

SRA progress report and action plan

Response to LSB Statement of Policy –
ongoing competence

January 2023

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Executive summary

1. We welcome the Legal Services Board's (LSB) statement of policy on ongoing competence.
2. This progress report and action plan is our response to that statement of policy and the four outcomes for legal regulators it sets out. It demonstrates our commitment to making sure solicitors have the up-to-date skills, knowledge, attributes and behaviours they need to provide good quality legal services.
3. We will develop and broaden the ways that we identify solicitors who are not competent. We will take enforcement action, where necessary, to protect consumers and in line with the LSB's expectations. Our activities mean that we will meet the LSB's outcomes in full, and continue to meet those outcomes, by 31 January 2024.
4. As the largest regulator of legal services in England and Wales, we cover around 90% of the regulated market. We are responsible for setting and enforcing standards for the 156,000 practising solicitors and 9,600 law firms we regulate. In doing so, we are working to make sure that the competence of solicitors and firms is across everything we do.
5. We take a risk-based approach in the activities we undertake to secure competence, placing a particular focus on the competence of solicitors who advise and represent vulnerable consumers. We are also sensitive to the importance of consumers having access to advice and representation and so our interventions are proportionate. We will collaborate with other regulators where appropriate.
6. The activities we have detailed in this progress report and action plan reflect this approach. In summary:
 - We have set the standards of competence that those we regulate should meet at authorisation and beyond in our [Statement of Solicitor Competence](#). This meets outcome a.
 - We collect evidence and identify areas where competence may need to be improved and respond in a targeted way through our proactive regulatory work, meeting outcome b.
 - We make interventions where we have concerns about standards of competence across the profession, or in specific areas, meeting outcome c.
 - We respond to individual cases of incompetence on a case-by-case basis by considering the seriousness of the case and any mitigating and aggravating factors, meeting outcome d. We will take remedial and enforcement action, such as to require training or enhanced supervision, where it is appropriate to do so.

7. As we enhance and broaden our approach, in line with the LSB's expectations, we will:
- Measure the impact of our Statement of Solicitor Competence through our 10-year evaluation programme for the SQE.
 - Continue to build [our resources](#) to help those we regulate understand our approach and the key risks in relation to maintaining competence. This will include:
 - new best practice examples of how different types of solicitor and firms meet their obligations
 - regulatory case studies showing how and when we take enforcement action for incompetence.
 - Undertake research to understand the impact of our targeted competence resources.
 - Publish annually our determination of competence across those we regulate that will identify the most significant risks around competence. This will help inform our regulatory approach. We will promote and communicate the findings to those we regulate, the other legal regulators and key partners.
 - Take forward thematic reviews to both target areas where competence is an identified risk and uncover other competence-related risks which we need to address.
 - Begin a review of our annual competence declaration, using the findings of our research and thematic reviews.
 - Continue to review training records, focusing on high-risk areas that we have already identified (for example, immigration advice and services). And looking at where we need to respond to any areas of risk or concern that our annual assessment identifies.
 - Refresh our guidance to staff to further support them to identify competence issues. This will include when to initiate appropriate remedial action and when this should lead to enforcement action.
 - Enhance our approach to following up on competence reports which do not meet our threshold for enforcement but where we would expect to see improvement.

Sensitivity: General

- Pilot a proactive, risk-based approach to identifying and following up with firms, where our data and information shows they may not be meeting our competence standards.
8. Our full progress report and planned work for each outcome required by the LSB is set out in more detail, below.

Progress report and action plan

Outcome A

Outcome A - Set the standards of competence that authorised persons should meet at the point of authorisation and throughout their careers.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
Outcome A - Set the standards of competence that authorised persons should meet at the point of authorisation and throughout their careers.	Yes	We set the standards of competence that those we regulate should meet at authorisation and beyond in our Statement of Solicitor Competence, which we introduced in 2015.	<p>We will review the competence statement as part of our review of the assessment specification for the Solicitors Qualification Examination (SQE) in 2025/26.</p> <p>We will measure the impact of the competence statement through our 10-year evaluation programme for the SQE.</p>
In pursuing outcome (a), regulators must develop a competence framework or equivalent that clearly states what skills, knowledge, attributes and behaviours ('competencies') they expect authorised persons to have at the point of authorisation and throughout their careers. In	Yes	<p>All solicitors, firms and their employees have a professional obligation to make sure they are competent. Our Code of Conduct for Solicitors, RELs and RFLs requires solicitors to maintain their competence to carry out their role and keep their professional knowledge and skills up to date. Individual solicitors must also ensure that those they manage are competent.</p> <p>Our Code of Conduct for Firms requires the firms we regulate to make sure that their managers and other employees are competent.</p>	We will continue to expand our continuing competence resources and will add new best practice examples to further help solicitors understand our requirements. We will begin to publish these by summer 2023 and continue to refresh these over time.

