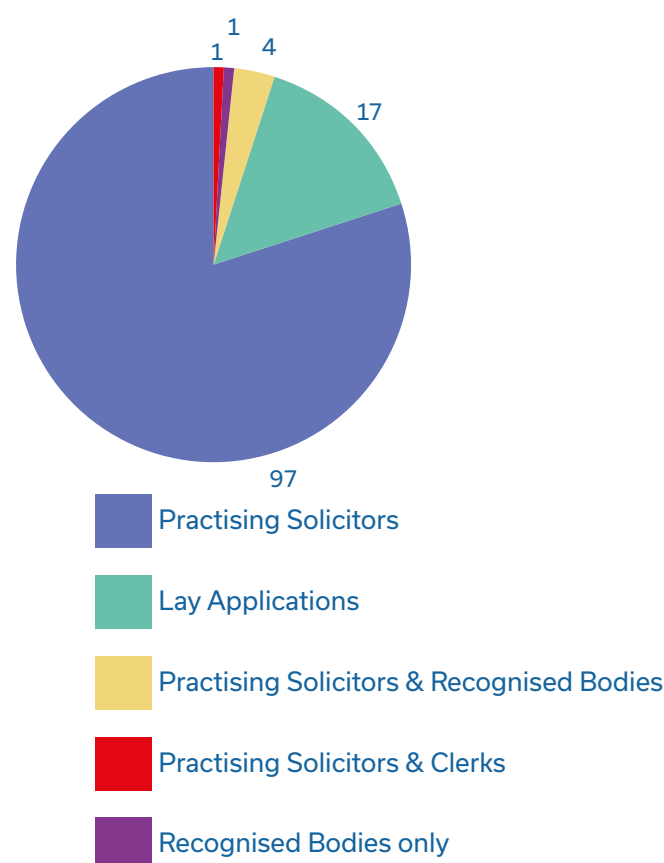
## CASE DATA

## APPLICATIONS

## ADJOURNMENT AND HEARING DATA

The SDT received 136 applications in 2021. The majority of these were from the SRA with a number from lay applicants. We received 21 other applications and 1 remitted appeal, as shown in the chart below.

### Applications regarding Practising Solicitors/ Clerks



### Other Applications



### Lay Applications

In 2021, 17 lay applications were received which was a significant increase on the 10 such applications received in both 2020 and 2019.

Of those 17 applications, 16 were not certified as showing a case to answer. The one remaining application was certified as showing a case to answer following an investigation

by the SRA carried out at the Tribunal's request.

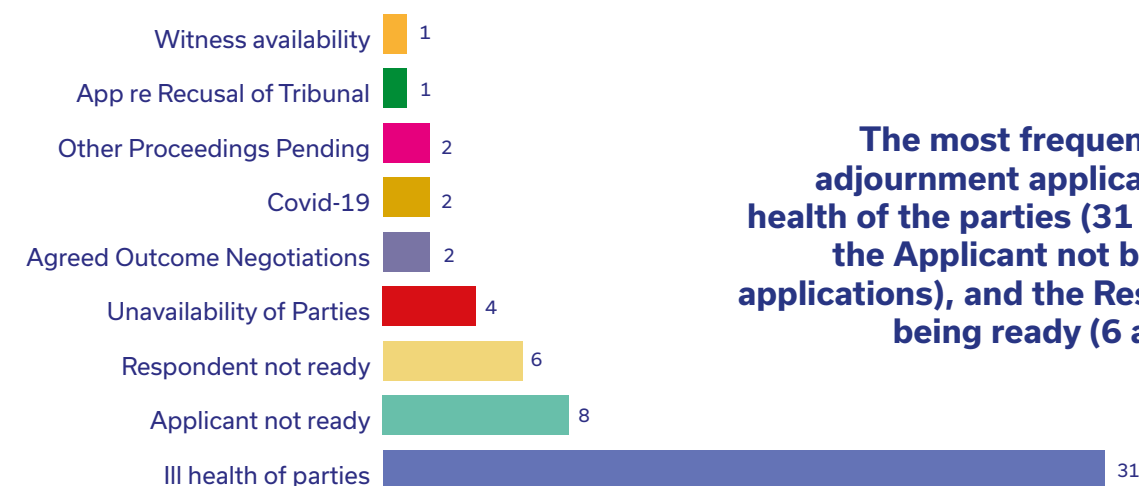
Overall, the reason lay applications tend not to be certified is due to applicants not providing evidence of professional misconduct such as would meet the test set out in the Tribunal's rules, i.e. they do not raise a case to answer/arguable case of professional misconduct.

