

Table 1. SRA requirements for supervision in the 2019 Standards and Regulations

Code of Conduct for Solicitors, RELs and RFLs	
Where you supervise or manage others providing legal services, you remain accountable for the work carried out through them and you effectively supervise work being done for clients.	Paragraph 3.5
You make sure that those you manage are competent to carry out their role, and keep their professional knowledge and skills and their understanding of their legal, ethical and regulatory obligations up to date.	Paragraph 3.6
Code of Conduct for Firms	
Firms are required to have effective governance structures, arrangements, systems and controls in place to make sure that the firm and its staff comply with regulatory and legislative requirements.	Paragraph 2.1
You ensure that your managers and employees are competent to carry out their role, and keep their professional knowledge and skills and their understanding of their legal, ethical and regulatory obligations up to date.	Paragraph 4.3
You have an effective system for supervising client matters.	Paragraph 4.4
A firm's compliance officer for legal practice (COLP) must take all reasonable steps to make sure compliance with relevant regulatory arrangements, including those relating to supervision.	Paragraph 9.1
SRA Authorisation of Firms Rules	
Authorised bodies must have at least one person who has practised as a lawyer for at least three years to supervise the body's regulated work. This requirement for at least three years' experience does not apply to other people with supervisory responsibilities, but firms should ensure that anyone with supervision responsibilities has appropriate experience.	Rule 9.4
SRA Statement of Solicitor Competence	
Solicitors should be able to disclose when work is beyond their personal capability, recognise when they are experiencing difficulties, seek and use guidance and support, and know when to seek expert advice.	Section A3

Table 2. Establishing a risk-based approach to supervision

Questions to ask	Relevant considerations for risk-based decision making	SRA recommendations of good practice
Who are the supervisors?	<ul style="list-style-type: none"> Is there is a specific legal or regulatory requirement for those carrying out the work to be supervised by an individual with particular qualifications? Is the work a reserved legal activity? (see Tables 3 and 4 below) The experience, competence and workload of those carrying out the work and the level and kind of support they need The capacity/bandwidth of the supervisor and the other demands on their time – for example, a supervisor with their own fee-earning caseload will have less time available to supervise the work of others Are those carrying out the work in the same location as their supervisor, in another office, working remotely or in a hybrid or agile arrangement? The nature of, and ease of access to, other support available to those carrying out the work 	<ul style="list-style-type: none"> Arranging peer reviews of work by senior staff, particularly where novel or particularly complex issues are involved. Including supervision as a topic in performance reviews and make supervision skills a criterion for promotion. Designating a quality control reviewer for all engagements assessed as high risk or complex
What work is supervised?	<ul style="list-style-type: none"> The risks involved for clients and others if legal services are defective – for example, whether there is a risk of loss of life or liberty through imprisonment or deportation The nature of the inherent risks involved in the work being supervised i.e. is the work primarily administrative or does it involve the use of a high degree of judgement? Is there a specific legal or regulatory requirement for those carrying out the work to be supervised by an individual with particular 	<ul style="list-style-type: none"> The supervisor should have some knowledge of each matter being progressed by the person doing the work and/or should monitor a meaningful sample of their work, depending on the risk factors present. The first three risk factors listed in the left-hand column might be particularly important here. Where work is high risk the supervisor might need to have some awareness of every file. Where work is broadly low