Outcome A - Set the standards of competence that authorised persons should meet at the point of authorisation and throughout their careers.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
doing so, regulators should consider [the points below]:		<p>Solicitors must declare to us on an annual basis, as part of our practising certificate renewals exercise, that they have reflected on their practice and addressed their identified learning and development needs.</p> <p>To support solicitors and firms in making this declaration, they can use our competence statement as a tool to help reflect on practice and identify any learning and development needs to address.</p> <p>We also set out a five-step process that solicitors should follow to meet our competence requirements:</p> <ul style="list-style-type: none"> • Reflect - regularly consider the quality of their practice. • Identify - through reflection, identify their learning and development needs. • Plan and address - regularly update a plan on how they'll address their learning and development needs. • Record - keep an up-to-date record of their learning and development activity. • Evaluate - think about the effectiveness of their learning and development. <p>Reflection is central to this five-step process as this helps solicitors identify and inform learning and development to maintain their competence. In our training records review, we saw that some solicitors do not always record the reflections that prompt them to decide on a subsequent learning activity.</p>	

Outcome A - Set the standards of competence that authorised persons should meet at the point of authorisation and throughout their careers.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
		<p>Recognising this, during 2022, we updated our resources and our template learning and development plan, to focus more on reflection to support competence.</p> <p>We have promoted the template, competence statement and other competence resources extensively through social media updates and other communications. For example:</p> <ul style="list-style-type: none"> • a reminder of our requirements went to all solicitors in our September 2022 SRA Update e-newsletter • we highlighted the updated competence resources in our communications for the 2022 practising certificate renewals. <p>Our promotion of our resources has meant that over the past three years we have seen almost 160,000 unique website visits to the competence resources. This includes more than 27,000 visits to our learning and development template page.</p> <p>In 2021 and 2022, we made continuing competence one of our areas for focus at our annual Compliance Officers Conference. Over the two years, we had nearly 3,000 attendees either in person or online for our panel discussions.</p>	
Core competencies that authorised persons should have, such as knowledge of basic legal principles, client care and practice management.	Yes	The competence statement defines the skills, knowledge, attributes, and behaviours that solicitors should have and demonstrate at authorisation and beyond. Aspiring solicitors are assessed against these core competences by the SQE which we introduced in September 2021.	Already met.

Outcome A - Set the standards of competence that authorised persons should meet at the point of authorisation and throughout their careers.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
Competencies around ethics, professional conduct and standards that ensure public confidence in the legal professions.		<p>We encourage solicitors to use the competence statement to help assess their learning and development needs and meet their competence obligations on an ongoing basis. Our competence statement covers:</p> <ul style="list-style-type: none"> • A Ethics, professionalism and judgment. • B Technical legal practice. • C Working with other people. • D Managing themselves and their own work. 	
Specialist competencies that particular authorised persons should have, for example, in their role as advocates.	Yes	<p>Our competence statement is flexible and can be used by individuals and firms as a starting point for their particular practice.</p> <p>We have produced resources which contextualise elements of our competence statement for areas of practice. This is where we have some concerns about the standard of practice and/or where the impact of incompetence will be particularly high. These include:</p> <ul style="list-style-type: none"> • Resources for those who practise civil or criminal advocacy to help deliver a competent standard of service, which we published in August 2022. • Competences for lawyers who practise in the Coroners' courts, which we developed with the Bar Standards Board and CILEx Regulation, published in December 2021. • Resources for those who undertake youth court advocacy. • Resources for those who undertake immigration work, which we will publish in early 2023. 	<p>We will undertake research during 2023 to understand the impact of our targeted competence resources.</p> <p>Informing our approach to contextualising the competence statement in other areas of law, types of practice or career stage will be:</p> <ul style="list-style-type: none"> • this research • the annual assessment findings (under outcome b) • our thematic reviews (under outcome c).

