

The City of London Law Society

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Response to Consultation on Handling Complaints about the SRA

The City of London Law Society (“CLLS”) represents approximately 13,000 City lawyers through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi jurisdictional legal issues.

The CLLS responds to a variety of consultations on issues of importance to its members through its 17 specialist committees. This response in respect of the Consultation on Handling Complaints about the SRA has been prepared by the CLLS Professional Rules and Regulation Committee.

Our response to your questions is set out below.

1. Do you agree with our 3-stage approach for handling complaints?

We are very pleased that the SRA is introducing a formal complaints handling procedure with an independent element. We have a number of relatively minor concerns (save that under paragraph 57 which is we believe more major) on the detail of the policy, set out by paragraph number in the draft policy, as follows:

19. While the policy sets out a fair range of topics about which a complaint may be made, we believe it should not be wholly prescriptive, and should allow for other complaints outside the 6 categories specified;
- 25 We note that there is a proposed deadline within which claims should be brought to the SRA's attention. It might also be sensible to set a time limit for appeals to the next stage (subject of course to extension in exceptional circumstances) of say 6 weeks from sending out the decision.
27. If an alternative procedure is to be followed, we believe the policy should specify that the complainant should be informed, before the process is begun, that the SRA proposed to adopt another policy, and the reasons for doing so;
37. We appreciate that there may be a number of complaints which will not go to the nub of ongoing regulatory action, that there is a need for the SRA to act quickly on regulatory issues and that those who are the

subject of a complaint might be tempted to use the complaints procedure as a means of delaying any possible sanction. However, we believe that there may well be occasions, for example where complaints of bias, substantial mishandling or discrimination are made, when it will be appropriate for the SRA either to suspend its regulatory investigation, or to postpone any announcement, until the conclusion of the complaints handling process. We believe that the complainant should have the right to request this, which the SRA would have the concomitant obligation to consider carefully and in good faith – of course many of these circumstances can perhaps be dealt with by transferring the case-handling to another investigation team, as envisaged in paragraph 38 of the policy;

47. We recommend that a copy of the record of the conversation should be sent to the complainant;

55 et seq. We believe that the policy should state that the complaint will normally, [ie in all circumstances save where it can be resolved informally as described in paragraph 62] be investigated by someone not previously involved in the subject-matter of the complaint;

57 et seq. We note that it is the intention that complaints will generally be dealt with on paper, throughout all three stages. We believe that this is limited – at opposite ends of the spectrum, the details may be very complex, or the complainant may not be skilled at presenting argument in writing – that in almost all circumstances the complainant should have the opportunity to address the SRA or the independent reviewer orally, and that the policy should be amended to allow for that option;

70. We note that there is no option in the procedure for the independent reviewer to do anything other than to consider the issue on paper. We believe that the reviewer should have the option to conduct the review in whatever manner he/she believes appropriate, including the opportunity of inviting comments, orally or in writing, from the complainant or the SRA;

Finally on this issue, we agree the criteria you have set out, at paragraph 29 of the consultation paper, although we believe that two of the criteria (experience of handling discrimination complaints and experience of working with a regulatory body) are desirable rather than essential, as they are issues which can swiftly be learned by a suitable candidate.

2. Do you agree with our approach for handling discrimination complaints?

Yes

3. Do you agree with our proposed service standards?

We believe that there should be provision to expand the timetable if our recommendations under paragraphs 57 and 70 of the policy are accepted.

4. Do you find our draft policy simple and easy to understand?

Yes, although it is perhaps a trifle long.

5. Are there any other equality issues that we should take into account?

We cannot identify any that need to be inserted into the procedure.

6. Do you agree with the remedies that we are proposing to offer for complaints that have been upheld?

Yes

13 November, 2009

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**THE CITY OF LONDON LAW SOCIETY
PROFESSIONAL RULES AND REGULATION COMMITTEE**

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