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WHEN IT MATTERS MOST

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	<p>qualifications? Is the work a reserved legal activity? (see Tables 3 and 4 below)</p> <ul style="list-style-type: none"> Is there a specific legal or regulatory requirement for those carrying out the work to be supervised by an individual with particular qualifications? Does the work involve claims management activities? (see Table 4 below) The vulnerability of the client Is advocacy being supervised? (see Table 4 below) Is the firm supervising work outside an employment relationship? 	<p>risk and standardised it might be reasonable for the supervisor to see only a small sample of work. Where a supervisor relies on seeing a sample of work they should make sure the sample includes work that the supervisee does not ask them to look at.</p> <ul style="list-style-type: none"> The supervisor should have clear oversight of work being done while it is live, at all key stages. Where work is advisory or transactional, the delivery of the final 'product' might be the only key stage at which the supervisor should see the work. Where work is more complex, the supervisor should have sight of the whole course of a matter, and not just the final delivery of a product or service The supervisor should provide advice or guidance on specific matters (such as non-standard issues) as necessary Supervision of senior staff should include consideration of ethical and regulatory competencies, as well as standards of supervision and leadership.
Are trainees and aspiring solicitors supervised effectively?	<ul style="list-style-type: none"> The experience, competence and workload of the supervisee – a trainee will need a higher proportion of their work checked than someone with a long track record of doing similar work to a good standard Firms supervising trainee and aspiring solicitors should: <ul style="list-style-type: none"> Integrate their training with the wider supervision arrangements covered by the Supervision Guidance. Be aware of where differing supervision requirements apply for the purposes of QWE for the SQE and the general supervision of legal services, and tailor their arrangements accordingly Firms might also supervise staff who are trainees in other regulated legal professions. For instance, those undertaking qualifying employment and work-based learning for the purpose of CILEx membership work in SRA-authorized firms. Firms in this position might want to consider this when deciding on their supervision arrangements 	<ul style="list-style-type: none"> Firms supervising trainee solicitors or offering qualifying work experience (QWE) must follow the Supervision Guidance. Good practice suggestions: <ul style="list-style-type: none"> Regular reviews of trainees' supervisors to check that they have the time and skillset to supervise to the required standard. Anonymised surveys to assess whether trainees feel supported during QWE and have sufficient feedback A template to record QWE activities with a checklist to provide reassurance that key experiences have been covered
How many people do the supervisors look after?	<ul style="list-style-type: none"> The capacity/ bandwidth of the supervisor and the other demands on their time – for example, a supervisor with their own fee-earning caseload will have less time available to supervise the work of others. The nature of the inherent risks involved in the work being supervised. Whether those carrying out the work are in the same location as their supervisor, in another office, working remotely or in a hybrid or agile arrangement. 	<ul style="list-style-type: none"> In deciding how many people are needed to supervise an area of work firms should consider carefully how many people each supervisor will be able to supervise effectively.

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WHEN IT MATTERS MOST

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	<ul style="list-style-type: none"> The nature of, and ease of access to, other support available to those carrying out the work. 	
How is supervision planned?	<ul style="list-style-type: none"> Are there any relevant contractual commitments or arrangements with clients, for instance where a lawyer is on secondment? Are those carrying out the work are in the same location as their supervisor, in another office, working remotely or in a hybrid or agile arrangement? The capacity/bandwidth of the supervisor and the other demands on their time. 	<ul style="list-style-type: none"> Agreeing the structure of supervision required for each matter at the outset. Ensuring that all team members are aware of expectations around supervision. Encouraging questions from supervisees and clarifying what needs escalation or approval. Listing outgoing communications and documents which should always be discussed in draft with the supervisor including novel or complex advice, drafts of key documents, communications to clients on costs or rates and details of any conversation involving substantive queries or concerns. Using protocols to identify the level of supervision needed in each practice area – for example, all communications with clients to be checked by partner/senior solicitor, no court documents to be filed without partner/senior solicitor sign-off. Recording the supervision arrangements for each area of work, and the risk-based reasons for the approach taken. Where a supervisee is on secondment, having a secondment agreement that sets out the supervisory arrangements. Note that where a firm has outsourced work entirely then the firm will not be responsible for supervising the work in the sense covered by the guidance. The firm will however have a contractual responsibility to the end client, which might in practice require them to take reasonable steps to make sure that work done elsewhere is adequately supervised.
How should work be reviewed?	<ul style="list-style-type: none"> The risks involved for clients and others if legal services are defective – for example, whether there is a risk of loss of life or liberty through imprisonment or deportation. The nature of the inherent risks involved in the work being supervised i.e. is the work primarily administrative or does it involve the use of a high degree of judgement? The experience, competence and workload of the supervisee – a trainee will need a higher proportion of their work checked than someone with a long track record of doing similar work to a good standard (see above). 	<ul style="list-style-type: none"> A supervisor should see enough of the work of those they are supervising to be satisfied that the overall quality of work is satisfactory and the risks relating to the work are being managed appropriately on a day-to-day basis. The supervisor should have some knowledge of each matter being progressed by the person doing the work and/or should monitor a meaningful sample of their work, depending on the risk factors present. This is explained in more detail above. The supervisor should have clear oversight of work being done while it is live, at all key stages. Where work is advisory or transactional, the delivery of the final 'product' might be the only key stage at which the supervisor should see the work. Where work is more complex, the supervisor should have sight of the