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		<ul style="list-style-type: none"> Expected behaviours for solicitors dealing with children in the youth justice system, which we will publish in early 2023. 	
<p>Recognition that competence varies according to circumstances, and authorised persons may need competencies depending on factors such as:</p> <ul style="list-style-type: none"> job role area of practice stage of career changes to the law changes to consumer expectations. 	Yes	<p>We have recognised this by having a flexible competence statement, underpinned by two key documents:</p> <ul style="list-style-type: none"> Statement of Legal Knowledge, which sets out the underpinning knowledge of law intending solicitors need to demonstrate before qualification. Threshold Standard, which sets out the standard at which we expect would-be solicitors to be able to perform at the point of qualification. And contextualises this by also setting out the capability we would expect a more experienced solicitor. 	We will continue to promote these documents to those we regulate.

Outcome B

Outcome B - Regularly determine the levels of competence within the profession(s) they regulate and identify areas where competence may need to be improved.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
<p>Outcome B - Regularly determine the levels of competence within the profession(s) they regulate and identify areas where competence may need to be improved.</p>	Partially	<p>Through our proactive regulatory work, we collect evidence and identify areas where competence may need to be improved and we respond in a targeted way.</p> <p>However, we do not currently make a regular determination of competence across the profession that identifies the risks around competence and where the impact of these is likely to be most significant.</p> <p>To meet this outcome, we have already identified and mapped relevant sources of information and data to which we have access. We will bring this together to inform our general assessment of the profession's competence.</p> <p>We have developed a data analysis approach using statistical modelling that brings together:</p> <ul style="list-style-type: none"> • our data, including reports of incompetence • complaints outcomes published by Legal Ombudsman • information about requisitions from HM Land Registry. <p>This data analysis tool enables us to undertake regular, data driven assessments of competence. It will help us identify areas where we think the risks around</p>	<p>From early summer 2023, we will publish an annual report that will:</p> <ul style="list-style-type: none"> • set out our general assessment of the profession's competence • highlight areas of practice where there is a risk that our expectations are not always being met • set out our assessment of the likely impact of those risks. <p>This annual report will be informed by a tool that we have developed to analyse data and information about incompetence.</p> <p>We will use the annual assessment to help us identify the areas where we think there is the greatest risk of incompetence. This will help inform where we target our work to help us meet outcomes c and d. Data and information from our work under c and d will feed into our data analysis tool and annual assessment.</p> <p>This first annual assessment will be a baseline assessment for our overarching continuing competence programme of work. Future annual assessments will track the impact of the</p>

Outcome B - Regularly determine the levels of competence within the profession(s) they regulate and identify areas where competence may need to be improved.			
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		<p>competence are greatest and where we therefore may need to act.</p> <p>We will refresh this with new data as it emerges so that it remains current. The modelling will become more sophisticated as we input the findings from our work on outcomes c and d.</p>	<p>interventions and activity we undertake during 2023 and beyond.</p>
<p>In pursuing outcome (b) regulators must put in place measures to routinely collect relevant information about the competence of their authorised persons. This should contribute to their determination of levels of competence across the profession(s) they regulate, and their understanding of areas of risk or where competence may need to be improved.</p>	Yes	<p>We routinely collect relevant information about the competence of solicitors and firms. This includes:</p> <ul style="list-style-type: none"> • An annual declaration from solicitors that they have reflected on their practice and addressed any identified learning and development needs. • Information from our annual practising certificate renewals, including firm responses about first-tier complaints and professional indemnity insurance claims. • Reports made to us of incompetence and outcomes for those reports. • Information from our ongoing thematic review programme (see response to outcome c). <p>A priority area for our horizon scanning work is understanding the risks around the ability of the legal services market to meet consumer expectations. The impact of incompetence is a key factor in our assessment and management of this risk. See Annex A for more information about our horizon scanning activity.</p>	<p>From spring 2023, our thematic activity will be informed by the risks we identify in our first annual assessment (see response to outcome c).</p>

