



The Solicitors Disciplinary Tribunal Annual Report 2019

**Independent
Impartial
Transparent**

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Introduction from the President Edward Nally

I am pleased to welcome you to the SDT's Annual Report for 2019. You may recognise a change of style and format this year, which we hope will meet with approval. This year we have focused on a different style of presentation, in contrast to the reports of previous years, which were packed with detail that might have been of only passing interest to some readers. So I hope you find this year's report both accessible and clear. Any feedback will be most welcome (via the [Contact Us](#) page on our website).

In many ways 2019 has been a highly significant one in the life of the Tribunal. It has seen the full implementation of CaseLines, our paperless evidence management system. I am delighted at the way parties and the Tribunal have adjusted to the paperless environment which is proving to be an effective and valued new approach to our work.

Just as significantly, this year saw the approval of the new Solicitors (Disciplinary Proceedings) Rules 2019, which came into force in November. The obvious headline is the move from the criminal to the civil standard of proof in new cases. Whilst the move to the civil standard was a concern for some and welcomed by others, in almost equal measure, I believe it was the correct approach to take. The Tribunal will continue to apply its decision-making with an eye to cogent and compelling evidence. The public and the profession are entitled to expect that of us and we will deliver that outcome.

As you will see, the Tribunal has had a busy year with a rich and challenging range of casework. I am determined that we will continue to respond efficiently and, above all, justly in the adjudication of the cases that come before us. I see the Tribunal's role as the custodian of the collective conscience of the solicitors profession. Respect and trust in the solicitors profession is a rare privilege that has been earned over generations. It can easily be impaired by unacceptable conduct from a few of our number. Where that occurs, it is important for us to ensure the highest possible standards of integrity and professionalism are maintained. That is, after all, all that we can strive to do.

In conclusion, I would like to thank my colleagues at the Tribunal for their hard work and dedication throughout the year in their respective roles.

The Solicitors Disciplinary Tribunal

Welcome to the Solicitors Disciplinary Tribunal

Independent

Impartial

Transparent

Solicitors Disciplinary Tribunal and its administration company Solicitors Disciplinary Tribunal Administration Ltd are wholly independent of the Solicitors Regulation Authority.

ABOUT THE SDT

The Solicitors Disciplinary Tribunal 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 determination of suspension from practice. Its decisions are subject to a right of appeal to the High Court.

INDEPENDENT

IMPARTIAL

TRANSPARENT

Most of the cases (about 90%) that come before the SDT are brought by the Solicitors Regulation Authority (SRA), which is the body that regulates solicitors and their firms. However, cases can also be brought directly by members of the public and these are known as lay applications. Cases are heard by a panel of 3 SDT members, known as a division.

The SDT also hears appeals in relation to certain internal decisions made by the SRA, as well as applications to review a Section 43 order (ie an order against someone who is an employee of a solicitors' firm but not a qualified solicitor).

The rules and regulations which govern solicitors and their firms are the [SRA Code of Conduct](#), the [SRA Principles](#) and the [SRA Standards and Regulations](#). They are designed to protect the public and consumers of legal services, and maintain confidence in the reputation of the solicitors profession.

The Tribunal's rules are set out in statutory instruments and are subject to the approval of the Legal Services Board.

The SDT is supported by an administration company, Solicitors Disciplinary Tribunal Administration Limited.

OUR ROLE, VISION, MISSION AND VALUES



OPEN AND TRANSPARENT HEARINGS

The SDT's courtrooms and offices are based on the 3rd, 4th and 5th floors of Gate House at 1 Farringdon Street, just off Ludgate Circus in the City of London. This is where hearings in person take place and where the staff team is based.



We have 4 courtrooms and can hear up to 4 cases at any one time. The names and dates of forthcoming hearings are published on our website, where there is also an interactive tour of the courtrooms to assist people who are not familiar with our premises and procedures.

We are committed to listening to and acting on the views of stakeholders and every 6 months a User Group Committee (UGC) meets to discuss any issues or concerns which affect Tribunal users, to help build understanding and improve case-management procedures. The UGC is made up of key stakeholders representing the views and interests of the various parties involved in cases. [Notes of the topics discussed by the UGC](#) are published on our website, where information about our policies, procedures and practice directions can also be found.



In most cases members of the press and public are welcome to attend hearings, unless a division has directed that all or part of the hearing should be heard in private (eg to protect the identity of a witness, or if very sensitive or confidential evidence is being considered). Judgments are published in full on the website (unless the division specifically directs otherwise) and audio recordings of public hearings are available free of charge after the hearing has finished.



We welcome feedback from parties in cases, visitors to the Tribunal and others who come into contact with our services, via our website or by contacting us directly (by email to enquiries@solicitorsdt.com or by phone on 020 7329 4808).

HOW WE WORK



ORGANISATIONAL STRUCTURE

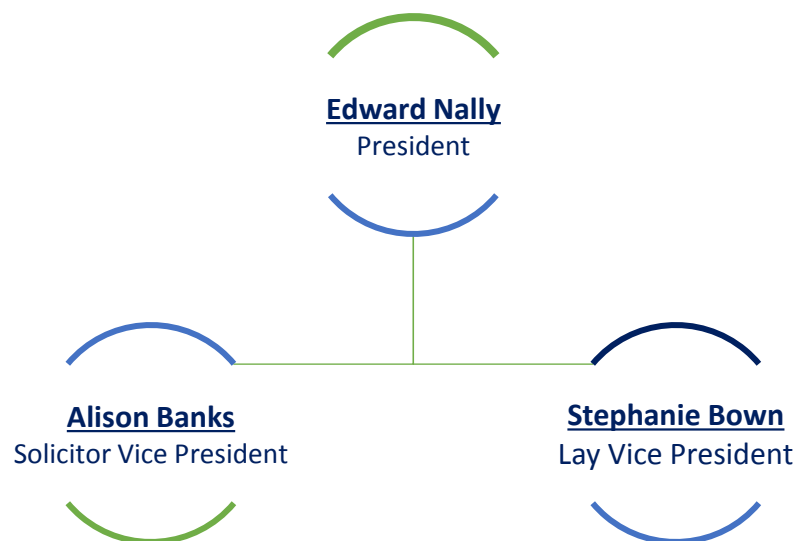
The SDT is a statutory body with officers elected by its Members.

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

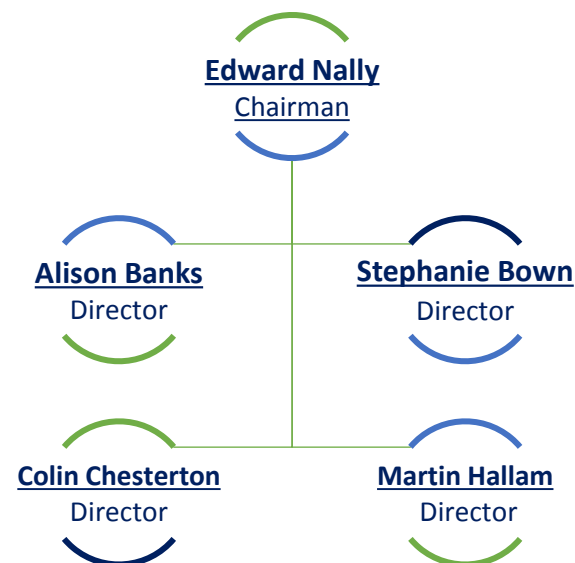
The Tribunal's Executive Team is headed by Geraldine Newbold, who fulfils the dual role of Chief Executive of SDTAL and Clerk to the SDT, and works with the SDTAL Board of Directors to lead and govern the Tribunal. Geraldine also acts as Company Secretary of SDTAL.

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

SDT Officers



SDTAL Board of Directors



THE TRIBUNAL MEMBERSHIP

The Tribunal is made of up solicitor and lay members, who are appointed by the Master of the Rolls and who are paid a fee for sitting.

Solicitor members are practising solicitors with at least 10 years' experience. Lay members come from a range of personal and professional backgrounds; one of their key roles is to represent the views of the general public.

Members are initially appointed for a 5 year term, after which they can apply to be reappointed for further terms, until they retire under the SDT's Retirement Policy or resign.

Cases are heard by a panel, or 'division', of 3 people, made up of 2 solicitor members and 1 lay member. One of the solicitor members acts as chair of the division.

New members are recruited as and when the need arises and always as part of a competitive recruitment process, to ensure there are sufficient numbers to hear cases within target timescales. The next recruitment round is planned for 2020 – although this is delayed because of the Covid-19 situation.

As at the end of 2019, following the appointment of 5 new members, there were 45 (29 solicitor and 16 lay) members of the SDT – reducing to 42 at the time of publication.