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WHEN IT MATTERS MOST

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		<p>whole course of a matter, and not just the final delivery of a product or service.</p> <ul style="list-style-type: none"> • Supervisor checks should involve an assessment of the quality of the substantive legal work, whether it is accurate and meets the client's needs, whether the supervisee has followed the firm's policies, for example, in respect of signing off work, whether ethical and regulatory considerations have been taken into account, and the general management of the matter/file. • Supervision should always include an element of direct discussion between the supervisee and supervisor as well as reviews of documents and other work done and of case files. • Firms should be able to evidence the supervision arrangements they choose for each area of work, and the risk-based reasons for the approach they have taken. • Firms should consider how they expect supervisors and supervisees to record the delivery of supervision (for instance in records of one-to-ones, casework discussions, and file reviews), and make these expectations clear to those involved. This should include consideration of how to record and share learning points from issues identified in supervision. • Using protocols to identify the level of supervision needed in each practice area – for example, all communications with clients to be checked by partner/senior solicitor, no court documents to be filed without partner/senior solicitor sign-off. • Supervision should be evidenced, for example by emails, file notes and time records – but it is not necessary to capture every instance of supervision, such as ongoing informal discussion about a draft document where the supervisor is working directly with the supervisee. • Where tracked changes on a document are used to provide feedback, these should include an explanation of why changes have been made. • Arranging peer reviews of work by senior staff, particularly where novel or particularly complex issues are involved. • Designating a quality control reviewer for all engagements assessed as high risk or complex.
How often do they need to communicate?	<ul style="list-style-type: none"> • The experience, competence and workload of those carrying out the work and the level and kind of support they need. • The nature of the inherent risks involved in the work being supervised i.e. is the work primarily 	<ul style="list-style-type: none"> • The SRA expects supervisors to communicate directly with supervisees often enough to make sure the supervisor has clear oversight of work being done, is readily available to support the supervisee, and can provide

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WHEN IT MATTERS MOST

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	<p>administrative or does it involve the use of a high degree of judgement?</p> <ul style="list-style-type: none"> The risks involved for clients and others if legal services are defective – for example, whether there is a risk of loss of life or liberty through imprisonment or deportation. Are there any relevant contractual commitments or arrangements with clients, for instance where a lawyer is on secondment? Are those carrying out the work are in the same location as their supervisor, in another office, working remotely or in a hybrid or agile arrangement? The nature of, and ease of access to, other support available to those carrying out the work. Are there any relevant contractual commitments or arrangements with clients, for instance where a lawyer is on secondment? 	<p>robust assurance that legal and regulatory requirements are being met.</p> <ul style="list-style-type: none"> Supervisees are expected to flag issues to their supervisor in good time ahead of deadlines, make it clear if a matter is urgent or important and be open about their capacity.
How do they communicate?	<ul style="list-style-type: none"> The experience, competence and workload of those carrying out the work and the level and kind of support they need. Are those carrying out the work are in the same location as their supervisor, in another office, working remotely or in a hybrid or agile arrangement? Are there any relevant contractual commitments or arrangements with clients, for instance where a lawyer is on secondment? 	<ul style="list-style-type: none"> The SRA expects that specific arrangements are made for supervisors to review the work of supervisees and to discuss their work with them. The SRA does not require these discussions to take place in-person; they may take place virtually, where appropriate Where the supervisee is a trainee***, is in a new role, or is dealing with unfamiliar work, or where there are concerns about the quality of the supervisee's work, in-person supervision may be more effective.
If supervision is remote?	<ul style="list-style-type: none"> The experience, competence and workload of those carrying out the work and the level and kind of support they need. The nature of, and ease of access to, other support available to those carrying out the work. The nature of the inherent risks involved in the work being supervised i.e. is the work primarily administrative or does it involve the use of a high degree of judgement? Are there any relevant contractual commitments or arrangements with clients, for instance where a lawyer is on secondment? 	<p>If supervision is remote, hybrid and or agile, the guidance suggests the following is good practice:</p> <ul style="list-style-type: none"> A quick daily discussion with supervisees who are working remotely about what they are doing, when it is due to be done and who is reviewing it. Asking supervisees to share an up-to-date 'to do' list at the end of each day. Being clear about delegation so that there is absolute clarity on who is responsible for each task. Respecting everyone's time and working patterns and encouraging people to be open when they are finding it difficult to juggle priorities. Operating a virtual 'open door' policy for those working remotely. Involving junior staff in client calls and virtual meetings, and maintaining regular pastoral conversations. Using screen sharing tools to review documents with supervisees in real time. Setting up a buddy system for remote workers and arranging informal group discussions so that junior staff can ask peers for advice.