Outcome B - Regularly determine the levels of competence within the profession(s) they regulate and identify areas where competence may need to be improved.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
<p>Regulators must determine appropriate arrangements for collecting relevant information.</p> <p>In determining what is relevant information, regulators should consider:</p> <p>a. Information from their regulatory activities, for example, regulatory returns, first-tier complaints and thematic reviews.</p>	Yes	<p>We gather a wide range of information and data from our regulatory activities which informs our approach to competence.</p> <p>We have determined that the most appropriate ways for us to collect information relevant to competence are through:</p> <ul style="list-style-type: none"> • our programme of thematic reviews • our regulatory management work • our annual practising certificate renewals. <p>Further information about our thematic review work and our work with our firms in our regulatory management programme is set out in response to outcome c below.</p>	<p>Our first annual assessment in early summer 2023 will include information from:</p> <ul style="list-style-type: none"> • Reports made to us by consumers (and others such as other solicitors or the judiciary) alleging incompetence about a solicitor or firm. • Information declared during the practising certificate renewals. • Declarations made to us about whether solicitors have reflected and addressed their identified learning and development needs. • Recent thematic reviews, which included immigration and in-house. • Our anti-money laundering (AML) activities. • Our review of the competence arrangements in place at the largest firms we regulate. <p>Annual assessments from 2024 onwards will be informed by our regulatory activity of the previous year and on-going data analyses.</p>
<p>b. Information from supervisory activities such as spot checks, audits, file reviews or equivalent oversight checks.</p>	Yes	<p>We review files when conducting our thematic work. This involves looking at whether there is evidence of supervision on a file, and quality checks, such as whether the client has been advised on the strengths and weaknesses of their case.</p> <p>We also undertake reviews of training records in areas where we have concerns about competence.</p>	<p>Our first annual assessment, to be published in early summer 2023, will include information from our thematic reviews and reviews of training records of those working in the youth courts, High Courts and magistrates' courts (see response to outcome c).</p> <p>We will include information gathered through our targeted competence thematic activity in our annual assessments from 2024 onwards.</p>

Outcome B - Regularly determine the levels of competence within the profession(s) they regulate and identify areas where competence may need to be improved.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
		More information about our supervisory activities is set out in our response to outcome c.	
c. Feedback from, including but not limited to, consumers/users, intermediaries, supervisors, peers and judiciary.	Yes	<p>Reports of incompetence come to us from a range of sources including consumers and the judiciary and we can identify from our data which of these groups is making the report.</p> <p>We use intelligence, data and feedback from stakeholders to inform our regulatory activities. For example, our immigration thematic work was informed by our engagement with stakeholders (see our response to outcome c).</p> <p>We have effective working level relationships, governed by Memoranda of Understanding, with agencies such as the Legal Aid Agency, the Office for the Immigration Services Commissioner and the Home Office. We meet regularly with these organisations and encourage them to share intelligence with us where there are concerns about the conduct of a solicitor or firm. This is so that we can investigate and take enforcement action as appropriate.</p> <p>As part of our Continuous Improvement Programme, we are looking to make it easier for anyone to report solicitor or firm conduct issues to us. This will include where there are concerns about a solicitor's competence. We expect to complete this project later in 2023.</p>	Our first annual assessment in early summer 2023 will include data on reports made to us of incompetence.

Outcome B - Regularly determine the levels of competence within the profession(s) they regulate and identify areas where competence may need to be improved.			
Description	Met?	Work done and progress made	Planned work: February 2023 - January 2024
		Our resources to support solicitors in their reflection recommends that they seek formal or informal feedback about their work. This could be from clients, judges, peers, supervisors, and other colleagues. We will continue to promote this through our communications and engagement activity.	
d. Information from other agencies such as the Legal Ombudsman, disciplinary tribunals and government agencies that have relevant data.	Partially	<p>We are currently bringing together data from the Legal Ombudsman's decision and HM Land Registry, with our reports of incompetence and information we collect during the annual practising certificate renewals. Both Legal Ombudsman and HM Land Registry data is published on their websites making it open for us to use.</p> <p>We also collect data on Solicitors' Disciplinary Tribunal (SDT) outcomes that we will feed into our annual assessment.</p>	For our first annual assessment of competence, our data analysis will use information from other agencies, mapped to our own data. This is due in early summer 2023. We will use this information to help us meet outcome c and outcome d.

