

Summary and analysis of SDT annual performance report 2017

March 2018

Summary

The SDT reports to us annually on key performance measures. A summary of performance against these measures is provided below.

Overall, performance is stable compared to the previous year, with most of the performance targets achieved, in the context of a one-third increase in caseload.

Performance measure 1 – Issue of proceedings

Target: *In 85% of cases, proceedings to be issued or notification of non-certification sent to applicant within 7 calendar days of receipt of originating application (in the correct format) at the SDT.*

- (A) Issue of proceedings (Solicitors, Former Solicitors, Registered Foreign and European Lawyers, Clerks and Recognised Bodies)

Achievement: 100% of cases across 2017.

- (B) Issue of proceedings (Lay Applications, Restorations to the Roll, Revocation of x.43 Order, Application to Determine Indefinite Suspensions, Application for Re-hearing, Application to Vary Condition on Practising Certificate, S44E Appeal, Leave to Enforce Costs Order, and Application to Activate Suspension)

Achievement: 94% of cases across 2017. Performance dipped just below the target in Q1 when the target was only achieved in 84% of cases.

Additional comments: The SDT has broken down cases into either substantive (A) or other case (B) type. This is the first year it has broken down cases in this way, allowing for more detailed insight into performance.

Despite an increase in the number of cases (28% increase in substantive applications from the SRA and a 62% increase in other types of application) performance against this measure has remained stable from last year. The SDT noted that lay applications continue to be disproportionately demanding as they require greater management time in order to provide care and attention to vulnerable applicants.

The annual report notes a wide variation in the quality of material received from the SRA – cases are not treated as received by the SDT until applications are in a fit state.

Performance measure 2: Determination by hearing

Target: *In 60% of cases, determination of application, by substantive hearing or otherwise, to take place within 6 months from the date of issue of proceedings, 20% to take place within 6-9 months of issue, 15% to take place within 9-12 months of issue, and 5% to take place within 12-24 months of issue.*

Achievement: The SDT met three of the four targets, the exception being it concluded only 4% of cases within 9-12 months. However, this figure is somewhat skewed since just 15 cases fell into this category.

Additional comments: Performance on this measure remains relatively stable with 2016 performance. This is despite factors which the SDT considers have made it more

difficult to list cases within 6 months. These factors include the additional challenges attached to Late Agreed Outcome applications and adjournments, repeated demands from advocates on both sides that their availability must be taken into account and accommodated, and an increasing trend towards the use of expert evidence which adds to the length of cases and the difficulty in fixing dates within target.

Of the 99 applications for adjournment made in 2017, 61 of these were granted.

While outside the KPI, the report identifies there are currently 12 outstanding pre-2017 cases, with only one with a year of application pre 2016. Respondent health issues are cited as factor in the outcome/current position in the majority of these cases.

Performance measure 3: Average cost per court

Target: *No target is included in the report.*

Achievement: The average cost per court for 2017 was £9,606. This figure represents a 3% increase from the previous year (£9,292).

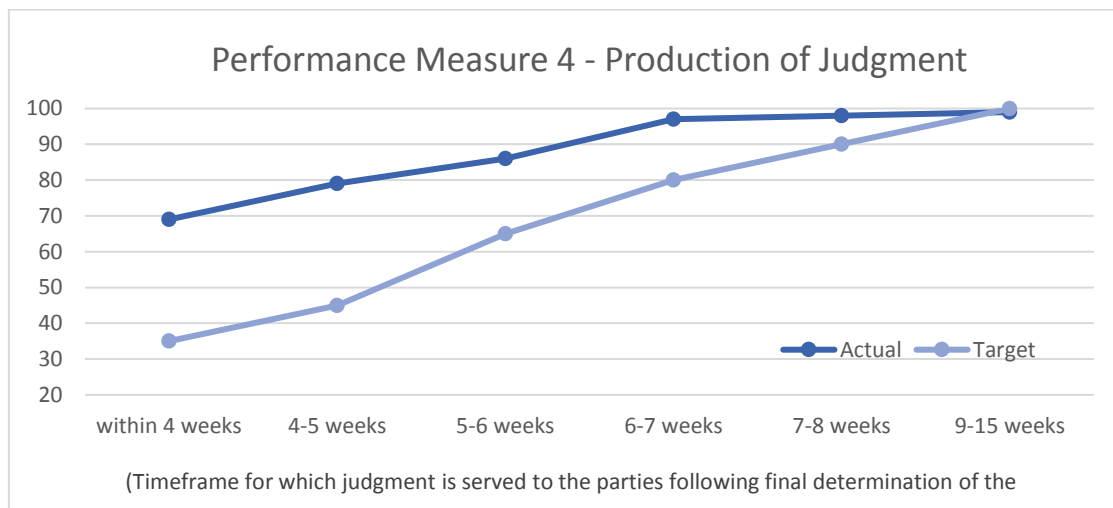
Additional comments: Wasted court days arising from late Agreed Outcome applications and adjournments have a direct impact on the average court cost per year. For agreed outcomes, 48 days of court time were lost in 2017, while for adjournments 124 court days were lost.

The SDT advised it is looking at cost efficiencies, recognising that it would not be in the public interest for costs to be cut to the extent that this impacts upon service efficiency and effectiveness. It is currently exploring the introduction of a warned list system to minimise days of court time lost due to adjournments and Agreed Outcome cases.

Performance measure 4: Production of Judgment

Target: *Following final determination of the application, Judgment to be served on the parties within: 35% within 4 weeks, 10% in 4-5 weeks, 20% in 5-6 weeks, 15% in 6-7 weeks, 10% in 7-8 weeks, 10% in 9-15 weeks.*

Achievement: The majority of judgments are delivered in under five weeks (79% against a target of 45%). The SDT missed targets for the other categories, although the number of cases involved in each category is small. However, a fairer and more accurate representation of performance is illustrated on the graph below.



Additional comments: Performance on this measure remains stable from performance in 2016 and the SDT notes that only the most complex of cases take longer than seven weeks. The SDT also notes an overall increase in the length and complexity of cases.

Performance measure 5: Appeals

Target: *No target is included in the report.*

Additional comments: The number of appeals remained stable in 2017. There are no particular trends emerging from these figures.

12 SDT decisions were appealed by either the Applicant or the Respondent or both in 2017. This represents 8.9% of cases the SDT heard in 2017. Two appeals were upheld in whole or part.