

Contents

Executive summary	vii
About the author	xi
Chapter 1: The requirement to have a COLP and COFA	
Introduction to roles	1
Brief background to the Legal Services Act 2007	1
Role of the SRA	3
Key extracts from Standards and Regulations that explain the authorisation process for compliance officer role-holders	5
Approval of role holders	6
Approval process for individuals who are not deemed approved	7
Individual role-holder and ongoing transparency requirements	8
Withdrawal of approval	12
Temporary emergency approval of a COLP or COFA	12
Chapter 2: Appointing your COLP and COFA	
Key extracts from STaRs	17
Compliance and business systems	20
The duties of managers in SRA authorised firms	22
Compliance officers – necessary skills, knowledge, experience	25
Compliance officers – time factors and other considerations	25
Specific considerations about the COFA role	26
Can the COLP and COFA be the same person?	27
Can we buy in a COLP or COFA?	28

Chapter 3: Working with the SRA – understanding entity and risk-based regulation

Regulatory objectives and a changed approach to regulation	31
The impact of the LSA on the work of approved regulators	31
The SRA's approach to risk	33
Regulatory reach over the authorised law firm	34
The SRA's supervision and enforcement work	35
Investigation and enforcement	35
What this style of regulation means for the COLP and the COFA	36
Enforcement powers against the COLP and COFA	36

Chapter 4: The COLP's essential knowledge and suggested systems and controls

The extent of the COLP's responsibilities contrasted with the role of the COLP and the firm's managers	39
Key knowledge from the SRA Standards and Regulations of relevance to the COLP	41
Overview of the STaRs from the COLP's perspective	42
SRA Principles	43
SRA Codes of Conduct	51

Chapter 5: The COFA's essential knowledge and suggested systems and controls

The extent of the COFA's responsibilities contrasted with the role of the COLP and the role of the firm's managers	95
Key knowledge from the SRA Standards and Regulations of relevance to the COFA	96
SRA Principles	96
SRA Codes of Conduct	99
SRA Accounts Rules	101

Chapter 6: Identifying, recording, and reporting non-compliance

How will compliance officers know what they need to know?	126
Record-keeping	127
File-based or central records?	129
Centralised or decentralised record-keeping?	129
Self-reporting by staff or file reviews and supervisory oversight?	129
Just STaRs breaches or all complaints data?	130
Records of decisions to deviate from the firm's systems and controls	130

What information should be included in the record?	130
Identifying serious breaches – where to start	131
The role of the management team in dealing with non-compliance issues.	131
Common breaches.	133
Chapter 7: Compliance officers and international issues	
Occasional or temporary practice outside England and Wales	135
Firms with an “overseas practice”	135
How to respond to this section of the SRA Standards and Regulations.	138
Other international regulatory issues	139
Chapter 8: Behaviours outside of practice	
Equality issues outside of practice	144
Chapter 9: Personal perspectives	
The relationship of the COLP and COFA with the management of the firm	147
Is the role full-time or part-time?	147
Should the role be held for a fixed period?	148
Should there be a deputy or understudy?	148
Remuneration.	149
When and how often the compliance officer should report to the management team	149
How will compliance officers work with the management team?	150
Insurance and indemnity	151
Sources of help.	152
About Globe Law and Business.	153