Outcome C

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
<p>Outcome C - make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.</p> <p>In pursuing outcome 12(c), and taking into account evidence gathered in pursuing outcome 12(b), regulators must put in place effective measures to ensure standards of competence are maintained across the profession(s) they regulate.</p> <p>In doing so, regulators should consider a range of measures, such as:</p>	Yes	<p>Our existing regulatory framework enables us to make interventions where we have concerns about standards of competence across the profession, or in specific areas.</p> <p>We have a suite of regulatory tools that we use to respond to issues that we identify. These range from ways to inform and support improvement to more serious interventions. The approach we take depends on the nature of the concern, how widespread the issue is, and the impact on the clients affected. Our interventions can be used alone or in combination with each other and include:</p> <ul style="list-style-type: none"> • General support and resources to support competence - such as the competence statement, best practice examples and templates for training and development plans. • Targeted resources to support competence - for example contextualisation of our competence statement for a specific area of law. Where appropriate, we collaborate with other regulators when producing these resources. For example, as we did when developing resources for those working in the Coroners' courts. 	<p>The findings of our annual assessment under outcome b will be a key driver in selecting the areas we target with our thematic activity.</p> <p>This could see us looking at an area of law, a type of practice or another aspect that our annual assessment identifies.</p> <p>We will look at the extent to which, and how, a sample of firms ensures their solicitors and other employees are competent.</p> <p>We will also use out thematic reviews to look at the impact of our resources and the competence statement. We will seek to understand how our resources are used within the profession and the systems and processes used to inform solicitors' annual competence declaration.</p> <p>Our programme of thematic reviews will inform any further targeted interventions that may be necessary across the profession or segments of it. For example, targeted resources and our review of the annual competence declaration, detailed below.</p> <p>We will continue to review training records during 2023, focusing on high-risk areas that we have already identified (for example, immigration advice and services) and informed by our assessment under outcome b.</p>

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
		<ul style="list-style-type: none"> • Formal regulatory guidance and case studies - these sit alongside our Standards and Regulations. These contextualise and support understanding of obligations and how to comply with them by topics such as areas of law and types of practice. We have regard to our guidance when taking regulatory action. • Training record reviews – where we want assurance that appropriate learning and development is being undertaken, we call in a sample to review and follow up any concerns. • Thematic reviews and follow up work to highlight poor and good practice – where we look to better understand a current or emerging risk. Reviews see us engage directly with a sample of the profession, usually by undertaking visits to firms, interviewing solicitors, and reviewing a sample of files. Reports from these identify and highlight areas of good practice. We follow up an initial review with further ones where we have serious concerns about a specific area. • Requiring training in specific areas of the profession – we no longer specify mandatory learning and development across the whole profession. However, we can require training where there is evidence of a problem or a need to introduce additional safeguards that we think 	

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
		<p>mandatory training would address. For example, as part of our responsibilities as a supervisory authority for anti-money laundering, we require that those working in firms who fall under the money laundering regulations undertake appropriate training.</p> <ul style="list-style-type: none"> Competence assessment for legal services in high-risk areas. We have a competence assessment in place for solicitors wishing to have Higher Rights of Audience. This was introduced as a safeguard when this new way of practising was introduced. <p>Examples of where we have targeted our interventions on a risk basis to ensure standards of competence are maintained are set out below.</p>	
A. Effective communication and engagement with the profession(s) they regulate to draw attention to key risks and areas where competence may need to be improved.	Ongoing	<p>Through our rolling programme of thematic activity, we identify, target and address areas of risk and we communicate where competence may need to be improved.</p> <p>All of our thematic reviews have a strong focus on competence and involve reviewing training and supervision arrangements and file reviews.</p> <p>Our reviews have looked at competence in areas including:</p> <ul style="list-style-type: none"> conveyancing 	<p>We will promote and communicate our annual assessment to those we regulate when we publish it in early summer 2023. (As well as to the other legal regulators and key partners.) We will draw attention to the key risks and areas where the assessment highlights that competence may need to be improved.</p> <p>Alongside this we will promote and communicate the enhanced approach we will be taking to mitigating risks around individual cases of incompetence. (As set out in response to outcome d below.)</p>

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
		<ul style="list-style-type: none"> • asylum • implementation of our competence requirements • criminal advocacy • personal injury • lasting powers of attorney and deputyships (soon to be published report) • in-house solicitors (soon to be published report). <p>These reports identify and highlight key risks and areas of good and poor practice. We provide advice on compliance with our requirements to the firms we visit. If we find serious issues, we refer these into our supervision process for investigation.</p> <p>We publish reviews in an anonymised report with resources and practical guidance and tips to support compliance. We also undertake an extensive programme of communications following each thematic review to promote its findings. This approach means that we are both highlighting risks and taking steps to mitigate them.</p> <p>Annex A sets out examples of:</p> <ul style="list-style-type: none"> • recent thematic reviews and our response • targeted training record reviews and follow up • other recent targeted activity aimed at ensuring standards of competence are maintained. 	<p>We are developing regulatory case studies setting out where we have worked with individuals and firms to address competence concerns and where we have taken enforcement action in relation to competence, which we will publish and promote in early summer 2023. This will help those we regulate understand our approach and the key risks in relation to maintaining competence.</p> <p>We will continue to promote the findings of our thematic reviews, including those that we will undertake in response to the findings of our annual assessment – see above.</p>
b. The promotion of reflective practice and use of feedback,	Yes	Reflective practice is central to our Competence Statement, which sets out that solicitors must seek and	Already met