That said, if the applicant raises matters which cause the Tribunal to have concerns it will request the SRA to carry out the necessary investigations and report back to the Tribunal before the Tribunal makes a definitive decision on whether to certify.

There were 57 applications made to adjourn either the substantive or case management hearing in 2021.

Adjournment Applications - Yearly Figures					
Applicant	18 (32%)	Granted	14 (35%)	Refused	4 (24%)
Respondent	30 (53%)	Granted	17 (42%)	Refused	13 (76%)
Tribunal	7 (12%)	Granted	7 (18%)	Refused	0
Joint	2 (3%)	Granted	2 (5%)	Refused	0
Total	57		40		17

### Adjournment Reasons



The most frequent reasons for adjournment applications were ill health of the parties (31 applications), the Applicant not being ready (8 applications), and the Respondent not being ready (6 applications).

### Length of Hearings (days)

Length of Hearing	Number of Hearings
1	36
2	17
3	5
4	3
5	3
6	6
7	1
8	1
9	0
10	0
11	2
12	1
18	1

In 2020 a number of hearings were adjourned due to the shift from in-person to remote hearings.

As the pandemic continued parties became more used to remote hearings and the technology and this was no longer a significant reason for adjournments.

The number of court days no longer required due to adjournments decreased to 82.5 days in 2021.

This table shows a breakdown of the length of substantive hearings and applications e.g. for restoration to the roll or to end an indefinite suspension. Case Management Hearings and Agreed Outcomes are not included.



# SUBSTANTIATED ALLEGATIONS



Cases brought before the Tribunal can contain multiple respondents under one case number - the pie charts below show statistics for dishonesty and integrity by individual respondents following a substantive hearing.

The 114 cases concluded in 2021 can be categorised as follows:

52 Substantive hearings

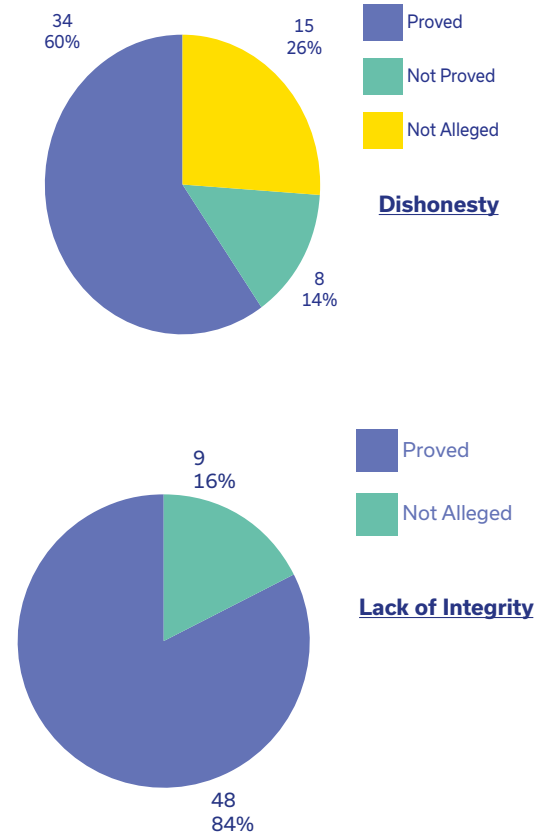
37 Agreed Outcomes

24 Applications e.g. Restoration to the Roll etc

1 remitted hearing

Of the 114 cases concluded, 93 were first instance proceedings brought by the SRA (including the remitted matter).