The Tribunal Membership as at 31.12.2019

Solicitor Members		Lay Members
James Astle	Alison Kellett	Lucinda Barnett
Alison Banks	Paul Lewis	Stephanie Bown
Patrick Booth	Nicola Lucking**	Elizabeth Chapman*
Colin Chesterton	Jane Martineau	Nalini Chavda
Teresa Cullen	Mark Millin	Sarah Gordon
Peter Davies	Richard Nicholas	Martin Hallam
Jacqueline Devonish**	Edward Nally	Stuart Hill**
Holetta Dobson	Bhavna Patel*	Stephen Howe
William Ellerton	Andrew Spooner	Paul Hurley
Carolyn Evans	Gerald Sydenham	Priya Iyer
Justin Evans	Simon Tinkler	Steven Marquez
Bellamy Forde		Lesley McMahon-Hathway
Ashok Ghosh		Adair Richards*
Dominic Green		Jenny Rowe*
Angela Horne		Robert Slack
Paul Housego		Carol Valentine
Claire Jones*		
Peter Jones		

*joined 25.9.19

**Retired/resigned in 2020

CHANGES IN THE MEMBERSHIP IN 2019

Six members of the Tribunal retired or resigned in 2019 and 5 new members joined.

	JOINED	RETIRED	RESIGNED
SOLICITOR MEMBERS	Claire Jones Bhavna Patel	Laurence Gilford Richard Hegarty	Martin Jackson Howard Sharkett Timothy Smith
LAY MEMBERS	Elizabeth Chapman Adair Richards Jenny Rowe	Millius Palayiwa*	

*Lay Vice President

The new members were appointed on a reserve list during the last member recruitment round in 2015, and joined in 2019 following a number of retirements and resignations and in anticipation of further retirements in 2020/21.

In February, Edward Nally was re-elected by the members as President of the SDT, for a second three-year term. Edward will also continue to serve as a Director and Chair of the SDTAL Board and as Chair of the SDT Policy Committee.

Dr Stephanie Bown was appointed for a 3-year term as lay vice-president of the SDT, a Director of the SDTAL Board and a member of the SDT Policy Committee, on 3 March 2019 following the retirement of Millius Palayiwa.

David Marlow

We were very sad to learn of the death earlier this year of David Marlow, a distinguished and long-serving lay member of the Tribunal until his retirement in 2017.

THE ADMINISTRATIVE TEAM

SDTAL employs 12 full-time and 5 part-time staff, working across 3 teams. They support the running of the Tribunal by managing and clerking cases and providing overhead and administrative support.

The team is led by the Chief Executive, Geraldine Newbold, who provides strategic leadership in conjunction with the Board of Directors and works with a small staff management team to oversee the operational running of the organisation.



ADMINISTRATIVE TEAM FUNCTIONS

The Case Management Team (CMT)

The CMT manages cases from receipt to conclusion, making sure they run smoothly, efficiently and cost-effectively. A key part of the CMT's role is ensuring that respondents, witnesses and others – especially those who are less familiar with the Tribunal's proceedings - understand what is required and so are able to participate in and present their case effectively.

The team issues proceedings, directions and other documents to the parties (mostly using CaseLines, the cloud-based evidence management and presentation tool used by the Tribunal); they monitor the progress of the case, advising on procedure and ensuring that deadlines and directions are complied with; they set up the courtrooms and retiring rooms and ensure that everything is in place on the day of the hearing.

The Clerking Team

The 8 members of the clerking team (known as Deputy Clerks and led by the Senior Deputy Clerk) manage the hearing on the day and provide advice and guidance to the Tribunal division on points of law and procedure, both in open court and in the retiring room. They prepare and draft the Tribunal's judgments and other decisions under the instruction of the division, summarising the facts, evidence, any areas of dispute, legal issues etc in a way which can be easily understood and is accessible to the general public.



The HR and Offices Services Team

The HR and Office Services team carries out the administrative and support functions necessary for the smooth running of the Tribunal's operations. As well as HR, this includes finance and payroll, IT, health and safety and facilities management. The team deals with the logistics and technical facilities for cases and hearings, makes sure parties, visitors and callers to the Tribunal are dealt with effectively and courteously, and manages the SDT's website, including publishing judgments.

HOW CASES ARE MANAGED

- Proceedings start with an application from the SRA or a private individual(s), known as a 'lay applicant', alleging a breach by a solicitor or a member of a solicitors' firm (the 'respondent').
- Applications can also be from former solicitors applying to be restored to the roll of solicitors after being struck off, or from solicitors applying to end a suspension or to vary practising restrictions.
- A solicitor member initially considers the application to decide if there is a case to answer. If there is any doubt about this, the application goes to a division of 3 members to decide.
- If there is a case to answer, the SDT's Clerk serves directions on the parties. These standard directions can be varied by agreement between the parties and the division.
- A substantive hearing date is fixed, depending on the availability of the parties, advocates, witnesses, Tribunal members, clerks, and courtrooms, with a time estimate (which can be anything from a day to several weeks).
- If the time estimate is more than 3 days, a case management hearing (CMH) is also scheduled ahead of the substantive hearing, to ensure the case is managed effectively within the necessary timescales. Increasingly, CMHs are held by video or telephone conference.
- Any party can apply for the hearing date to be adjourned with the agreement of the other party/parties, supported by evidence as to why the adjournment is necessary.
- The respondent has to send their answer to the allegation(s) to the Tribunal and to all of the parties in the case by a specified date, stating which allegations (if any) are admitted and which (if any) are denied.
- Following the hearing, the order of the Tribunal is read out in court, with a detailed judgment setting out the reasons for the decision published on the SDT website (usually within 7 weeks of the hearing date).
- More detailed information about the case management process can be found on our website.

Equality and Diversity



EQUALITY AND DIVERSITY

The SDT is committed to treating everyone fairly and equally regardless of their background, and to examining its processes to ensure that they reflect best practice in this respect. We recognise that to be effective and serve the public interest we need to ensure the Tribunal's composition, practices and procedures reflect and are relevant to the population we serve.



We are exploring ways to increase our understanding in this area, including targeted training and induction for members and staff, and ways of tracking information about the diversity of respondents in relation to the outcome of cases.

A particular challenge for us has been gathering meaningful diversity data about respondents. In order to improve on low response rates, we have developed a more streamlined, electronic equality and diversity monitoring questionnaire for respondents which is quicker and simpler to complete. We hope this will help to encourage more people to participate.

We have started to capture more general information about respondents, in addition to protected characteristics, including practice area, types of allegation and practitioner type, to help us monitor outcomes for people from different practice areas and ensure that sanctions are consistent across the board.

As part of our goal to maintain and indeed increase trust in the SDT amongst the wider population, we have improved access to information on our website, including guidance and practice directions.

We intend, in 2020, to launch a user experience survey, to help us understand how we can improve respondents' and witnesses' experience of appearing at the Tribunal – especially vulnerable and disadvantaged groups.

We will look to engage support from specialist organisations and experts in the field to help us shape our strategy and find practical ways to support minority groups.

The imminent member recruitment campaign will include a strong focus on equality and diversity.

During 2020 we will deliver targeted diversity training for Members and staff from an experienced trainer in this field.