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
including in pre-authorisation education and training, to identify learning and development needs.		<p>make effective use of feedback, guidance and support where needed.</p> <p>Our resources to support continuing competence set out a five-step process, with reflection being at the core of this. As set out above, we have recently updated and promoted our learning and development template to enhance its focus on reflection.</p> <p>The SQE assessment specification is based on the standards set in the competence statement and so includes the focus on reflection.</p>	
c. Specifying training, learning and development requirements (including mandatory requirements).	Yes	<p>We moved away from setting specific learning and development requirements in 2015, when we introduced a reflective, ongoing approach to learning and development and maintaining competence.</p> <p>We set out our competence requirements in our codes for individual solicitors and firms. This is supported by extensive online resources, referred to under outcome a.</p> <p>As set out above, our extensive programme of thematic reviews and responses to them allows us to highlight any risks and areas that we are concerned about. This is as well as our formal regulatory guidance.</p> <p>Our framework allows us to specify training where:</p> <ul style="list-style-type: none"> • there is evidence that there are risks of incompetence 	Already met

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
		<ul style="list-style-type: none"> • setting training requirements would help mitigate those risks • it would be proportionate for us to do so. <p>This means that we can specify training for a particular area of law, type of solicitor or for all of those within our regulatory remit. For example, we mandate training for those firms bound by the AML regulations, as this is a requirement of those rules.</p>	
d. Competence assessments, for example, observation or examinations.	Yes	<p>The SQE is a competence-based assessment that all aspiring solicitors must take and pass. It is made up of two parts:</p> <ul style="list-style-type: none"> • SQE1, which is a knowledge-based assessment • SQE2 which is a skills-based assessment that also assesses candidates' application of their legal knowledge. <p>Our framework allows us to require other competence assessments where there is evidence that there are risks of incompetence and additional assessments, beyond SQE, would help mitigate those risks.</p> <p>We have competence assessments in place for solicitors who wish to provide advocacy in the Higher Courts.</p> <p>Our threshold for introducing post-qualification assessments in other areas would be high and based on where we had evidence to show that:</p>	Already met

Outcome C - Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate.			
Description	Met?	Work done and progress made	Planned work February 2023 - January 2024
		<ul style="list-style-type: none"> • there was a concern about an area that a less intrusive intervention would not address • accreditation could drive up the competence of those that take it • the costs and burdens for solicitors and firms (and ultimately consumers) would be outweighed by the benefits • the risk of harm for the client if something were to go wrong, for example, loss of liberty, justified the intervention. <p>We expect that future annual assessments under outcome b will help us identify if there are other areas where the risks are significant and there is evidence that a competence assessment would be an appropriate response to mitigating those risks.</p> <p>We monitor the providers of our competence assessments. We are moving to a single provider of the HRA assessment and undertake extensive quality assurance of the SQE.</p>	
e. Reaccreditation models (i.e. requiring periodic proof of competence to maintain a practising certificate).	Yes	We require all solicitors to declare to us on an annual basis that they have reflected on their practice. And taken steps to address any learning and development needs that they have identified. We periodically monitor the results of these declarations.	<p>In autumn 2023, we will begin a review of our annual competence declaration, using the findings of our thematic reviews.</p> <p>We will initially look at the support and guidance we provide to inform the declaration. Any changes to the declaration itself, if necessary, would follow in 2024/25 at the earliest.</p>

