

ANNEX A - Chief Executive's Report

Summary and analysis of SDT performance report 2018

Summary

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

Overall, the SDT's performance is stable compared to the previous year's figures. Where there has been slippage on metrics a clear explanation has been provided.

As context, the number of applications received from the SRA fell by 20% compared to the previous year, but the number of cases heard during the period increased by nearly a quarter. The number of Agreed Outcomes¹ cases is stable, but the number of lost court days due to these cases has increased – the SDT is concerned about the close proximity between receipt of submissions and the planned hearing date.

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 2018.

- (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, Costs Order, Application to Activate Suspension)

Achievement: 80% of cases across 2018. The SDT's explanation for the target not being met is that some 'lay applications' (ie from the public) need to be sent to the SRA for investigation, but certification (and thus issue of proceedings) cannot occur until the SRA has responded.

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.*

¹ Where the SRA and respondents agree an outcome before the hearing takes place, which the SDT is required to approve.

Achievement: The SDT met two of the four targets, the exceptions being it concluded only 39% of cases within 6 months and 11% of cases within 9-12 months. The SDT's commentary is that the number of cases heard over the year increased and it is important to consider volume as well as percentages. For example, more cases were heard after 9 months in 2018 than in 2017. Clerking resource did impact on timeliness but this has now been addressed. Further, it now proactively brings forward cases with the consent of all parties to address listing issues caused by agreed outcome cases and adjournments.

Performance measure 3 – Cost per court

Target: *No target is included in the report – a trend measure.*

Achievement: The average cost per court for 2018 was £10,333. This figure represents an 8% increase from the previous year (£9,606), although it is less than the peak of £11,294 in 2015. The SDT explains that the main factors contributing to this increase were rises in office rent and service charges, business rates and IT, including a one-off investment in new technology which is expected to improve efficiency and reduce operating costs in future years.

Performance measure 4 – Production of judgment

Target: *Following final determination of the application, judgment to be served on the parties: 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: This target continues to be met consistently with the majority of judgments being delivered in under 5 weeks.

Performance measure 5 – Appeals

Target: *No target is included in the report – a trend measure.*

Achievement: The picture is largely stable. 21 appeals were heard in the year, which represents 12.5% of all cases heard (9.6% in 2017). There has been an increase in appeals by the SRA about unduly lenient sanctions, the majority of which were successful. There has now been Divisional Court guidance clarifying the correct approach. The number of successful appeals by respondents has remained fairly static.