WORKFORCE PROFILE

Gender



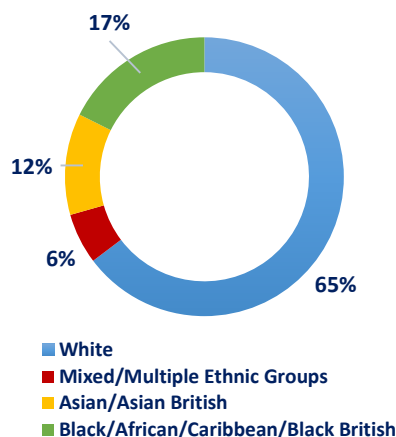
MALE

FEMALE

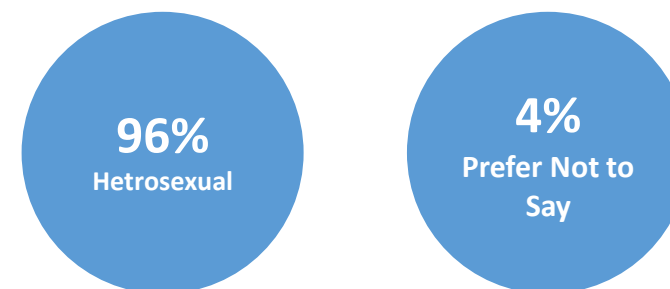
24%

76%

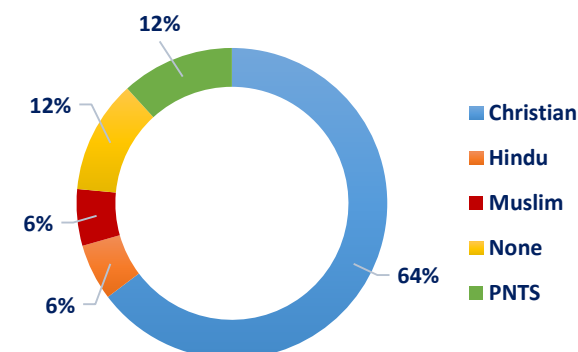
Ethnicity



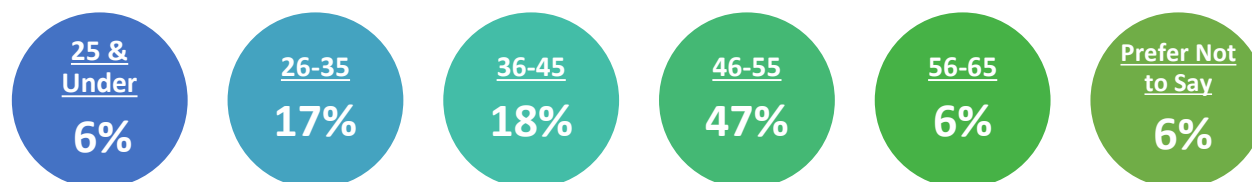
Sexual Orientation



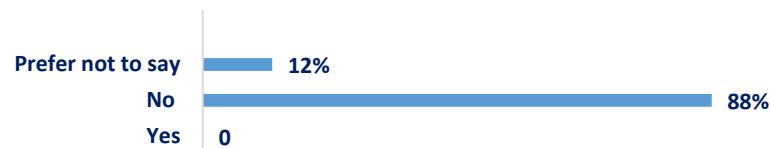
Religion



Age Breakdown



Disability/Long Term Health Condition



The figures reflect data gathered from a diversity monitoring questionnaire sent to all staff in April 2020. All 17 staff surveyed responded to the questionnaire.

MEMBERSHIP PROFILE

Gender



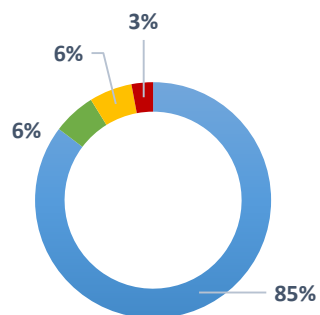
MALE

FEMALE

50%

50%

Ethnicity



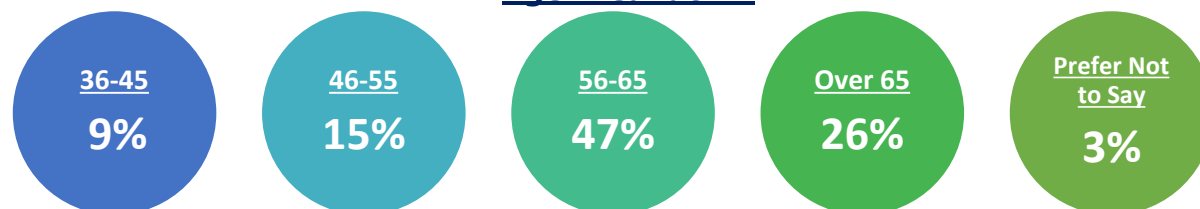
■ White
 ■ Asian/Asian British
 ■ Black/African/Caribbean/Black British
 ■ Other

Sexual Orientation

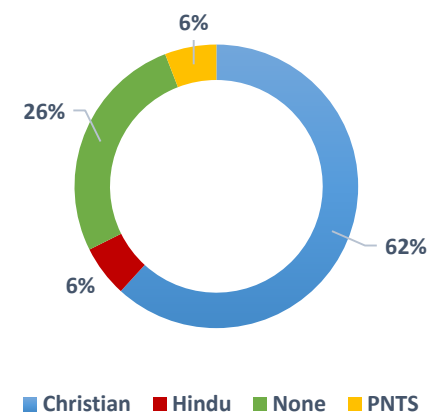
97%
Hetrosexual

3%
Gay

Age Breakdown



Religion



■ Christian ■ Hindu ■ None ■ PNTS

Disability/Long Term Health Condition



The figures reflect data gathered from a diversity monitoring questionnaire sent to all members in April 2020. Of the 42 current members surveyed, 8 did not respond and are excluded from the figures provided above.

Our Finances



OUR FINANCES

How we are funded

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 new 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 where 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.

In 2019 our budget was £3.2m. This represented an increase on the previous year of 10.6% if the variable costs associated with an extra 106 budgeted sitting days are included, but a decrease of 0.3% if these variable costs are excluded.

The actual cost per regulated person in 2019 increased by 2.4% on the previous year. The main driver of this rise was the 15.8% increase in sitting days between the 2 years. In 2019 the Tribunal sat for 308 days, compared to 266 in 2018.

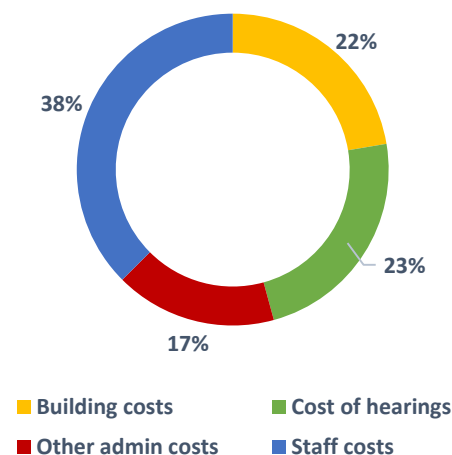
2019	2018
£19.72	£19.25

(based on 2019 budget divided by the number of regulated persons¹)

In 2019 we implemented a Financial Reserves Policy in place of the previous arrangement of repaying surplus funds at the end of year to TLS. Having a financial reserve provides us with greater certainty about the operating and investment funds, enabling us to take a more strategic, long-term approach to business planning.

¹The average number of regulated persons in 2019 was 149,891 (146,607 practising solicitors and 3,284 registered European and foreign lawyers). Source: SRA Data for Population of Practising Solicitors.

What we spent our money on in 2019

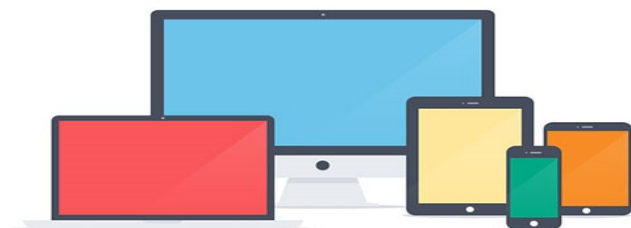


	Sum of 2019 (£)
Building costs	661,057
Cost of hearings	691,552
Other admin costs	495,883
Staff Costs	1,108,069
Grand Total	2,956,561

The Year under Review



CASELINES

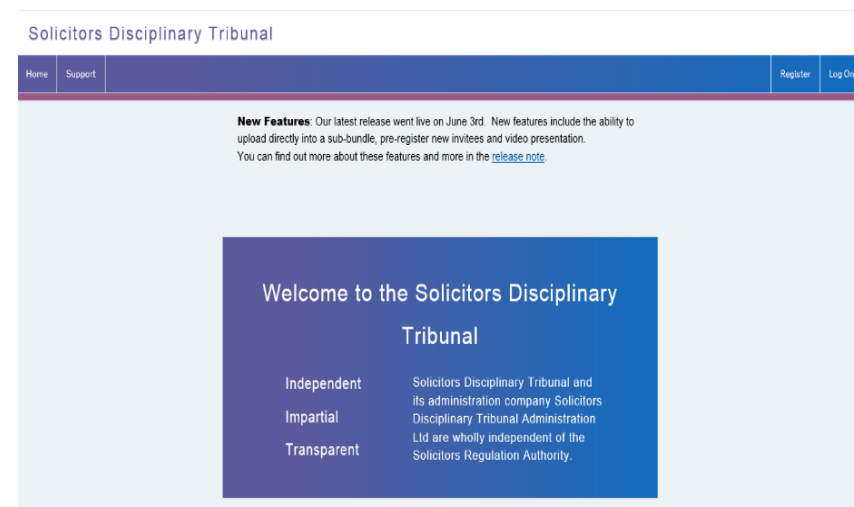


During 2019, the SDT implemented a phased roll-out of the CaseLines digital evidence management and court room presentation platform, as part of our strategic digital transformation plan. CaseLines allows parties in a case to upload electronic evidence documents directly into the CaseLines system for use in court, eliminating the need for paper bundles for the majority of SDT hearings.

Evidence is presented as if it is in a paper bundle, but can be accessed on any device with an internet connection, in court or elsewhere.

The CaseLines system is easy to use and is already used in the Crown and Family Courts in England and Wales. Its introduction is a significant part of our strategy to streamline processes, increase efficiency and reduce the cost per hearing over the long term. Following its introduction we have started to see operational and financial benefits, including a reduction in the time, effort and cost of preparing and presenting evidence bundles, not just for the SDT but for all parties in the case.

The ability to manage cases more flexibly using CaseLines has been an essential factor in enabling the SDT to hear cases remotely at a time when face to face hearings are not possible.



NEW RULES AND REGULATIONS

In 2019, following a consultation exercise, the SDT introduced a new set of procedural rules for first instance applications to the Tribunal - [the Solicitors \(Disciplinary Proceedings\) 2019](#). (A further amendment to the wording to reflect the transition period following the UK's exit from the EU on 31 January - [the Solicitors \(Disciplinary Proceedings\) \(Amendment\) Rules 2020](#) - came into effect on 25 May 2020.)