Outcome D

Outcome D – take suitable remedial action when standards of competence are not met by individual authorised persons.			
Description	Met?	Work done and progress made	Planned work February 2023 – January 2024
<p>Outcome D – take suitable remedial action when standards of competence are not met by individual authorised persons.</p> <p>In doing so, regulators should consider:</p> <p>e. What the most appropriate measures are; for example, requiring a period of supervised practice, or requiring specific training to be completed satisfactorily.</p> <p>b. What evidence they will rely on to verify the competence issue.</p> <p>c. What factors they will use to determine that remedial action is suitable to address the competence issue, including reference to any aggravating or mitigating factors.</p>	Partially	<p>We take a case-by-case approach when deciding how to respond to evidence of incompetence. This takes into account mitigating and aggravating factors, as set out in our Topic Guide on Competence and Standard of Service.</p> <p>Our codes allow us to require those we regulate to take remedial action. We have a number of interventions we can make where we have concerns about an individual firm or solicitor's competence. These include:</p> <ul style="list-style-type: none"> • Writing to the firm or individual to remind them of their obligations and point them to guidance. • Requiring an individual solicitor or group of solicitors in a firm to undertake specific training within a certain timescale. • Requiring enhanced supervision. • Preventing the individual or firm from providing certain services or impose controls on how they provide those services. <p>Our Enforcement team takes forward the most serious cases for enforcement action and there have been several cases before the SDT in the past two years where incompetence was alleged. Our annual</p>	<p>Our data analysis exercise (see outcome b) and the findings of our thematic reviews (see outcome c) will help support our understanding of competence risks in relation to individuals. Specifically:</p> <p>1. Reacting to reports of incompetence</p> <p>During spring 2023 we will review our Topic Guide and guidance to staff to further support them to identify competence issues, when to initiate appropriate remedial action, and when this should lead to enforcement action.</p> <p>We will train our investigations and supervision staff to use the revised Topic Guide and guidance. This training for staff will use the new regulatory case studies referred to in our response to outcome c above.</p> <p>During 2023 we will, on an incremental basis, (building up the number of cases over time) enhance our approach to following up on competence reports which do not meet our threshold for enforcement, but in response to which we would expect to see improvement.</p>

Outcome D – take suitable remedial action when standards of competence are not met by individual authorised persons.			
Description	Met?	Work done and progress made	Planned work February 2023 – January 2024
<p>D. What factors they will use to determine the most appropriate remedial action.</p> <p>e. How they will follow up the competence issue to prevent recurrence.</p>		<p>assessment under outcome b will set out where we have investigated alleged incompetence.</p> <p>In addition, much of our work outlined in response to outcome c includes remedial activity with individual solicitors and firms. For example, our thematic review of immigration led to firms being referred into our supervision process. We carried out a review of how those working in the youth courts were meeting their continuing competence obligations. Following this, we engaged with a number of individual solicitors to remind them of their competence obligations and provided resources and support to help them with this.</p> <p>For the largest firms we regulate, our Regulatory Management (RM) team is responsible for managing the regulatory relationship to promote compliance with our rules. Between them, these firms are responsible for 38% of all solicitors who work in firms regulated by us. The RM team undertakes direct and ongoing engagement and supervision to promote our policies and proposals, articulate our concerns and encourage best practice within the firms.</p>	<p>The follow up work will involve writing to the individual or firm involved to inform them of the need for improvement. We will send a follow up to request an update on improvement and confirmation of remedial action taken. If we do not get a satisfactory response to our requests for action, we will refer the individual or firm into our enforcement processes.</p> <p>We will measure the impact of this work by analysing the extent to which, over time, we see more or fewer reports about those engaged with.</p> <p>We will also seek to understand the impact of this work through our ongoing programme of thematic reviews.</p> <p>We will report on this and how we are using our powers to set conditions in relation to competence issues in our future annual assessments under outcome b.</p> <p>2. Proactive targeted activity</p> <p>Our thematic team will look at the following to identify firms for a pro-active, risk-based review of how they secure the competence of their solicitors and other employees:</p> <ul style="list-style-type: none"> • complaints to the Legal Ombudsman • the findings of our annual assessment under outcome b • our wider intelligence and data.

Outcome D – take suitable remedial action when standards of competence are not met by individual authorised persons.			
Description	Met?	Work done and progress made	Planned work February 2023 – January 2024
			<p>Where we identify that a firm is not meeting our standards, we will work with them to bring them into compliance. We will take enforcement action against those who fail to respond to our engagement activity.</p> <p>We will begin a pilot of this work with a small number of firms from autumn 2023 and build up our activity incrementally.</p> <p>We will measure the impact of this work by monitoring the reports and outcomes for those firms where we have undertaken remedial action.</p> <p>This work will be in addition to our programme of thematic reviews, described in response to outcome c above.</p>

Annex A

Activities to meet outcome C – interventions to ensure standards of competence are maintained across the profession

Immigration thematic review

In November 2022, we published our [thematic review of immigration firms](#). This is an area where our engagement with stakeholders had indicated that our standards and competence requirements were not always being met.