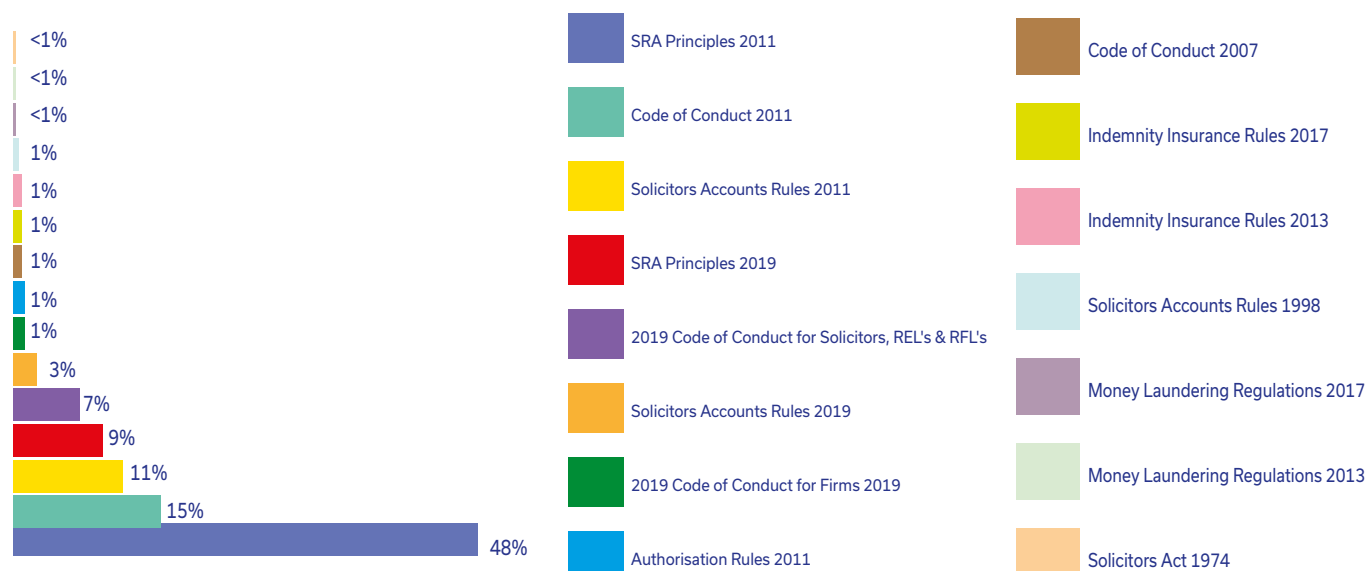
The cases heard in 2021 were a mix of those heard under the 2007 Rules (with the criminal standard of proof applied) and the 2019 Rules (with the civil standard of proof applied).



## Substantiated Allegations by Rules

Cases brought before the Tribunal can contain numerous allegations.

The chart below and on page 25 show the percentage of allegations substantiated under the different rules.



# AGREED OUTCOMES

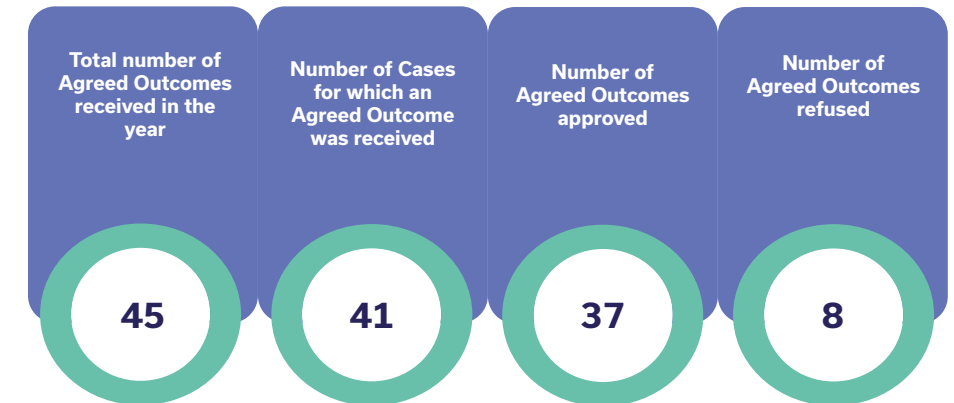
Of the 45 cases that were considered by the Tribunal in 2021:

