9 September 2009

THE RESPONSE OF THE CITY OF LONDON LAW SOCIETY TO THE SRA'S DISCUSSION PAPER ON "AN AGENDA FOR QUALITY"

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 multi-national 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 SRA's Discussion Paper on "An Agenda for Quality" has been prepared based on the comments of the CLLS Training Committee.

The response is in two parts. Firstly, some general comments on the role of regulation in respect of "quality" and, secondly, answers to the specific questions set out in the Discussion Paper.

1. General comments on the Discussion Paper

Maintaining or (better still) enhancing "quality" is at the heart of the current and future success of the legal profession. Therefore, we welcome the SRA's initiative to promote a debate on ways the profession can maintain its reputation as a leading "thought" profession offering top quality services to its "consumers". We will, therefore, wish to continue our involvement in this debate whether through a Response to a subsequent more detailed Consultation Paper and/or by working with the Committees or individuals at the SRA who are developing these ideas.

We recognise that the Paper on "An Agenda for Quality" is a discussion paper seeking views on broad issues rather than a Consultation Paper setting out specific proposals for action. With that in mind we have given thought to what does "quality" mean and how best can "quality" be assured across the profession.

Going on from that, we agree that the principal areas which need to be considered at least are those highlighted in the Discussion Paper, namely:

- the "quality" of the members of the profession;
- the "quality" of the environment in which they operate; and
- the "quality" of the service experience for "consumers".

We certainly do not dispute that high quality is needed in all three areas if the reputation of the profession is to be maintained. However, when it comes to the role of regulation in these areas, we draw a distinction between "competence" and "quality". To explain our thinking on this, we see "competence" as a way of determining entry to the "group", that is the profession. "Quality" flows from the approaches or behaviours which would make a solicitor stand out from the crowd. Both are extremely important but the issue is whether regulation has a role to play in both.

Regulation is undoubtedly needed to ensure "competence" and that may (or indeed should) lead be to improved "quality". However, we see difficulties in determining a fair measure of "quality" in at least some of the areas on which the Discussion Paper is focussing. If something cannot be fairly measured, we do not see how it can be fairly regulated.

Going forward, we feel it would be helpful to identify precisely what this initiative is trying to address as without that clarity, it will be difficult to identify the best approaches to adopt in future. If the SRA's approach to regulation is to be risk-based, relying on data gathered from the professional indemnity insurers would provide pointers as to the areas/issues to be addressed.

Many of the potential "quality" issues can be addressed by the existing "mechanisms" – the Code of Conduct, the CPD regime and perhaps the expansion of the existing voluntary accreditation schemes. (On the last and as an aside, we see these schemes as being useful but would not advocate the SRA's regulatory involvement in them. That would be deviating from the SRA's stance that the badge of "solicitor" is common across the profession. This does not, of course, preclude the representative body's involvement in them.) We do see, however, that there are some areas which the Discussion Paper flags (such as the definitions of the roles solicitors may perform) which are "new work".

That said, where then do we see a role for regulation and where do we not?

We have no doubt that regulation is vital in determining the competence of the members of the profession. The regulator must, therefore, set the standards for entrants to the profession and we see the benefits for doing so in relation to the practising members of the profession though determining universal standards for such a diverse group may be more complicated.

The current planned standards for entrants to the legal profession are clear, albeit we know that the Day 1 Outcomes are being tested through the Work-based learning pilot. As a result, the detail of the requirements which will become applicable to future entrants are yet to be finally determined.

There are standards set for some members of the profession (for example, through the various compulsory accreditation schemes). However, there are no universal profession-wide competence standards other than those set out in, for example, the Code of Conduct and the CPD regulations. An objective of ensuring all solicitors offer high quality services to their clients is admirable but it is largely aspirational unless a clear definition of "quality" (though, as we have indicated, competence is a better word in our view) can be articulated. Given the diverse nature of the profession (in terms of areas of work, the nature of the "consumers" of those services, the geographical location of both the solicitors and the "consumers"), articulating a suitably all-encompassing definition will be difficult.