This review focused on 38 immigration firms and looked at: competent standard of service, effective supervision and effective management of complaints.

We found that:

- While the overall quality of services was satisfactory, there were areas where firms could improve.
- Firms needed to better evidence effective supervision.
- Most firms complied with complaints requirements but were reluctant to report misconduct.

In response we have:

- Published [new guidance on delivering immigration services](#), explaining our expectations in all the areas covered by the thematic.
- Published specialist guidance focused on [effective supervision](#).
- Worked closely with our partners in the sector to promote the guidance and findings of the thematic review.
- Committed to a follow up review of immigration in 12-18 months, maintaining our focus in this area, which may lead to us issuing a Warning Notice if standards have not improved.
- Committed to undertaking a review of training records of those working in this area.
- Referred firms that fell short into our supervision process and brought them into compliance.

We have also collaborated with other regulators and stakeholders to develop a leaflet focused on helping consumers identify competent immigration advice and what to do if they do not get it. This leaflet is being tested with users of these services and will be published and promoted in early 2023.

In-house practice thematic review

In spring 2023, we will publish a report of our thematic review of solicitors practising in-house. This review looked at how in-house solicitors meet their competence obligations (among other key areas).

We have established a project to respond to the findings of this review, which will include resources to support those working in house to maintain their competence.

Other proactive regulatory activity

We also undertake other proactive regulatory activities in high-risk areas, or areas where we wish to increase our understanding. Recent work has included:

Youth courts training records review

In summer 2021, we reviewed the training records of solicitors practising in the youth courts to help us better understand:

- If and how solicitors practising in this area are keeping their knowledge and skills up to date.
- Whether the training carried out addresses concerns raised by stakeholders that some solicitors do not keep their legal knowledge up to date or undertake vulnerable witness training.

We undertook spot checks of 364 training records of those who practise in the youth courts. This identified that:

- 75% of solicitors had completed training during the review period. A significant majority of which was focused on maintaining legal knowledge of the youth court practice and procedure.
- 39% were finding it difficult to record their reflections.

In response to this review we:

- Shared the findings of the review widely through our channels for communicating with the whole profession (for example, our monthly SRA Update newsletter).
- Contacted all the individuals who submitted a training record that did not fully meet our requirements, to remind them of their competence obligations.
- Required those individuals to submit further training records to us which we are currently reviewing.
- Referred four firms to our supervision process.

We have also updated and improved our resources to help solicitors reflect, regardless of area of practice (see above).

Advocacy training records review

During autumn 2022, we undertook spot checks of 164 training records of those who practise in the High Courts and magistrates' courts. We also surveyed each firm we contacted to ask how they met our competence requirements.

We will be reporting on the findings of this work and any follow up work in response to it in spring 2023.

Proactive regulatory management activity

We have a dedicated RM team who proactively engage with the largest firms to make sure there is adherence to our Standards and Regulations. This is not complaint or event driven work. It takes the form of close and continuous engagement with these firms to make sure they constructively engage with us and takes all requisite steps to comply with our regulatory requirements.

We hold regular meetings with these firms to gain market intelligence, including any areas of concern to firms or any potential challenges or risks they see within the profession.

We also use this engagement to promote SRA policies and proposals, articulate SRA concerns and encourage best practice within the RM firms. The information that we gather through this engagement is shared across the SRA to contribute to the development of policy initiatives and regulation.

During 2022, we undertook a programme of work with all 70 firms in our RM cohort to understand how they meet our competence requirements. Between them, these firms are responsible for 38% of all solicitors who work in regulated firms.

We interviewed those in firms responsible for learning and development, to understand the systems and processes in place for ensuring competence of staff. We also spoke to individual solicitors, to find out how the processes are applied in practice. We sought views and feedback on the use of our resources and the competence statement as a tool to support competence.

Overall, we were extremely satisfied with how effectively these firms were meeting our competence requirements. In response to our work, we will be holding an event early in 2023 with the RM firms, to share the findings and best practice. We will report more fully on the outcome of this work in early 2023.

Horizon scanning activity

Our Risk Outlook collates our analysis work and interpretation of risks and their impacts into one place and our horizon scanning programme is active in looking across the market. Our horizon scanning activity identifies emerging trends and themes nationally and internationally that may potentially come to bear in some way in the legal services world. We pick up risks around incompetence of solicitors as part of this work.