



SRA Handbook Checklist: not forgetting...

Here at the Compliance Office we're not sure that we would ever advocate anyone sitting down and trying to read the entire SRA Handbook page to page from start to finish. A lot of the SRA requirements only apply to certain scenarios and many govern how the SRA should act as much as they do how practitioners should act. So for most there's no need to consider every single provision of the Handbook. Understandably therefore many practitioners focus upon the SRA Principles and the Code of Conduct.

The difficulty with this however is that there are a number of 'conduct like' requirements which sit outside of the SRA Code of Conduct and in different places in the Handbook. This checklist is dedicated to those often forgotten rules and regulations! It looks at some of the key day-to-day requirements firms need to comply with that may often get overlooked and in particular highlights some of the key points from the SRA Authorisation Rules and SRA Practice Framework Rules.

We hope that you find it illuminating and helpful. Remember that you can access the SRA Handbook in full on the [SRA website](#) free of charge.

We offer consultancy and support services as well as training so do get in touch if you spot anything that you would like some help with.

This checklist is an extract from our full SRA Handbook checklist for COLPs which can be purchased from our [website](#).

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SRA Authorisation Rules (where an application to the SRA is not being made)

Requirement A brief summary of the SRA requirement	Rule or regulation Where in the Handbook is the full requirement?	Key people Who will this requirement impact most upon in the firm	Things to consider For firm wide issues you will in practice need to conduct regular files reviews and staff training (see key people). Here are some additional things to consider depending upon the size of your firm and the nature of your business
To have a compliance officer for legal practice (COLP) and a compliance officer for finance and administration (COFA) and to have suitable arrangements in place to make sure that the COLP and the COFA can fulfil their duties	8.5 of SRA Authorisation Rules and for sole practitioners 4.8 of the SRA Practising Regulations	Firm and partners	There is a comprehensive guide to the COLP and COFA requirements available free of charge on our website. The COLP and COFA have specific duties to facilitate, monitor and report non-compliance to the SRA.
To have approved by the SRA all partners (or members if an LLP or directors if a company etc) and others with an ownership interest in the firm (including the directors and members of any incorporated body which is itself a partner / member / director etc of the firm)	8.6(a) and part 4 of the SRA Authorisation Rules	Firms and partners	This requirement was introduced in 2011 and means that if a new member is joining the partnership the firm will need the approval of the SRA before that person takes on that role. process: when there are partnership changes part of the process should include checking that the individual will be approved by the SRA (in some cases it's easier because the SRA rules 'deem approval') in time to take on the partnership role. This should be done when the management of the firm make the decision to appoint new partners but educating those who deal with HR issues could also help make sure that this does not get missed. Consider adding this to a checklist of SRA reporting and authorisation requirements.

<p>Check to see whether individuals are subject to practising restrictions before employing them or making them a partner (or member or director etc). If they are then the restrictions must be adhered to</p>	<p>8.6(b) - (e) of the SRA Authorisation Rules</p>	<p>Firms and partners. It is particularly important that those involved in HR understand the regulator's expectations</p>	<p>process: an individual (such as the person who deals with HR issues) should check for regulatory issues as part of its vetting / references checks for new staff. It appears sensible to check:</p> <ul style="list-style-type: none"> • for individuals regulated by the SRA such as solicitors, whether the individual is or has been struck off or suspended from practice or subject to practising conditions or prohibition on the removal of his or her name from the roll of solicitors (where there are serious allegations made against the person which are being investigated for example) - contact the SRA; • for individuals not regulated by the SRA such as paralegals or accounts staff, whether the individual has been the subject of an order under section 43 of the Solicitors Act which restricts firms from working with that individual - contact the SRA; • for both, whether they have been subject to a disqualification decision which prohibits them from holding certain roles in a firm which is an ABS but also by virtue of SRA rules a traditional law firm also - contact the LSB; <p>These regulatory checks would be in addition to the usual prudent pre-employment checks ie always getting references to check prior employment and seeking sight of qualifications relied upon in the application process. The SRA has published some case studies highlighting that it considers failure to carry out proper vetting a potential conduct issue.</p>
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SRA Practice Framework Rules (where an application to the SRA is not being made)

<p>Requirement</p> <p>A brief summary of the SRA requirement</p>	<p>Rule or regulation</p> <p>Where in the Handbook is the full requirement?</p>	<p>Key people</p> <p>Who will this requirement impact most upon in the firm</p>	<p>Things to consider</p> <p>For firm wide issues you will in practice need to conduct regular files reviews and staff training (see key people). Here are some additional things to consider depending upon the size of your firm and the nature of your business</p>
<p>For individuals such as solicitors, to only practise through a law firm which is itself authorised (ie by the SRA) to provide legal services (including sole practitioner firms). There are some exceptions for in-house lawyers and those practising overseas.</p>	<p>Regulations 1-4 of the SRA Practice Framework Rules</p>	<p>Solicitors, RELs and RFLs. Relevant for COLP and partners also in terms of overseeing compliance</p>	<p>These requirements are primarily for the individual lawyer to consider and are most likely to arise in scenarios where a lawyer is not practising in the usual way within a law firm also authorised by the SRA.</p> <p>ownership: partners and others involved in firm operations should watch out for more unusual structuring arrangements and overseas practice and take responsibility for checking the relevant rules when a restructuring occurs.</p>