Updating the rules allowed us to carry out a complete review of the previous rules ([the Solicitors Disciplinary Proceedings Rules 2007](#), which had been in effect since 2008). It also enabled us to consolidate matters previously covered by different practice directions into the new rules - making it easier for those less familiar with the Tribunal's practices and procedures to understand the requirements.

One of the key differences introduced under the new rules is a move from the criminal to the civil standard, meaning that allegations need to be proved on the balance of probabilities rather than beyond reasonable doubt – a significant change for the Tribunal.



The new rules came into force on 25 November 2019, for cases certified on or after that date (with earlier cases being subject to the previous 2007 rules).



The SRA also introduced new Standards and Regulations on 25 November 2019, with two new codes of conduct - one for firms and one for individuals. The applications that the SRA makes to the SDT are based on their professional standards and so this change will have an impact on the specific allegations that the Tribunal hears (although not the overall area of work which remains professional misconduct).

JUDGMENT PUBLICATION POLICY

On 4 September 2019 the SDT's Policy Committee published an updated version of its Judgment Publication Policy, reviewing and updating the publication period for judgments where sanctions are effective indefinitely.

These judgments will now remain on the website for 60 years, rather than indefinitely.

The policy has also been updated to clarify the position when a Respondent dies, in which case a request to delete the judgment will be granted unless there is a continuing public interest in the judgment remaining on the website.



Cases in 2019

In 2019 the SDT dealt with 87 substantive hearings over 308 sitting days. Each year we work with the SRA to estimate the likely number of applications and the time needed for each case. The estimate is inevitably affected by a number of factors, including agreed outcomes and adjournments, so that the number of cases heard differs from the estimate.

The actual number of sitting days was lower than the 406 which had been estimated for the year - in part because only about a third of the predicted sexual misconduct cases (for which a total of 81 days had been estimated) were referred/dealt with in 2019.

The 7 cases categorised as involving 'sexual misconduct' which we dealt with included some relating to behaviour in a work context either at or outside of the workplace. Of the cases received, 5 had been concluded at the time of publication and 2 are outstanding. An appeal relating to a sexual misconduct case received in 2018 is also still outstanding.

We put measures in place to take account of the sensitivity of the proceedings, including CMHs to discuss any anticipated issues and arrangements for witness evidence, and these appeared to work well for the most part.

We have seen a gradual increase in the length of substantive hearings. In 2019 there were 97 days (31%) where the length of hearing was 2 days or less, compared to 107 (40%) in 2018. All cases turn on their own facts and the length of hearing is determined by several factors including the number of allegations, any admissions and the number of witnesses.

Strategic and Operational Plan



OUR STRATEGIC OBJECTIVES FOR 2020-23

In 2019, the SDT published, for the first time, its Strategic and Operational Plans, setting out its overarching objectives and operational priorities for the next 3 years.

Our aim in publishing our plans is to help both the public and members of the solicitors profession understand more about what we do and why, and to be more transparent about how we work and what we want to achieve in the future.

Our overarching strategic objectives are:



1. To increase the confidence and understanding of the public and the solicitors profession in the SDT, its powers and decision making processes, and its commitment to treating all people fairly and with respect
2. Continuously to improve the Tribunal's processes and procedures, using technology where possible to maximise efficiency and resilience
3. To provide value for money

These objectives will govern our operational plans and annual activity schedule for the next 3 years – recognising that, in a changing legal and regulatory landscape, we will need to adopt a flexible approach and adapt our strategy as necessary. Each year we will assess (and publish) progress against the preceding year's activity schedule.

OBJECTIVE 1

Increase the confidence and understanding of the public and the solicitors profession in the SDT, its powers and decision making processes, and its commitment to treating all people fairly and with respect.

One of our priorities is to engage more regularly with stakeholders and in 2019, in addition to the UGC meetings, we have engaged in regular liaison with the MoJ, LSB, Law Society and SRA. During the year we also met with the CEO of Law Care and the Chair of the Regulatory Processes Committee and we attended the Solicitors Assistance Scheme AGM.

We have provided information on our website to assist Tribunal users, including information about how we use and protect personal information, practice directions and guidance on adjournments and for persons assisting a party

We will be working with the Master of the Rolls' office on the recruitment of new lay and solicitor members, governed by a revised Appointment Protocol (currently being finalised by the MR's office). The recruitment was expected to take place in 2020 but is currently delayed due to Covid-19.

We invited a serving circuit judge who is a previous Tribunal member to provide training in chairing hearings for solicitor members who would be fulfilling this role for the first time during 2019, as well as for the majority of other solicitor members, who also attended.

We refreshed diversity data for members and staff, to improve monitoring and reporting (completed in time for publication of this report).

We have introduced a streamlined form to improve data capture about protected characteristics of respondents, and widened our data gathering to include professional diversity.

We are working with our website provider to create a user experience questionnaire to gather information to improve our understanding of the experience and needs of Tribunal users and use this to inform our policy and practice.



We delivered tailored training for staff to help them recognise, understand and respond to the particular needs of vulnerable respondents and witnesses.

In 2020 we will also be delivering tailored equality and diversity training for members and staff.

In anticipation of the move from the criminal to the civil standard of proof we invited a Court of Appeal Judge to speak at the November training day on "Proving things: the burden and standard of proof".

OBJECTIVE 2

Continuously improve the Tribunal's processes and procedures, using technology where possible, to maximise efficiency and resilience.

We encourage and support learning and continuing professional and personal development as part of a continuous improvement culture, and to make sure our members and staff have the right skills and capabilities to fulfil their roles and deliver business objectives.

To promote health and wellbeing in the staff team, we introduced an 'active hour' each month for exercise and well-being activities and we encourage staff to take part in the annual London Legal Walk to raise funds for charities in London and the South East which provide free legal advice and representation to those in need.



We use technology wherever possible and where it is cost-effective, to improve case management and other business operations. As well as CaseLines, we have invested a significant amount of work during 2019 in researching, identifying and procuring a new case management system to support modern, streamlined processes and procedures in this area of our work.

We held 2 member training days in 2019, one in June on unconscious bias, and one in November which focused on familiarising staff and members with the SDT's new disciplinary rules, and the SRA's new standards and regulations.

Our goal is to be an 'employer of choice' with a culture and working environment which attracts, develops and retains high calibre staff. We have begun the process of reviewing our employment policies and working practices to ensure they reflect a modern, flexible and productive workplace.

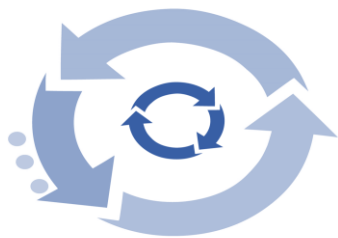
OBJECTIVE 3

Value for Money

We provide value for money by managing our cases efficiently and cost-effectively, maximising court utilisation and reducing the cost per court, and reviewing and reporting on our performance.

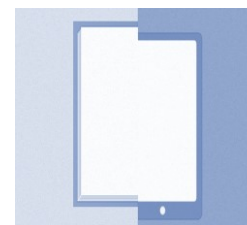
We reviewed our performance measures in 2019 and made changes to drive improved performance.

In 2020 we will be undertaking a wider review of KPIs to ensure that we are measuring those things that are important to stakeholders and which will drive improvement.



We balance cost and value for money from suppliers with an environmentally, socially and economically ethical approach to our work. During 2019 we adopted a policy of stipulating to our contracted suppliers that our cleaning and security staff are paid the London Living Wage from 2020 onwards.

We embarked on a project to digitise our hard-copy judgments to create a more efficient, streamlined and, cost effective way of accessing Tribunal decisions. Judgments will be protected from loss or damage and will remain accessible, in a secure environment and enduring format.



As part of our environmental policy and to reduce our carbon footprint, we have installed mains fed water coolers and recycling bins, and we are eliminating the use of single-use plastic items in favour of re-usable or biodegradable products. The CaseLines electronic evidence platform has vastly reduced the amount of printing and photocopying involved for case management and in court.

