

Solicitors Disciplinary Tribunal
Efficiency Impact Assessment
Continuous improvement and delivering value for money

Introduction

The SDT/SDTAL aims to balance high standards of service and the timely delivery of justice with efficiency and cost-effectiveness. Our overarching economic goal is to contribute to cost-efficient regulation of the legal sector, and the solicitors profession in particular, by using resources effectively to provide value for money for stakeholders.

We have set out below the steps we have taken since our 2020 budget submission, as well as our future plans, to improve performance and pursue our strategic and operational objectives, whilst delivering operational efficiencies.

Strategic and operational objectives

The SDT has published its strategic and operational plans, setting out its priorities for the next 3 years.

This has helped us to focus our financial resources on those things that are most important to us and to our stakeholders.

Our 3 strategic objectives are:

1. Increase the confidence and understanding of the public and the solicitors profession in the SDT, its powers and decision making processes, and its commitment to treating all people fairly and with respect.
2. Continuously improve the Tribunal's processes and procedures, using technology where possible to maximise efficiency and resilience.
3. Value for Money.

Progress since 2020 budget submission

Reserves Policy

The SDT's Financial Reserves policy was introduced in 2020, providing greater certainty about the availability of operating and investment funds and enabling us to take a more strategic, long-term approach to business planning and capital expenditure, and operate more independently. We can now invest in projects/contracts and take advantage of opportunities to make long term savings, where the economic impact of expenditure is spread over more than one year. An example of this is the capital funding of the new case management system which will deliver better financial benefits/savings over time.

Our financial reserves are made up of:

- general reserves which are freely available to spend and do not include tangible fixed assets or amounts designated for essential future spending. The SDTA's Free Reserves were £387,000 as at 31st December 2019. Our target minimum level of general reserves is £500,000 (set by the SDTAL Board in August 2019).
- Designated reserves arising from under-spends in Members' fees in those years when the actual number of sitting days is lower than budgeted. This designated reserve can be used in the event of unexpected expenditure in relation to sitting days and/or associated payments.

Roll-out of Caselines completed

The implementation of the Caselines digital evidence platform was completed, with all but a very small number of cases now heard via Caselines (a quicker transition than had been expected), resulting in the anticipated cost savings.

As a result of the successful roll-out and quicker than anticipated transition, the cost of Caselines usage has been higher than forecast in 2020, with increased budget provision made for 2021.

Digitisation of Judgments

The project to digitise historic judgments was completed in 2020, although physical delivery by the provider has been delayed because of remote working arrangements due to Covid-19. This has resulted in a small additional temporary cloud storage cost. Although budget provision of £30k was made for the project the cost was reduced to c£15k (with the final anticipated cost being less than this).

Guidance for parties

We have produced and will shortly publish a number of information guides on our website to assist parties in our cases – particularly unrepresented respondents and applicants, witnesses and lay applicants. The guides were produced in-house and will assist parties preparing for and attending hearings, reducing the number of routine queries we receive and freeing up staff to deal with more complex queries.

Disclosure to non-parties

We reviewed our policy on the Supply of Documents from Tribunal Records to a Non-Party and undertook a public consultation on the revised draft. In June 2020 we introduced the new policy, with the intention of increasing transparency and public confidence, and making procedures more accessible. We are collating and reviewing the outcome of each non-party disclosure application that we receive to ensure that these applications are being dealt with in accordance with the policy.

Business continuity and disaster recovery planning

The Covid-19 situation enabled us to test our business continuity and disaster recovery plans and improve resilience.

In response to Government advice, the SDT's offices and courtrooms were temporarily closed in March 2020. At the time of writing we plan to recommence partially in person hearings from 7 September 2020.

The benefits of earlier technology investments (including Caselines, a hosted IT platform and portable IT devices) enabled us to transition quickly and relatively easily to home working. We maintained business operations by conducting hearings remotely, using Zoom video conferencing technology. This enabled us to continue to manage cases effectively and determine applications in accordance with agreed time targets.

A benefit of remote hearings has been the ability to schedule hearings based on clerking and member capacity, without having to factor in the number of available courtrooms or rely on already convened panels. This means that matters other than substantive hearings (eg Agreed Outcomes, disclosure applications, case management hearings pending a substantive hearing etc) can be listed more flexibly and quickly. We established a different member fee structure with appropriately reduced fees for these shorter remote listings. Further savings were made in the area of member travel and overnight accommodation

expenditure, as well as office and associated costs (eg printing and stationery, courier and postage costs etc).

