

# SOLICITORS DISCIPLINARY TRIBUNAL

RESPONSE TO THE LEGAL SERVICES BOARD

CONSULTATION ON THE PROPOSED  
REGULATORY FRAMEWORK  
SEPTEMBER 2017

INDEPENDENT - IMPARTIAL - TRANSPARENT



**SOLICITORS DISCIPLINARY TRIBUNAL RESPONSE**  
**LEGAL SERVICES BOARD CONSULTATION ON THE PROPOSED REGULATORY FRAMEWORK**

**Introduction**

1. When responding to this and other Consultations, the Solicitors Disciplinary Tribunal ("the Tribunal") must have in mind that it should not make public statements (even in the context of consultation) which might give rise to a complaint at a future date from those appearing before it of predetermination and/or apparent bias. The Tribunal is able to respond to a Consultation highlighting difficulties or issues that have been encountered while sitting to determine cases. That is an appropriate function enabling the Tribunal to pass on knowledge and experience to policy makers. However the Tribunal must not stray outside that parameter. The observations in this response pay due regard to the Tribunal's overriding objective when managing cases, as expressed in its Practice Direction No. 6, namely to ensure that they are dealt with justly.
2. The Tribunal responds below to questions 3 to 7 in respect of evidence gathering and question 13 in respect of transparency. The Tribunal makes no response to the remaining questions in the Consultation.

**Questions 3 to 7: Evidence Gathering**

3. There are five questions posed in respect of evidence gathering. The Tribunal's response should be read as a response to these five questions holistically rather than as a specific response to the individual questions posed.
4. The Tribunal has seen the reference within the Consultation to obtaining third party feedback. The Tribunal would invite the Legal Services Board to use the Tribunal as an independent third-party source of evidence. The Tribunal is able to provide quantifiable data in relation to the meeting of minimum standards in terms of the proceedings that are brought before the Tribunal.
5. Subject to the requirements of the Data Protection Act 1998 and the General Data Protection Regulation (from 25 May 2018) the Tribunal is content for the data it provides to be put into the public domain by the Legal Services Board.

**Question 13: Transparency**

6. The Tribunal notes that in Annex C – Regulatory Performance Assessment (Performance Management Dataset) there is no reference in the enforcement section to data collection for matters referred to the Tribunal. In order to increase transparency the Tribunal considers that the dataset should include data in relation to such matters.

**Susan Humble**

Clerk and Chief Executive Officer Solicitors Disciplinary Tribunal/Solicitors Disciplinary Tribunal  
Administration Limited  
7 September 2017