

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Andrew Donovan
Solicitors Regulation Authority,
The Cube,
199 Wharfside Street,
Birmingham
B1 1RN

Monday 21st January

Dear Mr Andrew Donovan,

We are responding on behalf of the Bar Standards Board (BSB) to the SRA Consultation on Cooperation Agreements.

Thank you for the opportunity to respond to the consultation. Our responses to the questions posed are as follows:

1. Yes, the SRA should develop such a policy.
2. There could be significant benefits in implementing such a policy. The objectives set out at paragraph 2 to Appendix 1 correctly identify as the first priority, maximising the protection of the public. Another objective might be to make the serious wrongdoer aware of the increased likelihood of detection and successful prosecution.
3. The main risks and challenges are set out, in particular, at paragraph 15 of the consultation document. A major risk is the potential harm to the public by leniency or the absence of proceedings in respect of offences committed by the potential witness. This goes beyond the ethical consideration referred to at (f).
4. The safeguards proposed at paragraph 18 appear sufficient although they must remain under review as to their effectiveness.
5. The same response applies to the content of the proposed policy.
6. If the policy is properly administered then there should not be any area of the public or stakeholders who are disadvantaged. There does not appear to be an embedded discrimination in the drafting against any particular group.

Yours sincerely,

Sara Down
Head of Professional Conduct, BSB