Key Performance Measures

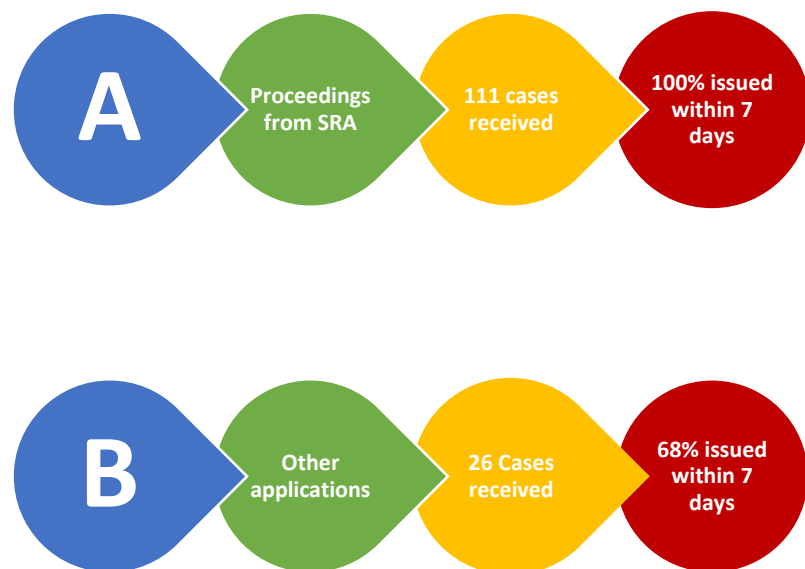


The SDT has a number of performance measurements, against which it monitors its performance and on which it reports regularly to the Legal Services Board. These are:

- PM1—Issue of Proceedings
- PM2—Determination by Hearing
- PM3—Cost per Court
- PM4—Production of Judgment
- PM5—Appeals

ISSUE OF PROCEEDINGS

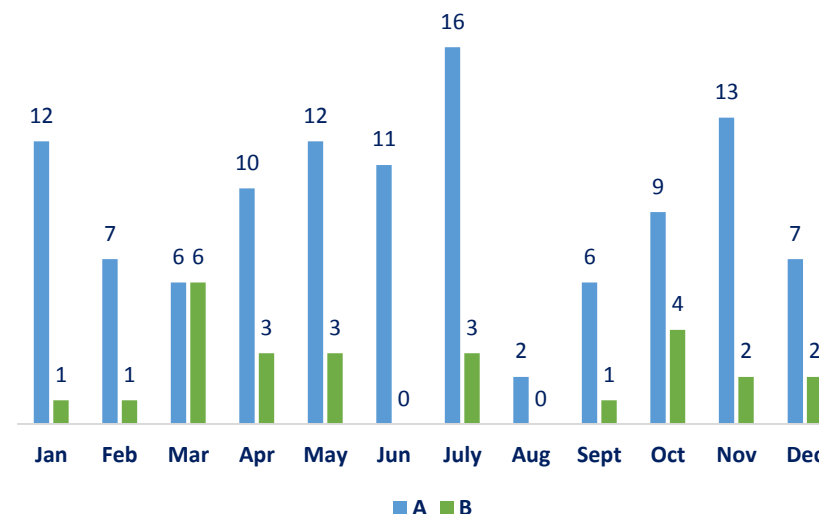
Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to the applicant within 7 calendar days of date of receipt of originating application (in the correct format) at the SDT.



A = Applications relating to solicitors, former solicitors, registered foreign lawyers, registered European lawyers, clerks and recognised bodies

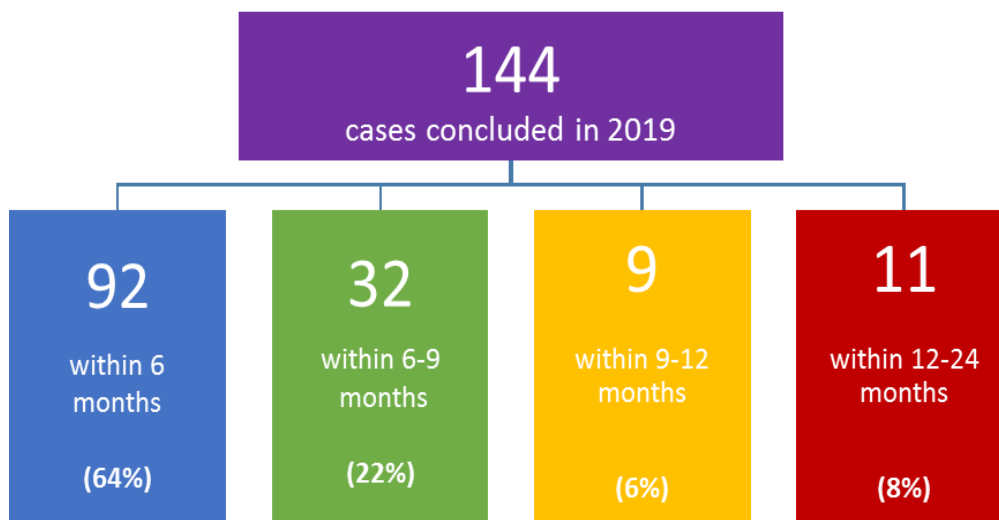
B = Application relating to restoration to the roll, revocation of a Section 43 order, application to determine an indefinite suspension, application for a re-hearing, application to vary a condition on a practising certificate, appeal under Section 44E, costs order and application to activate a suspension.

Number of applications received per month



All of the cases referred by the SRA in 2019 were certified and proceedings issued, or notification of non-certification sent, within 7 days. However, this was met in only 68% of cases not originating from the SRA, mainly because the process for lay applications tends to take longer (eg it may include referral to the SRA). For this reason, we have split this measure into SRA and non-SRA cases to provide a clearer picture of performance in this area.

DETERMINATION BY HEARING AND PRODUCTION OF JUDGMENT



Determination by Hearing

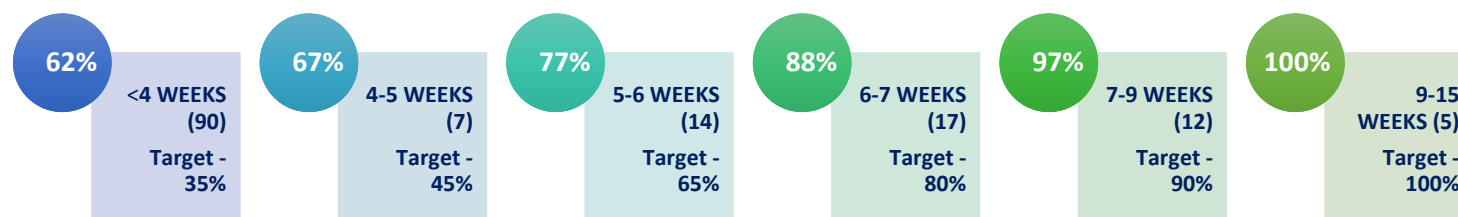
Target: In 60% of cases determination of application, by substantive hearing or otherwise, to take place within 6 months of the date of issue of proceedings, 20% within 6-9 months, 15% within 9-12 and 5% within 12-24 months.

- The average length of cases in 2019 was 2.1 days
- There was a significant increase in the number of cases concluded within 6 months.
- From June 2019 the clerking team was at full strength which increased the availability of clerks and the ability to list matters within 6 months.
- Greater flexibility due to increased clerking capacity resulted in more hearing days able to be re-allocated for a case at late notice.

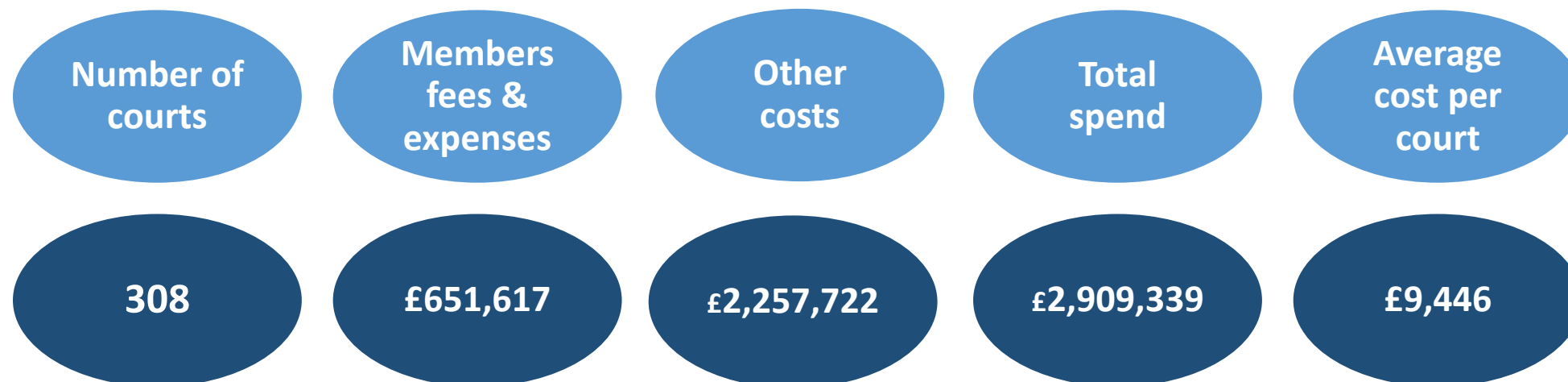
Production of Judgment

Target: Judgment to be served on parties within target timescales

- The target continues to be consistently met or exceeded.
- The majority of judgments were delivered in 7 weeks or less.