KINGSLEY NAPLEY

WHEN IT MATTERS MOST

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Table 3: Supervision of reserved legal activities (RLAs)

<p><i>The Supervision Guidance reminds firms that for certain of the reserved legal activities (RLAs), there are statutory restrictions (and associated exemptions) around who can carry out RLAs under supervision of a solicitor, REL or RFL (i.e. under the direction and authorisation of). This table summarises the position.</i></p>			
Are any of the following undertaken?	Statutory provision(s)	SRA Supervision Guidance	Additional matters to consider
Rights of audience	<ul style="list-style-type: none"> Only authorised persons can exercise a right of audience before a court in relation to any proceedings: section 13 Legal Service Act (LSA) 2007. There are several categories of exempt person who need not be authorised to exercise rights of audience e.g. if their work includes assisting in the conduct of litigation under the instructions and supervision of an authorised person: Schedule 3, Paragraph 1(7) of the LSA. 	<ul style="list-style-type: none"> In deciding on supervision arrangements for unauthorised people carrying out these activities, firms should consider the statutory requirement for an authorised person to supervise the work and to provide instructions (for rights of audience) or direction (for reserved instrument and probate activities). Where there is a requirement to provide direction, solicitors and firms may meet this (i) by providing clear prior instructions on a matter-by-matter basis, or (ii) by using a clear and appropriate work process to set out a compliant standard approach to the work, and requiring any non-standard issues to be escalated to the supervisor. In essence, solicitors and firms will need to be able to demonstrate that they have directed the 	<ul style="list-style-type: none"> Court is defined in section 207 of the LSA¹
Reserved instrument activities (i.e. conveyancing)	<ul style="list-style-type: none"> Only authorised persons can carry on reserved instrument activities: section 13 LSA. Certain persons are exempt and need not be authorised to carry on reserved instrument activities e.g. if they carry on the activity under the instructions and supervision of an authorised <i>and connected</i> person: Schedule 3, paragraph 3(5) of the LSA. 		<ul style="list-style-type: none"> Reserved instrument activity is defined in Schedule 2 paragraph 5(1)² Instrument is defined in Schedule 2 paragraph 5(3) A connected person is defined in Schedule 3 paragraph 3(4) There are other exemptions to the

¹ The definition of court includes: (a) a tribunal that [was] (to any extent) a listed tribunal for, or for any of, the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 (functions etc of Administrative Justice and Tribunals Council);[immediately before the coming into force of the repeal of that Schedule]; (b)a court-martial; (c)a statutory inquiry within the meaning of section 16(1) of the Tribunals and Inquiries Act 1992 (c. 53); (d)an ecclesiastical court (including the Court of Faculties).

² Preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9); (b) making an application or lodging a document for registration under that Act; (c) preparing any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to court proceedings in England and Wales.

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WHEN IT MATTERS MOST

		progress of any given matter.	need to be authorised: see Schedule 3 paragraph 3 of the LSA.
Probate activities	<ul style="list-style-type: none"> Only authorised persons can carry on probate activities: section 13 LSA. Certain persons are exempt and need not be authorised to carry on probate activities e.g. if they carry on the activity under the instructions and supervision of an authorised and connected person Schedule 3, paragraph 4(2) of the LSA. 		<ul style="list-style-type: none"> Probate activity is defined in Schedule 2 paragraph 6(1) of the LSA as preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales. A connected person is defined in Schedule 3 paragraph 4(3) of the LSA.
Conduct of litigation	<ul style="list-style-type: none"> Only authorised persons can conduct litigation: section 13 LSA. 	<ul style="list-style-type: none"> <i>"[The] LSA 2007 makes no provision for unauthorised people to carry out litigation under supervision"</i> <i>"Therefore people who are not themselves authorised to conduct litigation can only support authorised individuals to conduct litigation, rather than conducting litigation themselves under the supervision of an authorised individual."</i> 	<ul style="list-style-type: none"> It is correct that the right to conduct litigation is limited by the Courts and Legal Services Act 1990 to litigants themselves and to solicitors and other persons authorised under that Act. However, paragraph 4 of Schedule 2 to the LSA defines "the conduct of litigation" very narrowly³ and care should be taken when assessing what work falls under the umbrella of the conduct of litigation or not. Firms should ensure that any non-authorised individuals assisting in the conduct of litigation only do so under the instructions given by and under the supervision of a solicitor, REL or RFL. This will ensure compliance with the SRA's Supervision Guidance and the statutory requirement under the LSA.

³ It is defined as: the issuing of proceedings before any court in England and Wales; the commencement, prosecution and defence of such proceedings; and the performance of any ancillary functions in relation to such proceedings (such as entering appearances to actions).