This does not mean we are opposed to the attempt but it does mean that we consider it is necessary to be realistic in terms of what can be achieved.

On the assumption that any such standards for the practising profession need logically to follow on from the Day 1 Outcomes, those need to be seen as working effectively before this "Agenda" can be fully implemented. This is not intended to say we want to delay the debate on the "Agenda". We recognise that such an ambitious project as the "Agenda" will take time to define and implement so there is scope to see how the Day 1 Outcomes develop.

It is the stated role of the SRA to adopt a risk-based regulatory approach and so to ensure that members of a profession are "competent" (to an appropriately high standard) to perform their tasks. However, if the achievement of "quality" implies a standard of (near) perfection, we see that as being more a matter of business imperative than one which can easily be subject to proportionate regulation.

We now turn to the second strand of "quality" - the environment in which solicitors operate. We have taken this to mean the attitudes displayed by or culture within firms and other organisations in which solicitors work.

Determining the "culture" of an organisation is not something which sits well with regulation. However, we recognise that regulation may well have a role to play governing/directing/determining certain approaches which may help create the culture within organisations. The most obvious illustration is ensuring that solicitors are competent to supervise properly the work done by their supervisees and we have commented on this in our answers to the specific questions in the discussion paper. We would dispute it is the role of regulation to go very far beyond such "mechanical" aspects of a firm's culture (but we are open to discussion on this point as the ideas are developed further).

Looking at the third strand of "quality" (the "quality" of the service experience), we see no role for regulation in this area.

To be clear from the outset, our objection is to *regulation* being used to determine the quality of the service, not to the need to ensure clients/consumers should be satisfied with the quality of the service they receive.

As we have already indicated, there are some existing obligations which touch on the "consumer satisfaction" aspect of the solicitor-client relationship (for example, those set out in the Code of Conduct). However, the wider concept of the "service experience" is largely a matter of subjective judgment on the part of the client/consumer and we see considerable difficulty in determining what will measure and/or assure a "quality" experience for clients/consumers.

It is true that many of the CLLS member firms work for very sophisticated consumers of legal services who are able to determine objectively whether they have received a "quality" service. However, that is not true of the profession-wide client base. A very competent solicitor could provide an excellent service to a client who is deeply dissatisfied because he or she was given an answer which he or she did not want to hear. Equally, an unsophisticated client seeking advice from a solicitor who proves to be incompetent, may be very satisfied with the service without realising the advice was flawed.

While it may be possible to formulate regulations which move towards solicitors offering a "quality" service experience, we doubt that it is possible to put in place regulations which will ensure that in all circumstances.

Having made plain our views on the role of regulation in the three strands of "quality" covered by the Paper, we now wish to make some over-arching comments on regulating "quality".

Whatever new or adapted regulatory regime may be introduced to assure "quality" within the profession, the likelihood is that the new regime will lead to increased costs, both for the SRA and the profession at large. Depending on the regime and the reasons for it, that increased cost may be entirely justified for the benefit of the profession as a whole. However, it is not the right step to take if it represents a disproportionate financial burden. The cost of "risk-based regulation" designed to address identified problems within the profession is (within reason) acceptable; the cost of "aspirational regulation" is not. This means that we consider the SRA should provide evidence of shortcomings and avoid stepping into areas which are more the province of firms' business management.

The Discussion Paper flags the SRA's move to entity-based regulation, an approach with which we agree though the obligation on any individual professional to maintain his or her professional competence must not be overlooked. We have flagged in the answers to the specific questions that there should be a sensible balance between the

obligations of the entity and those of the individual solicitor. The latter should neither suffer as a result of circumstances beyond his or her control but neither should he or she be able to abdicate responsibility.

