



## Employee-related decision

When making regulatory decisions against an individual we (or in some cases the Solicitors Disciplinary [Tribunal](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal)) may decide that a qualified or non-qualified individual can be prevented from working in [firms](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm) that we regulate. In certain cases we can then give our permission for these individuals to work in firms we regulate. This may include us imposing certain [conditions](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#condition) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#condition\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#condition) on them, such as extra supervision or not allowing them to handle [client](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#client) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#client\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#client) money. These decisions are made for the protection of clients and in the [public interest](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#public-interest) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#public-interest\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#public-interest).

## Control of non-qualified staff (section 43 Solicitors Act 1974)

If a non-solicitor has, for example, either been convicted of a criminal offence or been involved in a breach of our Standards and Regulations in connection with their involvement in a legal practice, this regulatory decision can be taken by us or the Solicitors Disciplinary [Tribunal](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal) to control where and how they work. It means that if a [firm](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm) regulated by us wants to employ or [remunerate](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#remunerate) [\[https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#remunerate\]](https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#remunerate) they must first get our written permission. We [may publish](https://update.sra.org.uk/consumers/solicitor-check/policy/) [\[https://update.sra.org.uk/consumers/solicitor-check/policy/\]](https://update.sra.org.uk/consumers/solicitor-check/policy/) this decision.

## Disqualification from certain roles (section 99 Legal Services Act 2007)

If we are satisfied that a solicitor or non-solicitor working in a licensed body (commonly known as an Alternative Business Structure) has breached a relevant duty to which the person is subject, or causes, or substantially contributes to, a significant breach of the terms of the licensed body's licence, we can make a section 99 order. This disqualifies that person from holding any or all of the following roles in a licensed body: Head of Legal Practice, Head of Finance and Administration, a manager or an employee. Our rules work to extend any such disqualification to prevent all law firms we regulate employing such disqualified persons and not just licensed bodies. Both we and the Legal Services Board will publish the decision to disqualify.



## Approval of employment (section 43)

If a non-solicitor is subject to a "[control of non-qualified staff \(section 43\)](#) [[#control-s43](#)]" order, they need our prior written permission before they can be employed or [remunerated](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#remunerate>] by a firm regulated by us. If we give this permission, we may publish an "approval of employment (section 43)" regulatory decision on their record.

## Approval of employment (section 41)

If a qualified [solicitor](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#solicitor>] has

- been [struck off](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#strike-off>] the [roll of solicitors](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#roll>],
- been suspended from practice, or
- had their [practising certificate](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#pc>] suspended while being an undischarged [bankrupt](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#bankrupt>],

we may, following an application to us, make an order permitting a particular firm to employ or [remunerate](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#remunerate>] the individual concerned. We [may publish](#) [<https://update.sra.org.uk/consumers/solicitor-check/policy/>] this decision.

If a [registered European lawyer \(REL\)](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#rel>] or [registered foreign lawyer \(RFL\)](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#rfl>] is struck from the register or suspended from registration, we may, following an application to us, make an order permitting a particular firm to employ or remunerate the individual concerned. We [may publish](#) [<https://update.sra.org.uk/consumers/solicitor-check/policy/>] this decision.

When we make this decision, we may attach [conditions](#) [<https://update.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#condition>] to the employment restricting the type of work the solicitor is allowed to do and the way they do it, for example

- they may not be allowed to handle client money
- they may have to be closely supervised with regular meetings to review their work, or
- their employers have to give us regular reports on the individual's work and conduct.

## Important notes

Not all regulatory decisions are published—read more about [our approach to publication](https://update.sra.org.uk/consumers/solicitor-check/policy/) [https://update.sra.org.uk/consumers/solicitor-check/policy/].

Only decisions made since early 2008 are published on this site. Most decisions remain on the site for three years.

For the most up-to-date and complete picture of an individual's regulatory record, please [contact us](https://update.sra.org.uk/contact-us/) [https://update.sra.org.uk/contact-us/].

Read more about [how we regulate](https://update.sra.org.uk/consumers/who-we-are/sra-regulate/) [https://update.sra.org.uk/consumers/who-we-are/sra-regulate/].