COST PER COURT



- Overall cost per court fell in 2019 by £887 (8.6%) compared to the previous year.
- This was because admin expenses, which are predominantly fixed, were spread over 42 more hearing days in 2019 than in 2018.
- Administrative expenses rose by just under £74,000 in 2019 due to recruitment to fill staff vacancies and the introduction of the new CaseLines evidence management system.
- The use of CaseLines resulted in an increase in operating costs during the implementation phase, but the SDT is now realising substantial savings on printing, stationery, postage and courier costs.

APPEALS

Decisions by the SDT are subject to appeal to the Administrative Court. The time limit for lodging an appeal is 21 days from when the Judgment is issued. The SDT is not a party in cases where its decisions are being appealed.

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

	No. of cases heard in year 144	as % of SDT cases heard	as % of appeals lodged
Appeals lodged	13	9.0%	100.0%
Appeals withdrawn/resolved by consent	1	0.7%	7.7%
Appeals dismissed	3	2.1%	23.1%
Appeals upheld in whole or part	2	1.4%	15.4%
Appeals outstanding	7	4.8%	53.8%

After an increase in 2018, the number of appeals as a proportion of Tribunal cases fell from 12.5% (21*) in 2018 to 9% (13) in 2019. Two of the 2019 appeals related to lay applications. The majority were lodged by Respondents.

As at the end of 2019, 6 of the 13 appeals had been considered by the High Court (with one of those further appealed to the Court of Appeal in relation to the sanction imposed by the High Court).

*the number of appeals in 2018 was unusually high.

Applications, Sittings & Sanctions Data



BREAKDOWN OF APPLICATIONS

137
Applications

The SDT received 137 applications in 2019, the majority from the SRA and a smaller number from lay applicants. This compares to 138 in 2018.

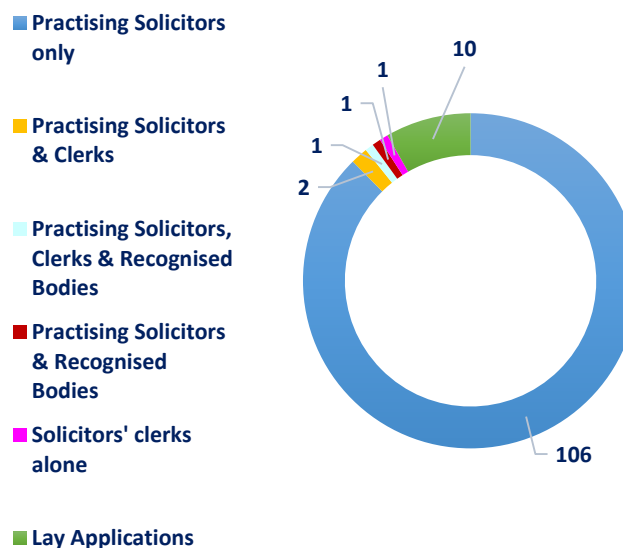
The charts on this page show the applications categorised as relating to practising solicitors and 'other applications'.

Applications relating to practising solicitors

Of the applications received about practising solicitors in 2019, 111 were made by the SRA, relating to alleged misconduct by practising solicitors/clerks. In addition to this, there were 10 lay applications received from the public.

The chart below shows how these applications are broken downs:

Applications relating to:-



Other Applications

•Revocation/review, or variation of a S43 clerk order* and appeals to the SDT

7

•Re-hearing

3

•Variation of conditions on practising certificates

2

•Restoration to the roll

1

•Determination of an indefinite period of suspension

1

•Enforcement of a costs order by the SRA

1

•Remitted appeals

1

*Made either by the SDT or SRA

HEARING AND ADJOURNMENT DATA

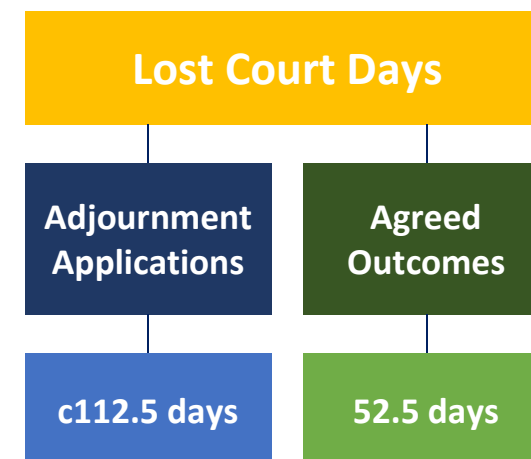
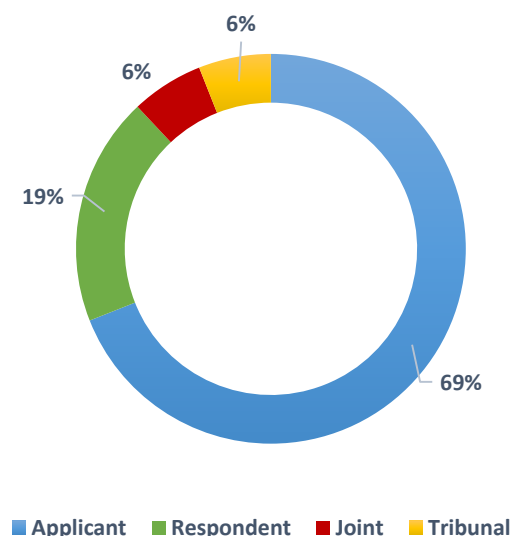
The Tribunal sat on **308** hearing days in 2019, an increase of 42 days from 2018.

<u>Length of Hearing</u>	<u>Number of Hearings</u>
Less than 1 day	8
1	31
2	29
3	15
4	7
5	4
6	3
7	0
8	1
9	2
10	0
11	1
12	0
13	0
14	1

The table above shows a breakdown of the length of substantive hearings and applications eg for restoration to the roll or to end an indefinite suspension. Case management and agreed outcome hearings are not included. There has been a gradual increase in the length of substantive hearings, with just 97 days in 2019 where the hearing was 2 days or less.

Adjournment Applications by Party

In 2019, 85 applications were made to adjourn either the substantive hearing or the case management hearing, of which 12 related to just 3 cases. As a result we lost c112.5 sitting days – a marked increase from 2018 when only 41 days were lost.



The loss of days due to adjournments and agreed outcomes (see below) meant that the actual number of hearing days which went ahead was higher than in previous years but lower than the number predicted for the year.

It was not always possible to replace lost days by bringing other cases forward, especially because we were hearing cases more quickly than previously. We listed more hearings than we thought would actually take place to ensure that cases were heard as early as possible.

REASONS FOR ADJOURNMENTS

Applications - Yearly Figures

Applicant	16	Granted	14 (27%)	Refused	2 (6%)
Respondent	59	Granted	29 (57%)	Refused	30 (88%)
Tribunal	5	Granted	5 (10%)	Refused	0
Joint	5	Granted	3 (6%)	Refused	2 (6%)
Total	85		51		34

The most common reason for adjournment applications in 2019 was the ill-health of the applicant or respondent, resulting in over 57 days of court time being lost - a significant increase from just over 16 days in 2018. This is a factor in the overall increase in the number of days lost because of adjournment applications in 2019.

Applications on health grounds were not always supported by adequate medical evidence. Going forward we will ensure greater scrutiny of evidential requirements in cases of this kind – although it should be noted that the timing of the health event in relation to the hearing dates sometimes limits the available evidence.

In 2019, 13 days of court time were lost because of adjournments due to insufficient time estimates – although this was minimised by extending the length of hearings where possible. We proactively review the time estimated for each case at key points during the proceedings to ensure that it remains appropriate. If there is any concern that it might be too short (or too long), this is discussed with the parties and may result in a case management hearing being listed to review the time estimate.

In addition, at the time of publication a number of 2020 cases were adjourned immediately following the closure of Gate House due to Covid-19, before remote hearings were established.