The Discussion Paper has been launched while there is still considerable debate going on about regulation of the profession – for example, the Work-based learning pilot, the review of the Qualified Lawyers Transfer Regulations relating to entrants to the profession and the Hunt & Smedley Reports into Regulation of the Practising Profession. Clearly, this initiative needs to mesh in with these other regulatory reviews and those relating to future changes in the ways legal services will be provided such as through Alternative Business Structures.

We have not repeated our comments on those other initiatives as we intend to incorporate our views on all these issues as we contribute to the debate on "quality" going forward. However, as part of the debate we do ask that the SRA articulate a clear and comprehensive strategy for assuring "quality" (that is, "competence") for all members of the profession (and indeed for all providers of legal services insofar as they are within the SRA's remit) from entrance to the profession to retirement.

In summary, we support the initiative to assure the "quality" of the profession but we would advocate focussing on proportionate risk-based regulation and would be very cautious about "aspirational" regulation by reason of the risk of high costs, the difficulty of determining whether the appropriate "quality" has been achieved and the risk that the attempt will be seen as an inappropriate interference with firm's business models.

2. Responses to the questions in the Discussion Paper

1. *How can we best ensure that consumers are able to access high quality and good value legal services?*

We see "access" as being the key to this question and will look at that part of the question first.

While sophisticated "consumers" of the kind which instruct the CLLS member firms have ready access to a range of firms which can provide them with the services they seek, that is not necessarily the case for consumers of legal services nationwide. There are areas of the country where consumers with specific legal needs struggle to find solicitors able to advise them. There may be a number of reasons for this but sometimes it is simply not commercially viable to offer that service in that location. That is undoubtedly undesirable but it is not, in our view, the SRA's role as regulator to ensure comprehensive access to legal advice for the national client base. Rather the role of regulator is to ensure access is not made unnecessarily difficult (or even denied) by

virtue of the imposition of disproportionate (and so expensive) regulation while also ensuring that the members of the profession are "competent".

Looking at the second part of the question, we doubt it is the SRA's role to ensure both "high quality" and "good value" services. We appreciate that "good value" does not mean "cheap". However, by linking "high quality" with "good value" there is an implication that the very best service should always be provided. That may not sit well with providing those services at a cost which the particular "consumer" regards as "good value". We see the quality/value equation as being a judgment call for the solicitor (provided of course minimum competence standards are maintained) rather than something which should be regulated.

2. ***Are there any particular consumer groups whose specific needs should be concentrated on by the SRA as a priority?***

If "risk-based regulation" is the objective of the SRA, the answer to the question should be through the SRA's experience of problems experienced by the consumers of legal services and/or through research conducted to identify the key areas of potential problem (for example, with the professional indemnity insurers).

From the CLLS member firms' particular perspective, the vast majority of our clients are "sophisticated" (and "repeat") purchasers of legal services who not are in urgent need of protection.

There will be a variety of "vulnerable" clients who are in more urgent need of protection but the issue is how to identify them.

It is wholly wrong to categorise "vulnerable clients" by over-simplistic, stereotypical descriptions. Our "sophisticated" clients can be "vulnerable" in certain circumstances. For example, an experienced businessman or woman may be sophisticated in terms of running a successful business but will be vulnerable if that business faces collapse due to the current economic environment. A "private client" may be sophisticated when dealing with a house sale or the making of a will but will be "vulnerable" if faced with a criminal charge.

If certain sectors of the nationwide client-base need protection, it is only right that they should receive it. However, care needs to be taken to ensure that regulation to protect the few does not create burdens on the profession which lead to prejudice for the many.

What is, therefore, the right approach? Ensuring competence in their particular area of activity for all solicitors should ensure that all their clients receive a satisfactory service.

Insofar as there are sectors of the nationwide client-base who may need "protection", could better communication of the issues they may face be the solution rather than new regulatory obligations?

3. ***How can we ensure that the delivery of legal services reflect the diverse needs of consumers and clients?***

Our answer to this question to some degree overlaps with our answer to Question 1.

