

✓ the compliance office.

SRA conduct refresher: all fee earners

Topic	Content	Time spent
Introductions		
Background to working in an SRA firm	<ul style="list-style-type: none"> • Role and powers of the SRA • Compliance and governance systems expected: <ul style="list-style-type: none"> ○ role of the COLP and COFA ○ SRA reporting requirements in brief 	15 minutes
Ethics and SRA Principles	<ul style="list-style-type: none"> • Best interests of the client: miners' compensation cases • Meaning of 'maintaining independence' + short group discussion time permitting • Overview of the principles 	20 minutes
Confidentiality and disclosure to the client	<ul style="list-style-type: none"> • the J K Rowling case – an important reminder; • scope of the duty of confidentiality • duty of disclosure 	20 mins
Break		10 minutes
Conflicts of	<ul style="list-style-type: none"> • Client conflicts: a refresher, including: 	40 minutes

<p>interest</p>	<ul style="list-style-type: none"> ○ the distinction between an actual conflict and a significant risk of a conflict; ○ when matters are ‘related’; ○ in brief, the exceptions which would allow you to act despite a client conflict; • ‘Confidentiality conflicts’, a refresher including: <ul style="list-style-type: none"> ○ guidance on when client interests will be ‘adverse’; ○ guidance on when information about one client may be ‘material’ to another, looking at the approach of both the Code of Conduct and the Courts; ○ in brief, the exceptions which would allow you to act despite a ‘confidentiality conflict’ • own interest conflicts <p>Group exercise: [tailored – note that the group exercise is placed in the area of greatest focus for the client and it will not always be conflicts of interest]</p>	<p>content</p> <p>25 minutes case study and group discussion</p>
<p>Break</p>		<p>10 minutes</p>
<p>Client care, risk management and the role of the Legal Ombudsman</p>	<p>The intention of this session would not be to provide the team with a detailed explanation of the conduct requirements in this area. This can be considered separately for managers perhaps if felt appropriate in same day short session for certain role holders. Client care, risk management and good complaints handling will in practice be governed quite closely by internal procedures and processes. Instead, this session would be to raise awareness in broad terms of:</p>	<p>25 mins</p>

	<ul style="list-style-type: none"> • the importance of key client care, risk management and complaints handling requirements; • the role of Leo; • undertakings; • the importance of following operational processes and templates¹. 	
Duty to the Court and in litigation²	<ul style="list-style-type: none"> • Brett v the SRA [2014] – an interesting reminder • Client’s best interests and the duty to not mislead the Court in law and in conduct; • A practical approach to the duty to not mislead the Court; • Other conduct requirements: <ul style="list-style-type: none"> ◦ Court orders; ◦ client explanations; ◦ sensitive evidence; ◦ witness evidence; ◦ acting as a witness; ◦ potentially damaging statements made as an advocate 	25 mins
Remaining questions		

Other sessions to consider:

Professional conduct training for non-legal staff

As an SRA-regulated legal practice, the rules of conduct will apply to all employees and directors of the business, not just the lawyers. Support staff, such as those working in administration or accounts within the company, will therefore also need to understand the SRA rules which apply to them and what steps they must take to comply. Fortunately, the requirements placed upon such staff in practice are not as significant as for lawyers and take less time to train upon.

Nonetheless we would recommend a two-hour training session for those not handling client matters on key points from the following areas:

- SRA powers over all staff
- core ethical duties of lawyers and law firms
- contributing to a well run business and client care;
- own interest conflicts
- confidentiality;
- undertakings;
- SRA reporting;
- [equality and diversity]

SRA compliance for line managers and directors

- the additional compliance duties of the ‘managers’;
 - rule 8 of SRA Authorisation Rules: broad compliance duties
 - principle 8: running your business well
 - chapter 7: good governance and systems
 - financial stability
 - importance of a collaborative approach to compliance
 - [client account shortages]
- supervising staff:
 - suitably competent and experienced persons to supervise legal work;
 - quality assurance systems;
 - changes to CPD requirements;
 - new staff;
 - unqualified staff: holding out, reserved activities and maintaining privilege;
 - practice framework rules: how you and your team are allowed to practise by the SRA;
- equality and diversity: pro-active duties
- complaints;
- key dates and high risk matters;
- publicity;
- business relations with third parties: referrals (to and from third parties), fee-sharing and separate businesses;
- financial services;
- file reviews and compliance

Other popular courses

- law and best practice in equality, diversity and inclusion (which can be supplemented by the sessions above where SRA requirements go beyond the law);
- the Bribery Act and procurement processes;
- Anti-money laundering;
- the Data Protection Act and information security.
- the SRA Accounts Rules.