**36%** were filed less than 28 days before the hearing

**64%** were filed more than 28 days before the hearing

**74.5** anticipated days (including carry over from 2020) were no longer required due to Agreed Outcomes.

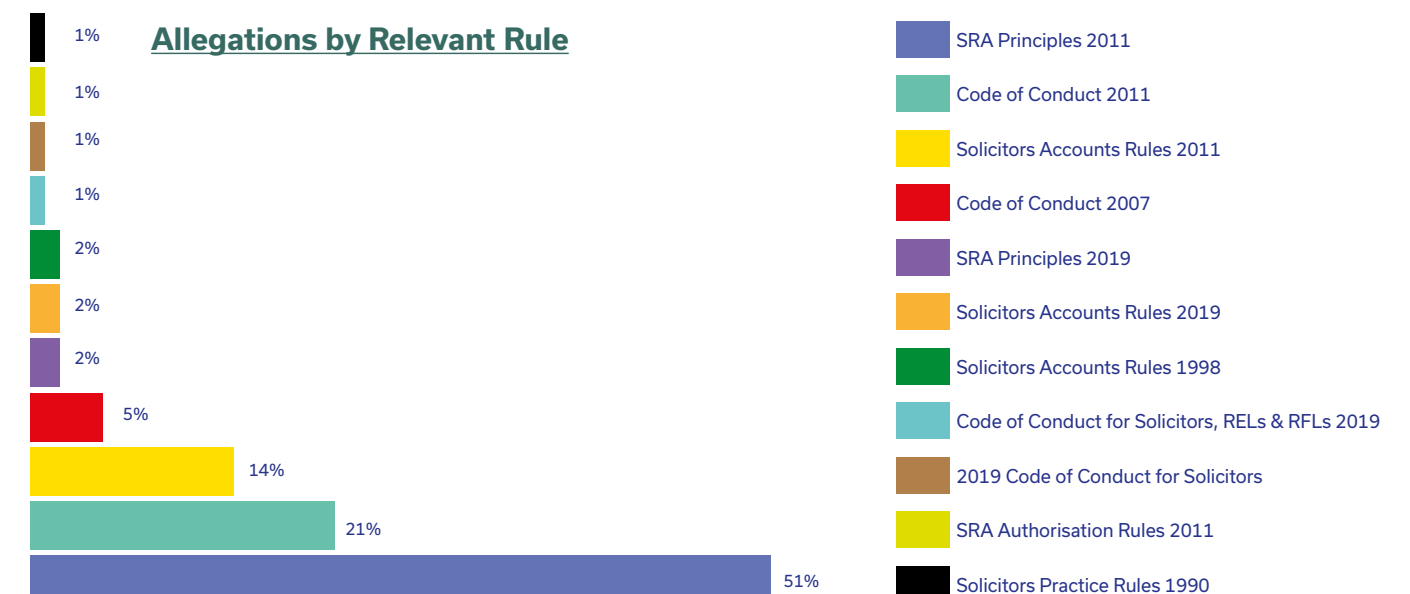
The Tribunal lists applications for Agreed Outcomes as soon as possible following receipt. The use of remote hearings has meant Agreed Outcomes are considered with efficiency and minimum delay before a specific panel rather than added to an existing court with remote attendance of parties at short notice.



When refusing an Agreed Outcome application, the Tribunal will often give an indication of the sanction it considers appropriate to assist the parties.

Of the 8 applications that were refused some of the reasons for refusal were:-

- Proposed sanction unduly lenient. In some cases an increased sanction was imposed following a substantive hearing.
- Refusal to allow dishonesty to be withdrawn due to evidence
- requiring testing within the hearing process for fair determination as to whether conduct was dishonest.
- No evidence or information as to means provided when a financial penalty was offered.
- Insufficient information in relation to harm to determine the application.



## BREAKDOWN OF ORDERS

**There is always a difference between the number of cases/hearings and the numbers of sanctions/orders handed down.**

This is because sanctions/orders relate to individual respondents and cases often have multiple respondents - so there can be more than one sanction/order per case.

The chart shows how many sanction/orders were made in all hearings during 2021.

In relation to the most common sanctions we have broken down the information below to show the types of sanction and whether it was ordered following a substantive hearing or by way of Agreed Outcome:

### Substantive Hearing

Solicitors Struck off	33
Fines	12
Restrictions Orders	7
Fixed Period Suspension*	6
Indefinite Suspension	2
Reprimand	1
S43 Clerk Order	1

### Agreed Outcome

Solicitors Struck off	16
Fines	23
Restrictions Orders	5
Fixed Period Suspension*	3
S43 Clerk Order	1

\*The information above relates to 9 of the 10 fixed period suspensions referred to in the chart, the suspension not included relates to a hearing remitted back to the Tribunal following an appeal.