"Diverse needs" clearly has many elements:

- the sophistication or vulnerability of the client;
- the legal needs of the client;
- the geographical location of the client;
- the demography of the client.

The SRA should ensure that all solicitors are competent to handle the legal needs of their chosen market sector but it is impossible for the regulator to ensure that every conceivable legal need is addressed.

Over and above assuring competence, the regulatory regime should be designed to encourage solicitors to service as diverse a range of legal needs as possible. This means not imposing regulatory burdens which makes offering much needed services commercially unviable.

4. ***Are there any commercial advantages or disadvantages of looking at different consumer groups which may affect competition?***

Access to legal services will be maintained or improved if it is commercially advantageous to provide them. Clearly, the regulatory regime applicable to any particular service can have a commercial impact.

The implication in the question is that (perhaps by reason of their perceived "vulnerability") some consumer groups may merit some different level of regulatory protection. If there is evidence that there are groups which need this protection, it is right that the regulator consider how to achieve that. However, the impact of the different approach has to be carefully considered.

If the burden of regulation needed to protect the "vulnerable" group is such as to make the provision of legal services to that group commercially unattractive, the consequence will be to decrease access to justice. That cannot be a desirable outcome from anyone's perspective.

Equally, making servicing one group more commercially attractive may lead to another group losing out. Therefore, balance is needed.

5. ***How far do the factors set out in paragraph 16 above provide a clear rationale for reviewing SRA's regulatory requirements? Are there any other factors which we should consider?***

The factors listed are certainly justifications for a range of steps – open, honest and transparent communication, high levels of competence and value for money from the view point of both sides in the legal services relationship (provider and consumer). While some of these certainly justify the SRA taking regulatory action, not all of them necessarily do.

We come back to the issue of "risk-based regulation". Where there is clear evidence that protection by regulation is needed, action must be taken. Where there is no evidence of that or regulation cannot guarantee change or improvement, there may be other drivers (for example, the commercial imperative faced by the providers) which are the better option.

6. ***Do you agree that individual competence, the management of the environment and the quality of the service experience together help determine the overall quality of the delivery of legal services?***

We agree that competence, the business approaches used by the provider of the services and the consumer's perception of the experience all contribute to the perceived "quality" of the provision of legal advice.

However, we do not see that regulation has a role to play in each of these three aspects of the service delivery.

Regulation has a key role to play in terms of determining competence and ensuring the client understands the nature of the service being delivered (as covered by the Code of Practice). However, we do not see that the subjective nature of the "service experience" is a proper subject for regulation.

This is not to imply that we regard the "service experience" as unimportant but rather that there are other methods of ensuring that a quality "service experience" is achieved rather than through regulation. For example, understanding what quality service delivery means for a particular market

sector may properly be covered in some form of training. It would, of course, be possible to encourage solicitors to undertake that training under the CPD regime.

The Discussion Paper does not make plain what form any regulation of the "service experience" might take. However, presumably for that regulation to have any teeth, there would have to be some form of monitoring of performance. For example, would it be compulsory for solicitors to send their clients service evaluation forms? While the feedback gathered could be invaluable in terms of improving service, it could also be derided as pointless bureaucracy if the SRA does not have the resources to monitor the responses adequately.

7. ***How far do you think we can rely on the above factors without routinely measuring the standard of legal work itself?***

Our view is that if appropriate regulation is put in place to ensure competence across the profession (both in respect of individual solicitors and across the organisations within which they work), quality should be assured.

Nevertheless, we do see that routine monitoring of services is one way of checking compliance but we struggle to see how that could be delivered cost effectively.

How often would a firm or the work of an individual solicitor be monitored? Who by? What would be the required standard?

For the monitoring to have validity, it would have to be done by suitably qualified (experienced) assessors who would therefore have the credibility to engender trust in those being monitored.