<p>For staff and the firm to only do legal work which they are authorised to do and to not give the impression that staff are solicitors if they are not.</p>	<p>Rules 6, 7 and 8 of SRA Practice Framework Rules, 8.4 of the SRA Authorisation Rules and section 13, schedules 2 and 3 to the Legal Services Act 2007</p>	<p>Fee earners, line managers / supervisors of fee earners. Relevant for COLP and partners also re: oversight</p>	<p>Unqualified paralegals or similar should not be doing certain legal activities even under the supervision of a solicitor. Examples include the limits on rights of audience and certain steps in a conveyancing transaction. The rules set out a list of the activities which such staff should not perform and those which certain lawyers are authorised to perform. While it might be assumed that complying with the rules would mean compliance with statutory prohibitions it appears that the rules have their own definition of reserved legal activities. You should therefore also be familiar with the statutory prohibitions as in some respects these appear to be arguably wider than the prohibitions set out in the rules.</p> <p>process: managers, fee earners and their line managers should understand that they have a responsibility to ensure that they and their staff do not stray beyond the boundaries of what unqualified staff and even qualified lawyers can do. Those supervising staff should watch out for the risk of clients thinking that they are dealing with a qualified lawyer if they are not.</p> <p>process (file reviews): depending upon the nature of the work your firm undertakes and the staff employed, some firms might wish to include a check that fee earners are only doing work they are legally able to undertake ie where this is a high risk issue for the firm</p>
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<p>That all solicitors have a practising certificate (PC). Take care where solicitors are employed in non-fee-earning roles as the circumstances in which solicitors are deemed to be 'practising' is very wide. The rules prohibit solicitors on the roll and some other lawyers from participating in legal practice in any capacity other than as a solicitor / lawyer.</p>	<p>Rules 9 and 11 of SRA Practice Framework Rules and section 1A of the Solicitors Act 1974</p>	<p>Solicitors. Relevant for COLP and partners also re: oversight</p>	<p>process: most firms pay for the practising certificates (PCs) in the firm. Use this as an opportunity to add a simple check that all who need a PC have one. If your firm does not pay for the PCs, have a simple check of some sort to ensure that everyone who is supposed to have one has one.</p> <p>ownership: assign a person to diarise important regulatory deadlines such as PC renewals</p>
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<p>You meet the SRA's basic requirements for practising through your chosen business model. For example, in a traditional law firm:</p> <ul style="list-style-type: none"> • being authorised to practise as a 'recognised body' (the same obviously applies for sole practitioners and ABSs before they can practise in that way); • there is at least one person in the firm at all times who is 'qualified to supervise' ie a lawyer with at least 3 years experience who has completed the relevant training; • to not offer services other than legal services (see also the rule prohibiting the ownership of certain businesses outside of your legal practice in chapter 12); • for all of the partners / owners of the business to be lawyers or other law firms (for the moment there is a limited exception for 'Legal Disciplinary Practices', though these firms will in due course need to become ABSs) • have a practising address in England and Wales and complying with SRA requirements on legal formation in the case of incorporated law firms such as LLPs and companies 	<p>Rules 10 and 12 - 17 of the SRA Practice Framework Rules</p>	<p>Firm, partners and COLP.</p>	<p>Most firms will meet these minimum requirements because otherwise they would not be approved by the SRA to a be recognised as a law firm in the first place. However, take care to ensure that during the course of business you continue to meet these minimum requirements. Look out in particular for proposals to provide services other than legal services and sudden personnel changes which may mean that you are left without a 'qualified to supervise' lawyer, a COLP or a COFA.</p>
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Our 'not forgetting' nutshells

Applications to the SRA - there are a lot of important provisions on eligibility and procedure in the [SRA Practising Regulations](#) (where an individual is making an application to the SRA for a PC for example) and the [SRA Authorisation Rules](#) (for firms seeking authorisation as a law firm). Where applications are made, these provisions, the [SRA Practice Framework Rules](#) (on the ways in which you are permitted to practise) and the [SRA Suitability Test](#) (on how character and suitability are assessed) are where you should find everything you need to know;

Taking on trainees - there are some very important requirements set out in the [SRA Training Regulations](#), including the CPD requirements.

Financial services - these are extremely important provisions and many firms will find that at least some of their work is covered by these additional requirements. It is a complex area and specialist input should perhaps be sought if in doubt. The [Financial Services Scope Rules](#) are particularly important to check to ensure that work does not stray outside the parameters of what is permitted;

Insolvency services, higher rights and criminal advocacy and estate agency / property selling services - the SRA has specific requirements which apply when these services are being provided. In some cases you need to be specifically accredited before undertaking the work;

Separate businesses - the SRA has placed quite significant restrictions on firms and solicitors setting up businesses separate to their SRA authorised law firms which provide any sort of legal service or advice. Check the rules carefully if you or colleagues are involved in other undertakings which could be described as providing legal advice to services;

International legal practice - our checklists focus on the position which applies to firms practising in England and Wales. A much lighter touch approach is adopted for practice outside of England and Wales in the [SRA Overseas Practice Rules](#). If working in Europe or with European lawyers, also bear in mind the [European Cross-Border Practice Rules](#);

In-house legal practice - our checklists focus on the position of those working in private practice, not in-house. Many of the [SRA Code of Conduct](#) provisions, for example, do apply to in-house practice however. The application of these provisions is dealt with at the end of each chapter of the Code and also in the application provisions in chapter 13. Other Handbook provisions including the [SRA Principles](#) will also need to be considered.