

Our Ref: TC/2018/119



By email only:
LITIGIO LLP <request-496021-e2982aad@whatdotheyknow.com>

July 2018

Dear Litigio LLP,

Information request – Our Ref: TC/2018/119

I am writing in response to your email of 5 July 2018.

I am handling your request for information under the SRA's Transparency Code.

You requested the following information:

- "1. We would like to know the number of complaints you have received from 30th June 2015 through to 1st July 2018;*
- 2. Of those complaints, how many of the complaints were upheld?*
- 3. Of the complaints upheld, how many resulted in further action against a solicitor?*
- 4. Of the cases where further action was commenced, how many of those cases resulted in a criminal prosecution against a solicitor?*
- 5. How many complaints did you receive against solicitors at Eversheds or its group companies in the same time period as 1. above?*
- 6. How many complaints, within that same period, did you receive against solicitors at Womble Bond Dickinson / Formerly Bond Dickinson?*
- 7. In the same period, how many complaints did you receive against Owen White & Catlin LLP?*
- 8. And how many complaints did you receive against solicitors specialising in Insolvency law?*
- 9. From 30th June 2015, how many complaints has the SRA received against it for failing to investigate complaints against solicitors?*
- 10. Of those complaints in 9. above, how many of those complaints were upheld?*

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11. Of the complaints upheld in 10, above, how many of those complaints resulted in further action being taken against those being complained of?

12. How many of those in 11 resulted in disciplinary action?"

Our response:

Questions 1 -3

I can confirm that we publish complaint data in our annual reports available here:

<http://www.sra.org.uk/sra/how-we-work/reports.page>

Question 4

While some individuals may face criminal action following action taken by us, or at any point during our processes, we do not record this in a way that can be extracted in order to respond to this question.

It may help you to know that the SRA cannot undertake criminal prosecution of individuals.

Questions 5 – 7

I am not able to provide a list of complaints or actions made per solicitor's firm, this is because it is subject to limitation 17 of our transparency code.

Qualified Limitation 17 - This limitation applies to the disclosure of information that is, or is likely to, prejudice the exercise by us of our statutory and public functions.

Application of Qualified Limitation 17:

Where we find that a Qualified Limitation under our Transparency code applies we must consider if disclosure is in the wider public interest. This is known as the public interest test.

Application of the public interest test:

Whilst we agree that there is a public interest in disclosure of complaint statistics, as this promotes openness, transparency and accountability, we also find that there is a significant public interest in non-disclosure in this matter.

The SRA deals with numerous types of complaints and allegations and has a thorough and robust approach to enforcement action, which is detailed in published guidance available on our website.

The SRA as regulator has an established mechanism for publishing upheld complaints made regarding firms and individuals. This is our Publication Policy which is available here:

<http://www.sra.org.uk/consumers/solicitor-check/policy.page>

You can search for any current published decisions against a firm or individual solicitor via our website:

<http://www.sra.org.uk/consumers/solicitor-check.page>

Any outcomes which have not been made available under our Publication Policy have not met the public interest test and so should not be released to the public.

In conclusion, based on above considerations, the SRA does not accept that there is a wider public interest in disclosing the information you have asked for in your request.

Disciplinary decisions are considered for publication under our publication policy. Only outcomes which meet a certain threshold are published:

<http://www.sra.org.uk/sra/decision-making/guidance/disciplinary-publishing-regulatory-disciplinary-decisions.page>

Question 8

We have received 210 complaints between 30th June 2015 and 1st July 2018 had "Insolvency" recorded as the field of law that it concerned.

Questions 9 - 12

We do not record "failing to investigate" as a category of complaint and so we are unable to extract this data.

More information on how we handle requests, including a link to a copy of our Transparency Code, can be found on our website:

<https://www.sra.org.uk/sra/how-we-work/transparency.page>

Please quote the reference number **TC/2018/119** if you decide to contact us further regarding this request.

Yours sincerely,

Jack Baraczewski
Information Governance Officer
Solicitors **Regulation** Authority

Internal review and complaint process

If you are not satisfied with our response to your request for information, you can request that the matter is reconsidered as an internal review. To do so please write to, or email, the Information Compliance and Governance Manager at:

SRA Information Compliance
The Cube
199 Wharfside Street,
Birmingham B1 1RN

SRAInformationCompliance@sra.org.uk

Please note that your request for an internal review must be submitted within 60 days of our decision. We aim to issue a formal response to internal reviews within 20 working days.

Internal review process

The internal review will consider any limitations applied and the information disclosed. This aspect of the review is final and there is no further avenue for appeal. It is also important for you to note that, as this is a voluntary code, the Information Commissioner is unable to consider your complaint.

Escalation to a complaint

If you are still not satisfied with the response that you have received, you can make a complaint to our Complaints Team about the way we have handled your request.

The complaints team will only be able to review the matters related to our service, for example our communication and compliance with the deadline.

If you are unhappy with the Complaint's Team decision, you can escalate the matter further and ask the Independent Reviewer (Ombudsman Service) to review your complaint. The service is independent to us and they will review how we handled your complaint, not our decision.