This approach is inherently expensive and extremely difficult. Taking the CLLS member firms as an illustration, many of them work in highly specialised fields. Therefore, the pool of potential assessors for their work would probably be small, in many cases limited to a small number of solicitors from peer (and competitor) firms. Managing the reviews to avoid any risk of conflict or breach of client confidentiality or privilege would add complication and cost to the system, to say nothing of potentially making such an approach unworkable.

8. ***How far do you think the current framework assures the quality of the delivery of legal services?***

A significant amount of work over an extended period of time has been done on the pre-qualification stage. While there is more work to be done, we feel that the current initiatives leading ultimately to the satisfaction of the Day 1 Outcomes should lead to all solicitors meeting satisfactorily high standards of competency at the point of qualification.

Turning to the quality of the qualified members of the profession, the reality is that the vast majority deliver an excellent service to a very high quality sometimes in extremely difficult circumstances. It must, however, be true that a minority fall below an acceptable standard but we do not claim to know the details of that group's shortcomings. Therefore, to the extent it is not already known, the SRA should carry out research into those shortcomings to ensure that whatever regulation is put in place addresses those problems.

Putting that last point to one side, if the standards in the profession are generally high, how has that been achieved? There may be no single answer but the factors will include the innate standards of any professional and commercial drivers such as competition. We suspect that for many firms (not just members of the CLLS) any regulation aimed at "quality" would not have a noticeable impact simply because those firms' existing standards are already extremely high.

That is not said out of complacency. Bringing the whole profession up to a high standard of competency is beneficial for all.

What are the strengths and weaknesses of the current framework? Following the order of the sub-section in paragraph 21 of the Discussion Paper:

a) Our view is that the Code of Conduct adequately covers a solicitor's core obligations to his or her clients in terms of competence and information. If risks have been identified which need to be addressed by extending the Code of Conduct, we would like to see the evidence proving that. In the absence of such evidence, we remain open-minded on the need to increase the regulatory burden.

b) We are supportive of the work which the SRA has done to date on clarifying and improving the standards expected of entrants to the profession at the point of qualification (and will comment further when the outcomes of Work-based learning pilot are made known). One aspect of the qualification process which is in urgent need of review is the Qualified Law Degree and with that in mind we would support a review of that in conjunction with the Joint Academic Stage Board. We do not wish to interfere unnecessarily with academic freedom. However, it seems

reasonable to us that if a degree is a "qualifying law degree", there should be broadly common standards of coverage and assessment in the core subjects which go to make up a "qualified law degree".

c) The current CPD regime has been successful in promoting career-long learning. The flexibility of the current scheme means that there are a broad range of options for meeting the annual CPD Hours requirements though that flexibility could be extended even further. The experience of the CLLS member firms is that solicitors at all levels are able to satisfy their obligations in ways which benefit both the individual and the firms. For example, a training programme on a practical topic lead by a senior practitioner to which junior solicitors are invited has the significant benefit of assuring firm-specific expertise is exchanged while also being a contribution to meeting the CPD requirements of all those present. However, the lack of prescription as to topic or "level" can mean that some solicitors satisfy their CPD obligations through undergoing training which may be of marginal relevance to their practices. In the current economic climate, the need to comply with a regulatory obligation may lead some solicitors to putting cost and/or convenience above relevance or suitability when choosing a training programme to follow. More prescription may help ensure relevance but may create time/cost burdens as a consequence. Nevertheless, a degree of greater prescription (for example, requiring some portion of the annual Hours total to relate to ethics and/or management training or by moving to an outcomes-based approach) may be beneficial. Other professions have continuing professional development obligations and it would be interesting to review the successes (or failures) among the alternative options.

d) Accreditation schemes are valuable methods of ensuring and improving competence but we question whether they should cover all areas of practice and whether they should be mandatory. Requiring accreditation for all areas of practice would be burdensome in the extreme so any extension of the current list should be carefully targeted to reflect areas of particular need. While mandatory accreditation may have its place in some areas of work, a voluntary system may be just as effective as having the "badge" would be proof of ability irrespective of the reason for seeking it. (As we have said, we see mandatory accreditation schemes as being at odds with the SRA's "common badge" approach to the qualification of "solicitor" though the representative body may have a role in promoting them.) We do accept that for that to have a real impact on consumers, there would need to be a communication process to make it plain to the consumers that the absence of the "badge" could be a cause for concern.