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WHEN IT MATTERS MOST

			<ul style="list-style-type: none"> Where an activity involves exercising a right of audience, this must be reserved to a solicitor, REL or RFL and cannot be delegated to a non-authorised person even if they are acting at the direction of, or under instructions by, and under the supervision of the solicitor, REL or RFL. Although litigation cannot be carried out by a non-authorised person under supervision, there are exemptions in the LSA: see Schedule 3 paragraph 2.
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Table 4: Other statutory and regulatory considerations for specific work activities

Are any of the following undertaken?	Statutory provision(s)	SRA Supervision Guidance	Additional matters to consider
Immigration	You must be a 'qualified' person to provide immigration and asylum advice and services to the public in England and Wales: Immigration and Asylum Act 1999 (IAA) Solicitors, RELs and RFLs with a valid practising certificate and SRA- authorised bodies are 'qualified' under the IAA.	Firms need to comply with this guidance.	<ul style="list-style-type: none"> "Immigration advice" and "immigration services" are defined in section 82 of the Immigration and Asylum Act 1999 (IAA). Qualified person is defined in section 84(1) of the IAA. A person can only provide immigration advice or immigration services if there are a qualified person. This means that if you are a solicitor who undertakes immigration work as an employee, you may only supervise other people to carry out this work on your behalf if they are also qualified people under the IAA.
Advocacy		<ul style="list-style-type: none"> The SRA expects firms which provide advocacy services to have arrangements in place to help their advocates: <ul style="list-style-type: none"> reflect on the quality of their work address their learning and development needs keep their professional 	<ul style="list-style-type: none"> Firms need to comply with this guidance. The SRA has also published resources to help advocacy firms support the learning and development of their advocates.

KINGSLEY NAPLEY

WHEN IT MATTERS MOST

		<p>knowledge and skills up to date.</p> <ul style="list-style-type: none">• Firms should not use their advocates' years of experience as a proxy for competence. Even experienced advocates may not have dealt with certain challenges and, therefore, may not be competent to deal with them effectively.• Firms should also make sure their advocates have access to regular and effective training, for example:<ul style="list-style-type: none">• Knowledge-based training about key developments in an area of law• Skills-based training about soft skills, questioning vulnerable witnesses or representing young people• Mentoring by advocates from the same firm or through an arrangement with another firm or professional network. This could be particularly useful for advocates who are less experienced, preparing to transition to the higher courts or a different area of law, or professionally isolated because they are the only advocate in a firm• Observing different types of advocacy in court or shadowing experienced advocates. As with mentoring this could be particularly helpful for less experienced advocates, professionally isolated advocates and advocates preparing to take on different or more complex cases• Time for self-study	
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WHEN IT MATTERS MOST

		<ul style="list-style-type: none"> Integrating training into appraisal processes 	
Claims Management activities	<ul style="list-style-type: none"> Claims Management activities falling within the Financial Conduct Authority's (FCA) definition of a regulated claims service (under article 89I of the FSMA 2000 (Regulated Activities) Order 2001 (RAO)), in so far as the claims made involve advice, investigation and/or representation in relation to financial services or financial product claims, unless authorised or exempt, are subject to the general prohibition in section 19 of the Financial Services and Markets Act 2000 (FSMA). As the Supervision Guidance notes, <i>if a firm does not hold FCA authorisation, then a failure to meet this requirement for direction and supervision will contravene FSMA's general prohibition, which is a criminal offence.</i> 		<ul style="list-style-type: none"> Exemptions from FCA authorisation apply where (under the terms of article 89N RAO), the regulated aspects of the service are carried out by non-authorised persons under at the direction of, and under the supervision of solicitor, REL or RFL, who also provides the service and employs them (article 98N(1)(c) RAO). The claims management activity must also be carried on in the ordinary course of the firm's legal practice pursuant to the professional rules to which the solicitor is subject (as required by article 89N(5) RAO), including, the <i>SRA Authorisation of Individuals Regulations 2019</i>. Regulation 9.8 of the <i>SRA Authorisation of Individuals Regulations 2019</i>, provides that solicitors may carry on regulated claims management activities (or activities that would be regulated claims management activities but for the exclusion in article 89N of the RAO), where the work does not comprise reserved legal activities, provided that the work is undertaken as permitted under the exemption made in FSMA to the general prohibition set out in section 19 of FSMA. In practice the SRA will want to know, at the point of authorisation and beyond, that any CMA is undertaken at the direction of and under the supervision of a solicitor, REL or RFL. The ratio of non-authorised to authorised fee-earners will need to be carefully determined and the relevant considerations documented.