Savings have inevitably been partially offset by additional costs incurred in order to support increased remote working. This included the cost of Zoom licenses for remote hearings and virtual meetings, the provision of equipment for staff (eg office furniture, additional IT equipment) and online health and safety training to facilitate ergonomically safe home-working (although this was mostly sourced free of charge from our regular health and safety training provider).

In addition, we have incurred unplanned capital costs necessary to provide Covid-secure courtroom facilities for face to face and hybrid hearings in Gate House from September onwards. These include installing additional video conferencing facilities, protective screens and changes to room layouts to enable social distancing, provision of PPE and additional hygiene products, and carrying out essential safety checks prior to returning to the office (eg water supply and air filtration systems, comprehensive cleaning and sanitising etc). Although unanticipated in this financial year, this investment will support both the immediate return to Gate House and increased flexibility in terms of remote/hybrid hearing capability in future years.

Staff costs

The SDT's staff team consists of 12 full time and 5 part employees, reflecting the effort, skills and experience required to meet current business needs and meet our KPMs.

Process efficiencies made to date, including the use of technology to reduce reliance on resource-heavy manual processes, meant we were able to respond robustly to fluctuations in workload and deploy staff flexibly across projects and disciplines without an increase in headcount or other staff costs. For example, staff were deployed on the new case management system procurement (see below) and the digitisation of historic judgments without the need to backfill, and a higher than usual influx of new cases in April was managed effectively. In particular, having an experienced and flexible staff team in place enabled us to respond effectively to the Covid-19 situation.

We will continue to review staffing levels in light of ongoing caseload and key projects/priorities, including any changes in the number of cases being referred by the SRA.

Case Management System (CMS)

During 2020 we embarked on a major project to procure a new CMS to replace our existing system which will shortly reach the end of its supported life. The new system will support

more efficient case management, workflow and process automation, and will enable better performance reporting. We selected a Microsoft Dynamics system which will benefit from Microsoft product development and so reduce future development costs.

We worked with a consultancy firm with proven expertise in managing and advising on CMS and CRM (customer relationship management) system procurements in the public and not-for-profit sectors. The investment in these services will, we believe, be more than offset by the long term benefits of procuring the best and most cost effective system for the future. We expect implementation to be completed in 2021.

As part of this exercise we mapped out our processes and revised them to ensure that they are as efficient and effective as possible. Once implemented the new CMS will significantly reduce the need for data to be entered more than once in different places. This will free-up staff time to support the combination of remote, hybrid and fully-attended hearings that is envisaged going forward.

Listing and Court utilisation

We continued to optimise court utilisation by backfilling and bringing other cases forward where possible when days are lost due to adjournments and Agreed Outcomes. We also over-list hearings (ie list more hearings than were likely to be effective) to minimise the amount of unused/lost court-time and enable cases to be heard as early as possible.

Corporate Social Responsibility

We aim to balance cost and value for money with a socially and economically ethical approach and take account of the impact of our policies and practices on society and the environment.

In addition to reducing paper usage through Caselines, we have introduced recycling bins to reduce the amount of waste we send to landfill and are eliminating the use of single-use plastic items in favour of reusable or biodegradable products. We have offset the small additional cost of these measures by savings in other areas, including reducing catering costs and installing mains fed water coolers to eliminate the cost of bottled water.

From 1 January 2020 we stipulated to our contractors that our cleaning and security staff are paid the London Living Wage.

Investors in People

In August 2020 we sought and were awarded re-accreditation to the Investors in People 6th generation standard. We believe that that Investors in People offers us a valuable means of understanding what we do well and where we can do better with regard to leading and supporting people, and supports our goal of attracting and retaining high calibre staff as an employer of choice.

Supplier management

- **DX:** We negotiated a reduced DX receipt only service during 2020, and in Q4 will discontinue the use of DX completely. This decision was informed by the ease with which all parties embraced electronic delivery of documentation during lockdown.
- **Online legal resource:** We reduced our online legal resource subscription with LexisNexis by more than half, resulting in a saving of over £10k. We are currently reviewing future usage and the opportunity for further savings in this area.
- **Canon (multi-function printing/copying):** On termination of the lease of our 3 existing multi-function printers we negotiated a new contract, including reducing costs by buying 2 new devices outright and keeping one of the existing devices free of charge.

Training and Development

In 2019 and 2020 we undertook a number of training initiatives for staff and members, including unconscious bias training, and training on the SDT's new procedural rules and the SRA's new standards and regulations. We provided tailored training for staff on recognising, understanding and responding to the needs of vulnerable people to assist them in dealing with vulnerable parties and witnesses.