e) The current general management training requirement for solicitors is inadequate. Many such solicitors voluntarily undergo significantly more management training during their careers. However, this is one area where an increased regulatory burden should have a beneficial impact (though what is the right level of management training and when it should be undertaken is up for debate).

f) While many aspects of running a solicitor's practice are no different from those of any other business, the additional professional obligations which solicitors carry justifies enhancing the managerial skills of solicitors. We are open-minded as to whether there should be a common level of management training which all solicitors undergo or whether there should be additional obligations on an individual wishing to set up in practice or manage an office. Logically, differentiation would seem to be the right approach.

g) Many solicitors have learnt how to supervise very effectively by doing it over a period of time without ever having had any formal training. However, this "hit or miss" approach carries risks with it. An agenda for quality should include initiatives designed to ensure a high standard of supervision given that so much of the work done across the profession is not done directly by senior "experts" or even by qualified staff. Some level of formal training would seem desirable but identifying what that should be and who should present it by what method is a more problematic issue to address.

9. ***Are there any areas of good practice which we should look at immediately?***

Many firms across the country are exemplars of good practice in terms of the quality of service they provide. That may be evidenced by the high level of competence of their solicitors, the organisation of their practices and/or their client management systems. The SRA should conduct research into the approaches adopted by the profession at large to identify illustrations of good practice. On the negative side, the SRA will already have information about poor practice from its monitoring visits and interventions into "problem" firms.

10. ***What do you think about our proposal to develop a professional standards framework?***

The concept of the professional standards framework as outlined in paragraph 28 and 29 of the Discussion Paper is admirable but also extremely ambitious.

The experience of some of the CLLS member firms of this type of initiative is that it can be invaluable in terms of setting out precisely what is expected of

individuals performing a particular role. The difficult decision is the level of detail. Too little detail and it is seen as too generic to be of value; too much detail and it is difficult to create/maintain while also possibly being seen as a straitjacket. These concerns will be made worse when trying to create something which is of use across the entire profession (and again we would ask that whatever structure may be considered should not be disproportionately burdensome).

11. ***Have we identified all the areas that such framework could cover?***

The broad description in the Discussion Paper leaves no obvious gaps in topics which could be covered. However, it is not clear what the focus of the framework would be. Would it be purely managerial skills or legal-technical skills as well? The task of defining the former should not be too burdensome assuming the roles to be defined are clearly recognisable. The latter would be an enormous task given the spread of areas of practice though the current Code of Practice may, in fact, be sufficient.

12. ***How can we best make a co-regulatory approach work?***

We consider that a co-regulatory approach (under which standards expected on both the regulatory entities and individuals solicitors working within them) is essential. The regulated entity should take overarching responsibility for the quality of services supplied and the "environment" in which they are supplied. However, it is important that individual solicitors understand their own responsibilities for the services they provide to clients and in any event they should be ensuring their own continuous development.

In terms of how to make this approach work, clarity of the obligations and penalties (if any) imposed on the two "parties" is essential. A number of other regulators have adopted this approach and so there will be illustrations of good practice on which the SRA can draw.

13. ***How far do you think we should provide assurance to consumers and others about the quality of legal services?***

The starting point is to establish a clear set of standards which will then ensure the competence of all members of the profession irrespective of their area of practice or their seniority. If that can be achieved, the "badge" of solicitor should be assurance enough. The problem with that approach is that not every client will know what to expect from a "competent" solicitor and will not necessarily be able to identify whether the desired standards have been met. From that flows the need to raise the awareness of the general public of the

required standards but we do recognise that there are limitations on what any organisation could achieve in that regard.