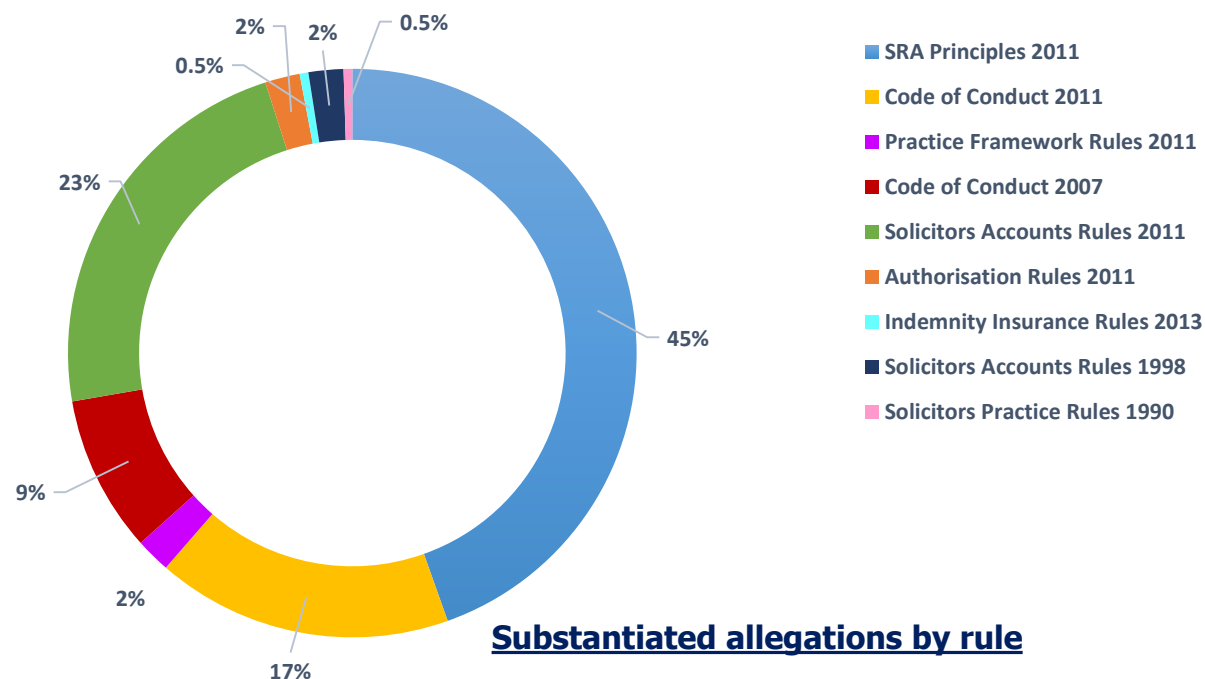
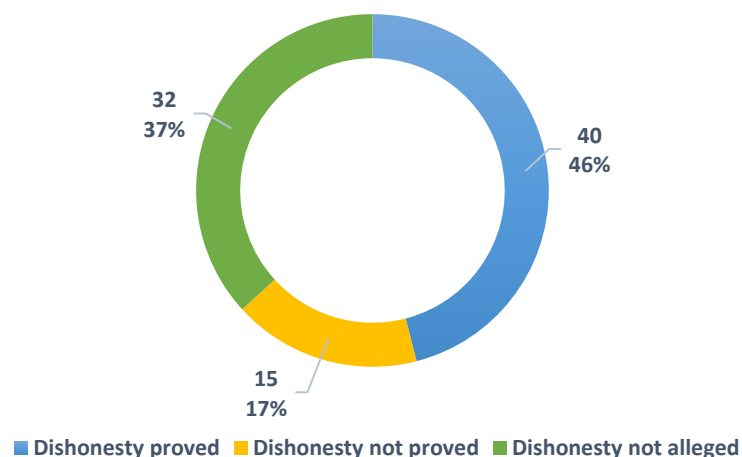


SUBSTANTIATED ALLEGATIONS

Allegations proved/dismissed following substantive hearing



Dishonesty



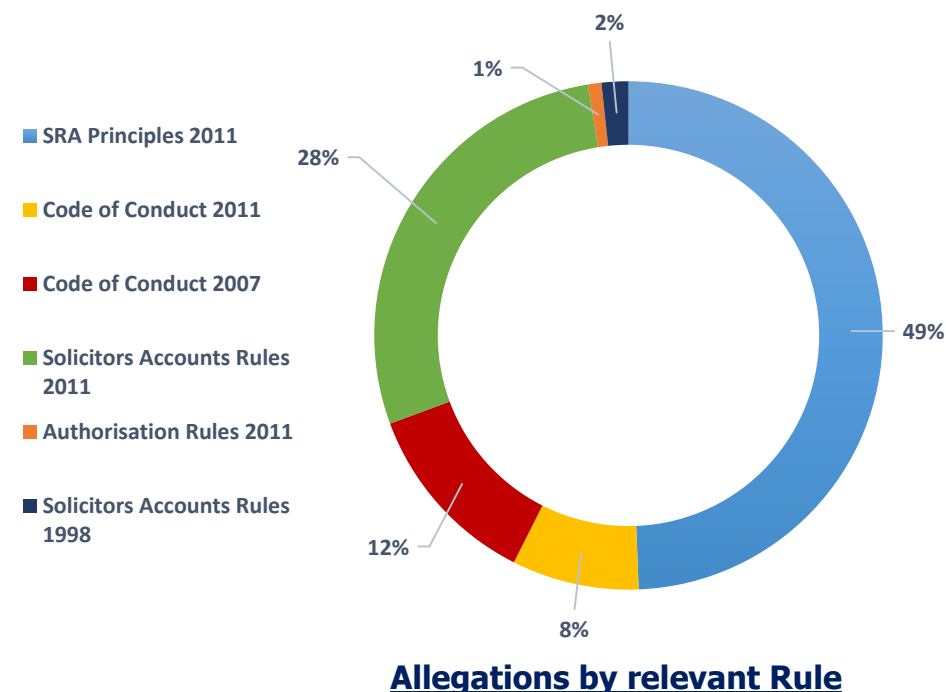
In some cases there was more than one allegation about a breach of the same rule by the respondent. However for the purposes of this chart, each rule breach was recorded only once.

AGREED OUTCOMES

The Tribunal lists applications for agreed outcomes as soon as possible after they have been received. In most cases they are considered within a week, and in many cases within 1 or 2 days. However, this is dependent on a division being available to consider the application.

Applications for agreed outcomes should be made no later than 28 days before the substantive hearing, but in some cases are received later than this, in which case the permission of the Tribunal to file the application out of time is required.

In some cases the agreed outcome application is received so close to the date of the substantive hearing that the only available division is the one which had been listed to hear the case. This is an areas of concern because there is a risk that, if the application is refused, the substantive hearing might need to be relisted and this can result in those hearing days being lost. To address this concern, it is intended to take a more robust approach going forward to dealing with late agreed outcome applications.



Total number of
agreed outcomes
received for the
year

48

Number of cases on
which an agreed
outcome was
received

39

Agreed outcomes
approved

36

Agreed outcomes
refused

12

OVERVIEW OF TRIBUNAL SANCTIONS/ORDERS

67 Solicitors Struck off	1 RFL * Struck off	6 S43 Clerk orders	50 Fines	11 Fixed period suspensions
3 Reprimands	20 Restrictions on practice**	1 Determination of indefinite suspension - granted	2 Restoration to the roll –granted	1 Restoration to the roll - refused
1 Revocation of S43 order – granted	1 Revocation of S43 order - refused	2 Variation of conditions - refused	2 Applications for re-hearing***	2 Enforcement of costs
1 Lay application dismissed	8 Proceedings not proved/dismissed	1 S44E appeal	2 Proceedings withdrawn/stayed by SRA	6 Withdrawn applications****

There is always a difference between the number of substantive hearings and the number of sanctions/orders handed down. This is because orders relate to individual respondents and cases often have multiple respondents – so there can be more than one order per case/hearing.

*Registered foreign lawyer

**Combined with other sanctions/orders

***1 granted/1 refused

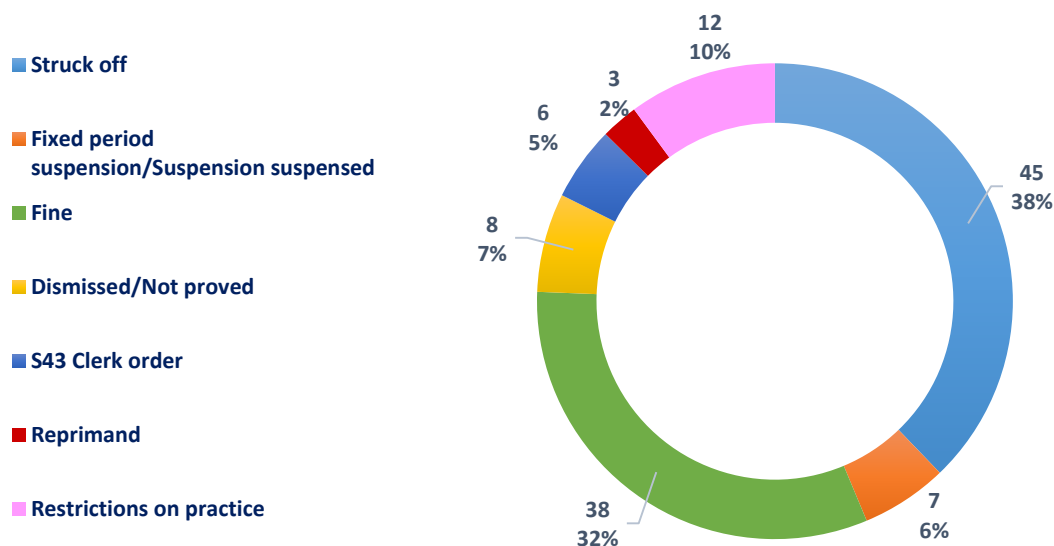
****Applications including restoration to roll/revocation of S43 withdrawn by applicants

SANCTIONS BY HEARING

Sanctions by Substantive Hearings

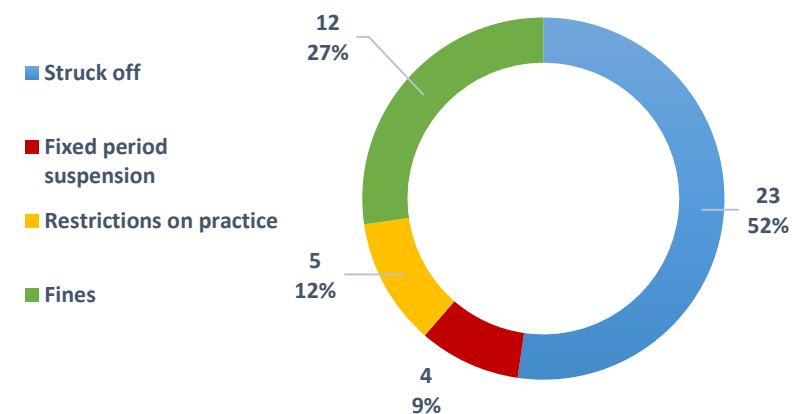
The charts on this page give a broad overview of the sanctions issued following a substantive hearing or agreed outcome. There is a difference between the number of sanctions and the number of substantive hearings. This is because respondents can receive multiple sanctions, which are also often combined with restrictions on practice, and a proportion of cases involve one or more respondent.

