

Legal Services Act: Character and suitability test for non-lawyer managers of an LDP

Legal Services Act: consultation paper 1 Questionnaire form

This form is designed to be completed electronically—in MS Word—not as a printed form. You must save it locally before and after completing it. For submission instructions, see page 10.

The SRA is in the process of developing its regulatory framework to facilitate the new forms of practice permitted under the Legal Services Act—legal disciplinary practices (LDPs) and alternative business structures (ABSs). The work on LDPs is particularly time-critical, as they could become available in 2009. We invite your comments on an important aspect of the project—the development of a “character and suitability” test for non-lawyers who wish to become managers in an SRA-regulated LDP.

Please tell us if you have any concerns under the specific headings below. Each heading names an issue addressed in **Character and suitability test for non-lawyer managers of an LDP**, available at www.consultations.sra.org.uk. Paragraph references are included for your convenience.

Do you agree with applying to non-lawyer managers the same general principles on the assessment of character and suitability as those applying to applicants for admission as solicitors? (paragraphs 2.2 – 2.8)

Please enter your comments and/or concerns below:

We agree.

Do you agree that the SRA should require from prospective non-lawyer managers the same kind of information as that required by the FSA under the “approved persons regime”? (paragraphs 2.9 – 2.11)

Please enter your comments and/or concerns below:

The SRA should retain the flexibility to ensure that the highest standards apply. It is noted that SRA or its predecessor may not have had the information available to it about non-lawyers as it would have had from lawyers during the qualification process. Provided that this information is sought to confirm the assessment of character and "fill the gaps" this would seem to be a sensible request for information. Those same tests should however be applied to a lawyer where the SRA has a similar gap in its knowledge, perhaps in those circumstances where a Practising Certificate has not been sought for a number of years.

Is there any other information which in your view the SRA should require?

Please enter your comments and/or concerns below:

Do you agree that the test for non-lawyer managers should not include a training and competence requirement? (paragraphs 2.12 – 2.14)

Please enter your comments and/or concerns below:

We do not agree. The reputation of the profession and the public interest demands a training and competence requirement. Whilst the vast majority of the profession applies the highest standards of skill and expertise the proceedings of the SRA show that a tiny minority of the profession do not. There is no doubt that commercial imperatives will ensure that non-lawyer managers will be appointed after careful consideration and proper assessment but it is the tiny minority appointed without this care that will harm the public interest and have a disproportionate impact on the confidence of the public in seeking their legal advice. The non-lawyer manager is likely to have been taken on because of the additional skills s/he is perceived to bring to a practice and is more than likely in those circumstances to carry a weight and influence as a manager that is perhaps disproportionate. In those circumstances the risk of harm is substantially greater and for these reasons we suggest that a test of training and competence should be required. The public should know that both lawyer and non-lawyer managers working for the same firm have a basic level of competence that has been tested. We acknowledge the practical problems of implementation but in many instances non-lawyer managers will be members of other professional bodies with ongoing CPD accreditation and where blanket accreditation will apply. (See response below).

Do you agree that prospective non-lawyer managers should be required to complete a Criminal Records Bureau standard disclosure? (paragraph 2.15)

Please enter your comments and/or concerns below:

We agree.

Do you agree that non-lawyers with other professional qualifications should be subject to the same character and suitability test as those with no professional qualification? (paragraphs 2.16 – 2.18)

Please enter your comments and/or concerns below:

Given the variability of tests and procedures of other professions and the administrative costs of fine tuning we agree. We do add the caveat that if another professional body is able to demonstrate higher tests then a blanket exemption could be sought.

Do you agree that the SRA should require firms to submit the application for approval of their non-lawyer managers, and for the non-lawyers to verify the information given? (paragraph 3.1)

Please enter your comments and/or concerns below:

We agree. The process should balance the need to be thorough and effective with the commercial need to be able to offer and confirm the position promptly to the non-lawyer manager.

Do you think that firms taking on a non-lawyer manager from another firm should have to make a fresh application for approval? (paragraph 3.2)

Please enter your comments and/or concerns below:

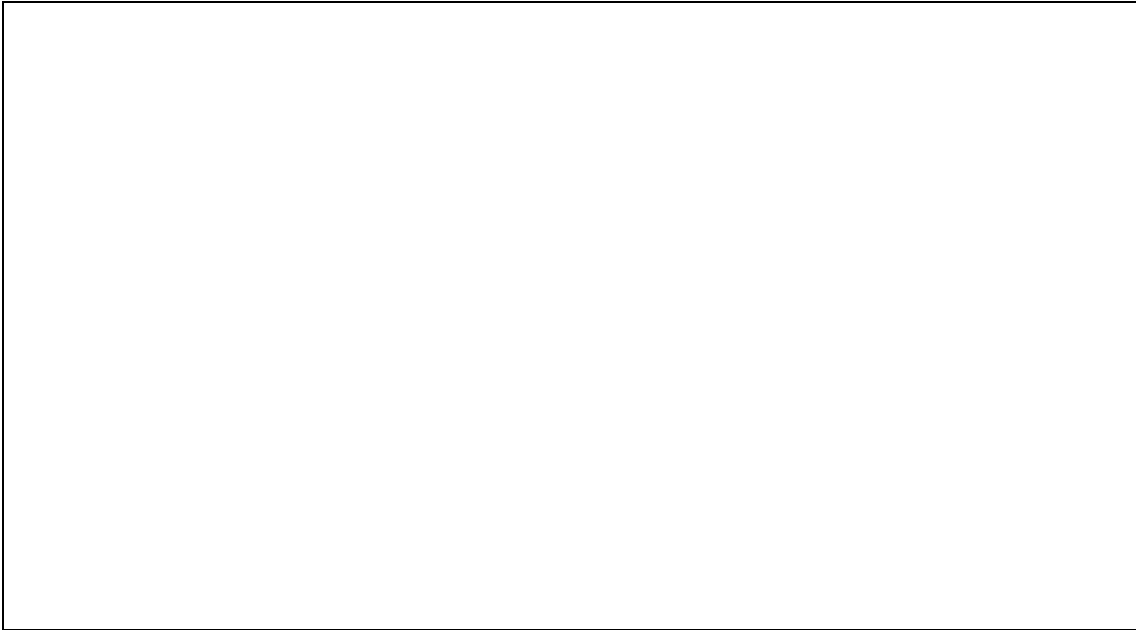
We agree.

Do you believe any of these proposals will have an impact on equality and diversity?

Please enter your comments and/or concerns below:

No.

If you want to make any other comments, please do so below.

A large, empty rectangular box with a thin black border, intended for users to provide additional comments or feedback.

About you

Thank you for detailing your comments and initial concerns.

Please identify yourself below.

Surname

Renouf

Forename(s)

Terence John

Your SRA ID number (if applicable)

Name of the firm or organisation where you work

Berrymans Lace Mawer

Please enter your email address below.

terry.renouf@blm-law.com

We will use your email address if we need to contact you about your comments.

Email updates

Would you like to receive email alerts about Solicitors
Regulation Authority consultations?

Yes

No

Confidentiality

We may publish a list of respondents and a report on responses. Partial attributed responses may be published. Please advise us if you do not wish us to attribute your response or for your name or the name of your firm or organisation to appear on any published list of respondents.

Attribute my/our response and publish my/our name.

Do not attribute my/our response and do not publish my/our name.

I am submitting comments...

Please identify the capacity in which you are submitting comments by selecting **one option only** from the list below. To select an option, click on the check box next to it.

on behalf of my firm	<input checked="" type="checkbox"/>	Please enter its name Berrymans Lace Mawer
on behalf of a Law Society board or committee	<input type="checkbox"/>	Please enter its name
on behalf of a representative group	<input type="checkbox"/>	Please enter its name
on behalf of a local law society	<input type="checkbox"/>	Please enter its name
as an academic	<input type="checkbox"/>	Please enter the name of your institution
on my own behalf as a solicitor in private practice	<input type="checkbox"/>	
on my own behalf as an employed solicitor	<input type="checkbox"/>	
as another legal professional	<input type="checkbox"/>	Please specify
as a non-lawyer interested in participating in the new forms of legal practice	<input type="checkbox"/>	Please specify
as a trainee solicitor	<input type="checkbox"/>	
as a student studying for a qualifying law degree or legal practice course	<input type="checkbox"/>	
as a member of the public	<input type="checkbox"/>	
in another capacity	<input type="checkbox"/>	Please specify

Thank you for identifying yourself.

More about you

We want to ensure that responses capture the opinions of a wide cross-section of the profession and stakeholders. Please help us by answering several more questions about yourself.

A. Questions about you

What is your gender?	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Please enter your age—in years.	<input type="text"/>	<input type="text"/>
Which of the following best describes your ethnicity? Select one option only from the list below. To select an option, click on the corresponding check box.		
White British	<input type="checkbox"/>	
White Irish	<input type="checkbox"/>	
White other	<input type="checkbox"/>	Specify
Mixed white and black Caribbean	<input type="checkbox"/>	
Mixed white and black African	<input type="checkbox"/>	
Mixed white and Asian	<input type="checkbox"/>	
Other mixed background	<input type="checkbox"/>	Specify
Black or black British Caribbean	<input type="checkbox"/>	
Black or black British African	<input type="checkbox"/>	
Other black or black British background	<input type="checkbox"/>	Specify
Asian or Asian British Indian	<input type="checkbox"/>	
Asian or Asian British Pakistani	<input type="checkbox"/>	
Other Asian or Asian British background	<input type="checkbox"/>	
Chinese or other ethnic group, Chinese	<input type="checkbox"/>	
Any other ethnic group	<input type="checkbox"/>	Specify
Decline to answer	<input type="checkbox"/>	
Do you have any disability that has a substantial and long-term effect on your ability to carry out day-to-day activities?		
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

Submission instructions

Thank you for completing our **Comment submission form**.

Please **save a copy** of the completed form.

Please return it as an **email** attachment to LSA@sra.org.uk, by **31 March 2007**.

Alternatively, **print** the completed form and post it to

Derek Mitchell
Solicitors Regulation Authority
Berrington Close
Ipsley Court
Redditch
B98 0TD

or

Derek Mitchell
Solicitors Regulation Authority
DX 19114 Redditch

We are unable to acknowledge receipt of responses. We take this opportunity to thank you for your comments.