14. ***How far should responsibility for the quality of legal services rest with the entity as opposed to individual solicitors?***

We support the concept of entity-based regulation especially in the context of "quality" as it is the entity as a whole which will control the "environment" rather than (necessarily) individual solicitors. However (and as we said in answer to question 12), it is important for individual solicitors to be clear on their responsibilities for delivering services to their clients. The relevant regulations would have to be carefully worded to ensure that the burden of fault was properly allocated should any breaches occur.

15. ***How far can supervision help ensure that work is done to the right standards?***

The success of the business models used by most parts of the profession relies on the work of "juniors" being effectively supervised by "seniors". It is self-evident that this system works very effectively across most of the profession within the current "light touch" regulation of supervision.

We do, nevertheless, see that some more stringent regulation of supervision would benefit both the profession as a whole and consumers.

Accepting that many firms already have in place their own stringent supervision mechanisms, this does not need to represent an additional burden on the profession. Whether it would be seen as one will depend on the nature of any additional requirements imposed. Some form of training requirement may be appropriate though we would advocate making use of the mechanisms which already exist in many firms rather than, say, imposing a requirement to attend some generic, externally-organised course. There may be other regulatory constraints which could be introduced (for example, some limit on the number of the supervisees). However, we suggest that further research be carried out to identify the common shortcomings with the current supervisory regime so that the regulatory solution is properly tailored to address those issues.

16. ***How can we best use talents of solicitors and others within law firms to ensure that consumers and clients receive a good quality of service?***

Delivering a quality service is a fundamental business imperative for much, if not all, of the profession. In the current competitive environment, a firm which gains a reputation for delivering poor quality service will not survive.

As a result, many firms will already have systems in place to ensure quality without needing the lever of regulation by the SRA.

Without wishing to second guess the regulatory framework which may flow from this initiative, we would expect the systems in place in many firms to exceed any reasonable standard which may be set by regulation. Taking that into account, the SRA needs to avoid imposing unnecessary obligations on firms which are already "quality focused" whilst still ensuring the whole profession complies with minimum (albeit appropriately high) standards. More work needs to be done by the SRA to identify good practice in this area both to help set the profession-wide standards and also to identify where the SRA's objectives are already met by self-imposed standards.

17. ***We have identified a series of roles to explore; have we captured the right roles and how far do you think these individuals could assist in assuring the quality of the delivery of legal services?***

First, if the professional standards framework is to be designed with specific roles in mind, the list must include all of the roles which will be found in entities offering legal services. Specifically, the role of Head of Finance and Administration within ABS is missing.

Secondly, there are a number of ways of defining roles within law firms. The abilities and expectations of a junior solicitor are different from those expected of a senior one but both will have roles to play in the delivery of quality services. Roles may also differ depending on the nature of the practice in which the solicitor works (a large commercial firm versus a small private client firm etc).

Apart from that, the list looks appropriate though there may be additions or deletions to be made as the detailed thinking on this point develops.

18. ***How can CPD be developed so that it supports a learning professional?***

We have covered this point in our answer to question 8c.

19. ***Are there any other ways which you would like us to engage with you as we progress this work?***

We whole heartedly support this initiative of issuing a Discussion Paper to help formulate ideas which will in due course be developed into proposals sent out to consultation. The high level nature of the ideas described in the Discussion Paper has meant that our responses are equally high level. Therefore, we see value in continuing the dialogue to help the SRA develop

more detailed proposals which meet the regulatory obligations while being proportionate from the perspective of our member firms. We would, therefore, be very willing to set up meetings with the SRA to debate the issues covered in the discussion paper in more detail as well as organising wider discussion fora with our members to help the SRA understand the perspective of one section of the profession. In brief, we welcome the opportunity to continue the discussion which this Discussion Paper has begun and to work with the SRA to formulate plans for achieving the vitally important objective of quality assurance for the profession.

The Training Committee, City of London Law Society