We delivered a planned project management course remotely, capitalising on our working relationship with the consultants assisting with the CMS project and their knowledge of the organisation. The purpose of this training was to equip a wide group of staff with the skills to deliver business priorities and projects more efficiently.

Future planned investment and savings

Remote hearings and home working

We intend to capitalise on the increased capacity for remote remote/hybrid hearings resulting from the investment in video conferencing facilities made in response to Covid-19, by investigating the continued use of remote hearings in appropriate circumstances, balancing opportunities to reduce costs with fair process and equal access to justice. This could include fully remote hearings (ie all parties and the Tribunal Panel attending via video call and hybrid hearings (ie the Panel, clerk, respondent(s) and/or applicant attend in person with witnesses and/or other parties attending via video call).

Building costs

Reliance on remote working arrangements since March 2020 has highlighted the potential for increased working from home opportunities in the longer term. We anticipate that increased opportunities for home-working could, in the longer term, lead to a reduction in building and accommodation costs following the expiry/renewal of our Gate House lease at the end of 2022.

Technology investments

We will continue to invest in technology to achieve longer term efficiencies eg:

- **Telephony:** on the expiry of our existing telephony contract, we entered into a new contract with BT for internet telephony with lower cost calls and improved internet/broadband capacity to support cloud-based services (including Caselines) and remote working. The planned installation of new internet based phones in the office will further support remote working whilst delivering an overall reduction in the cost of our BT services.
- **MS Dynamics:** as part of the move to a new CMS we will be moving to a Microsoft Dynamics platform, with Office 365, in order to improve resilience and provide a more cost effective IT platform for future development in the longer term.

Court catering

We will make further savings on court catering arrangements, whilst continuing to provide a comfortable and safe environment for parties and adhering to our environmental goals.

Customer feedback

We have postponed plans to introduce a customer feedback mechanism via our website, pending the potential to deliver this at lower cost following the delivery of the new CMS.

Audit

We will be tendering for our statutory audit contract in 2021, with a view to balancing best practice in this area with value for money.

Training and Development

We have commissioned a trainer with expertise in this field to deliver further training (in Quarter 4) in the priority area of Equality and Diversity. This training will be delivered remotely, using Zoom, with associated savings on member travel and overnight accommodation and meals.

Member appraisal

We expect to spend part of the budget for member appraisal training in 2020. We have made some modifications to the process for this second round of appraisals, following feedback from participants during the initial roll out. We have negotiated a beneficial financial arrangement with the existing supplier, with development and consultancy provided free of charge, and costs based only on the number of reports and feedback sessions.

Member Recruitment

Following recent and anticipated retirements in 2020/21, it is now necessary to appoint a number of new tribunal members so that hearings can continue to be determined effectively and within target timescales. This is in addition to the appointment in September 2019 of 5 members from the 2015 recruitment round.

Provision for this recruitment was made in this year's budget, but it has been delayed because the recruitment exercise and appointments will be based on a new SDT Appointment Protocol on which the Master of the Rolls is currently consulting. This second and final consultation was due to commence as the Covid-19 lockdown began, and was consequently delayed. The consultation has now commenced and will conclude on 8 October 2020.

The budget provided in 2020 for this purpose has not, therefore, been used and will be spent in 2021. As a point of information, one of the proposed options included in the consultations is that responsibility for SDT member recruitment be transferred to the Judicial Appointments Commission. This option, requiring would in all likelihood result in a significant delay to recruitment. The impact of this would require contingency planning/action, in light of current and anticipated member numbers.

Key Performance Measures (KPMs)

We reviewed our 5 KPMs in 2019 and refreshed them to drive improved performance. Building on this, and in response to Dr Helen Phillips' letter of 30 October, we have undertaken a further first principles review of our KPMs to ensure that we are measuring those things that are important to stakeholders and which will continue to drive high performance.

We concluded that our existing KPMs are the right ones, measuring as they do performance in those elements of the Tribunal's processes over which it has control. However, we believe that, in future reporting years, we will be able to provide more information to the LSB and other stakeholders to provide a richer picture of our cases eg time from SRA decision to refer to final disposal by the Tribunal; number, type and practice area of respondents in each case; whether dishonesty and/or lack of integrity was alleged and the use of honorifics as a guide to the gender of respondents.

We will develop the reporting capability to provide this enhanced data set as part of the design of our new CMS.

SDT/SDTAL

September 2020