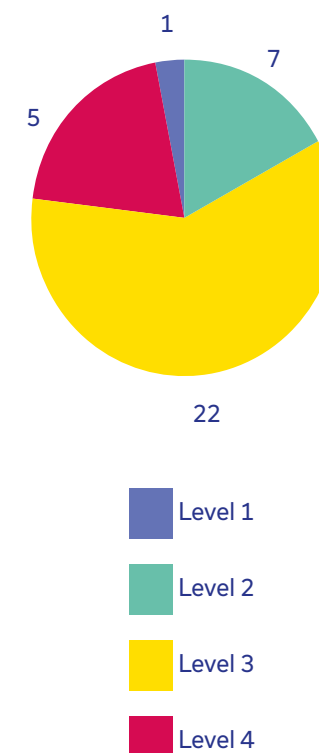
\*1 order relates to a granted application to lift suspension with restrictions imposed in place.

49	Solicitors Struck off	2	Costs Only Order
35	Fines	2	S43 Clerk Orders
13	Restriction Orders*	2	Stay of Proceedings
10	Fixed Period Suspensions	1	Allegations Not Proved
4	Applications to Vary Restrictions	1	Application to Enforce Costs - Granted
4	S44 Appeals 3 Allowed 1 Dismissed	1	Application for Re-hearing - refused
3	Restoration to Roll 1 Granted 2 Refused	1	Proceedings withdrawn by SRA
3	Revocation of S43 Order - Refused	1	Reprimand
2	Indefinite Suspensions	1	S46 Appeal - Stayed
2	Applications to lift Indefinite Suspension 1 Granted 1 Refused	1	Application Withdrawn

## FINES & COSTS



Fine Breakdown - All Hearings

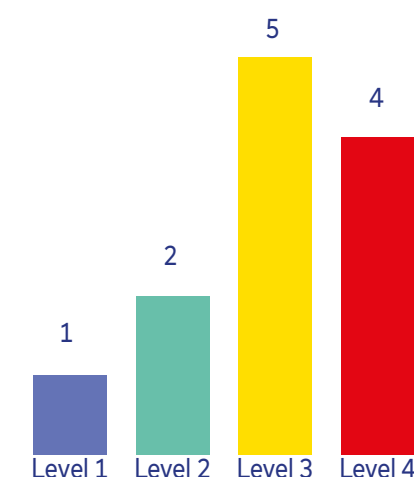


**In 2021, the Tribunal ordered £433,602 in fines, £232,601 of which was from cases concluded by agreed outcome.**

The level of fines in 2021 represents a decrease of £81,903 compared to 2020.

HM Treasury is provided with a copy of the fine order and is responsible for collecting and enforcing the payment of fines.

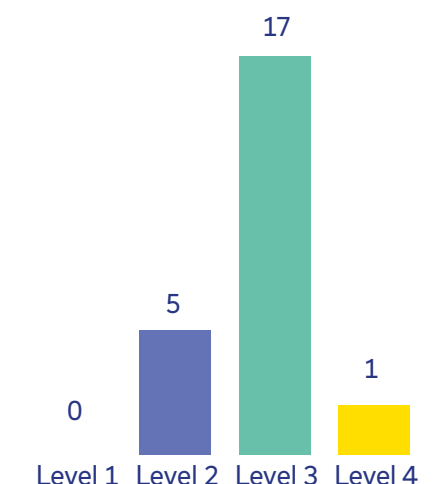
Fine Breakdown Substantive Hearings



Fines were imposed in the following indicative fine bands:

Level 1 - £0-£2,000  
Level 2 - £2,001-£7,500  
Level 3 - £7,501-£15,000  
Level 4 - £15,001-£50,000  
Level 5 - £50,001-Unlimited

Fine Breakdown Agreed Outcomes



Both the level of fines and the level of costs in any one year is dependent upon the specific cases before the Tribunal, any costs ordered are payable to the receiving party not the SDT.

In 2021, the level of costs ordered increased by £79,550.21.

This was due to the level of cost orders made following a number of substantive

hearings with 8 cases resulting in costs orders exceeding £50,000.

In cases brought by the SRA where there has been a forensic investigation into the matters giving rise to the allegations, the costs of this investigation are usually included as part of the costs the SRA seeks in the proceedings.



**Of the amount of costs ordered in 2021, £382,636.72 was from cases concluded by Agreed Outcome.**