In total there were **102** individual respondents who received sanctions following a substantive hearing in 2019, some of whom received multiple sanctions. The total number of sanctions received was **119** (each sanction being recorded individually). **The chart on page 43 shows a more detailed breakdown of those multiple sanctions.**



Sanctions by Agreed Outcome

During 2019, **36** SRA applications were dealt with by way of agreed outcome. In total there were **39** individual respondents who received sanctions following an agreed outcome in 2019. A proportion of these respondents received more than one sanction and the chart below shows the **44** sanctions issued (each sanction being recorded individually).



*Additionally 3 orders for restrictions on practice were made at other (ie not substantive or agreed outcome) hearings and are not included in the charts on this page, bringing the total to 20 (see below).

MULTIPLE SANCTIONS & RESTRICTIONS ON PRACTICE

In 2019, there were a number of sanctions (following both substantive hearings and the approval of agreed outcomes) which combined restrictions on practice with another sanction. Restrictions of this kind can be for either a finite or an indefinite period.

Restrictions on practice are only ordered if they are necessary to protect the public and the reputation of the legal profession from future harm by the respondent. Examples of restrictions are contained in the Tribunal's [Guidance Note on Sanctions](#).

The chart on the right shows a more detailed breakdown of the sanctions handed down in 2019 shown on page 42.



Additionally, there were 2 successful applications for restoration to the roll and 1 successful application for determination of indefinite suspension, all of which were granted but with restrictions on practice.

FINES & COSTS

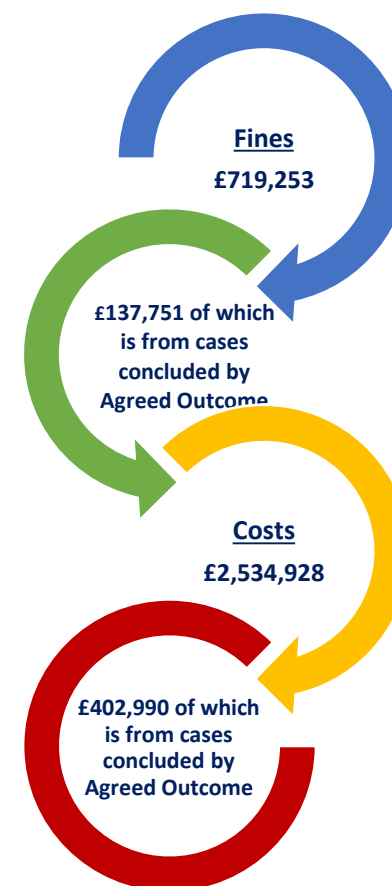
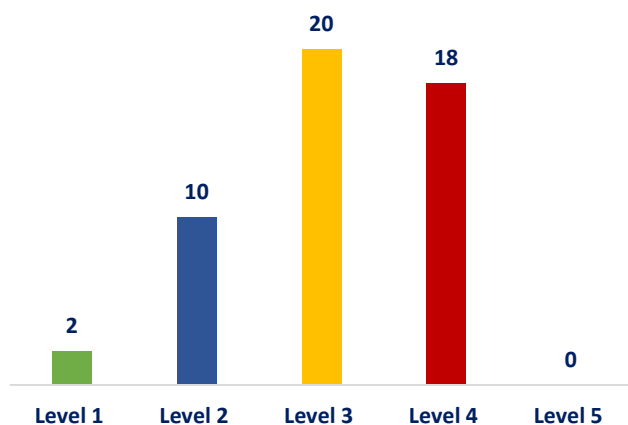
Level of Fine

Fines are imposed where the seriousness of the misconduct does not justify a suspension or strike-off, but a reprimand is insufficient. HM Treasury is provided with a copy of the fine order, and is responsible for collecting and enforcing the payment of fines. The SDT has no role in enforcing fine orders.

Fines were imposed in the following indicative 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

The chart below shows the number of fines issued within each band in 2019.



The level of fines in 2019 reflects a decrease of £459,862 on 2018, when there were 2 Level 5 fines. The level of costs reflects a decrease of £919,921 on 2018.

The Year Ahead



THE YEAR AHEAD

In 2020 we will focus on the key activities set out in the schedule attached to our strategic and operational plans. Many of these activities were started during 2019, with further work needed to complete them, or to implement decisions made.

Implementing the new case management system

The SDT's case management system is fundamental to its successful operation, enabling us to work efficiently, ensure compliance with case management procedures and provide a smooth process for the parties in cases.

During 2019, working with external consultants, we undertook a procurement exercise to replace the existing CMS which is coming to end of its supported life.



During 2020 (and into 2021) we will be prioritising the implementation of the new system, working in partnership with the successful bidder to configure a system which meets our needs and those of other stakeholders.

Review of employment policies

We will be continuing with the review and revision of employment policies, to ensure they remain fit for purpose in a modern and flexible work context and help us attract, develop and retain high calibre staff as an employer of choice.

Member recruitment



In 2020 we will be working with the Master of the Rolls' office to support a recruitment exercise for new SDT members. The recruitment of new members will, as always, take place via a competitive selection process in accordance with the [SDT Appointment Protocol](#), a revised version of which is due to be finalised. A number of new appointments will need to be made to ensure there are sufficient members to hear and determine cases in a timely way, in line with our KPIs.

THE YEAR AHEAD

KPI review



We made some adjustments in 2019 to our key performance indicators to provide a more accurate picture of performance whilst encouraging high performance. During 2020 we will be embarking on a more comprehensive review of performance measures, to ensure they are the most appropriate ones to drive high performance in areas which are relevant to stakeholders, reflect the priorities of the wider legal regulatory field and serve the interests of justice.

The digitisation of judgments project is underway and we expect this to be completed during 2020, improving the accessibility and long term quality and security of our judgments.

Investors in People (IiP)



The SDT first achieved IiP accreditation in 2015, and in 2020 we will be seeking re-accreditation to IiP's 6th generation standard. We will be assessed against 9 indicators in 3 key areas - leading, supporting and improving, based on a both written and face to face feedback from staff and members.

Member appraisal

In 2020 we will be starting the second round of our member appraisal scheme, launched in November 2017. We have made some modifications (approved by the SDT Policy Committee), following feedback from participants during the initial roll out.



The scheme is based on 360° feedback and self-assessment, with 'ownership' of the resulting report and development plan resting with each Member.

The appraisal scheme is an important element of our continuous improvement strategy, in maintaining the skills and capabilities of members to carry out their roles effectively.

COVID-19



COVID-19

In line with advice from the UK Government, the SDT's offices and courtrooms at Gate House closed temporarily on 19 March 2020 in response to the Covid-19 pandemic. Since then, we have maintained operations with staff working from home and by putting in place procedures and processes to mitigate the effect of the pandemic on cases.

In late March 2020 we introduced remote hearings using Zoom video conferencing enabling effective case management and the timely determination of applications to continue despite the closure of Gate House. We continue to receive new cases and, although some hearings were inevitably adjourned immediately following the closure of Gate House, a number have proceeded remotely (and will continue to do so in coming weeks) We will list cases which are not suitable for a remote hearing in person as soon as it is safe to do so.

The Board of Directors and the management team are continuing to review the situation and will be guided by government advice concerning the re-opening of the courtrooms and offices and the resumption of hearings in person. The health and safety and the wellbeing of our staff, Members, respondents and witnesses and other parties and visitors is our first priority.

As the practice of remote hearings becomes established, we will continue to focus on business continuity planning and developing our remote working capabilities so that we can respond effectively to such situations in the future. Looking ahead, we are considering the use of remote hearing technology in the longer term, for some of our shorter hearings (eg CMH courts).