



Solicitors
Regulation
Authority

From the Chief Executive

Rt Hon Liam Byrne MP
Chair, Business and Trade Committee
House of Commons
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Sent by email only to: byrnel@parliament.uk

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Dear Mr Byrne

Thank you for your committee's enquiry in relation to our investigation of whether correspondence sent between the Post Office and sub-postmasters was appropriately labelled.

I provide information in relation to each of your three specific questions.

(a) What correspondence has been sent to the Post Office Limited to date as part of its ongoing probe

I can confirm that we are investigating complaints received about the labelling of letters sent to sub-postmasters pursuant to the [Horizon Shortfall Scheme](#) (HSS) and have been in correspondence with the Post Office and its solicitors requesting further information.

(b) What is the current status of the SRA probe, what obligations exist on the confidential labelling of offer letters, and under what grounds is potential wrongdoing being considered

Solicitors have to comply with our Standards and Regulations, which include our [Principles](#) and [Code of Conduct for Solicitors, RELs and RFLs](#).

In relation to labelling of correspondence, we issued a [Warning Notice](#) in November 2022 on Strategic Lawsuits against Public Participation (SLAPPs) which provides guidance on our expectations. This states that we expect solicitors to make sure they 'do not mislead recipients of your correspondence, and to take particular care in this regard where that recipient may be vulnerable or unrepresented.' The notice highlights that this could include 'labelling or marking correspondence 'not for publication', 'strictly private and confidential' and/or 'without prejudice' when the conditions for using those terms are not fulfilled.'

A key consideration for us is therefore whether the solicitor drafting or sending a letter can genuinely and properly have held the belief that the letter is without prejudice and/or confidential, if so marked. Failure to do so means solicitors may be

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in breach of our [Principles](#) (2 and 5¹) and [Code of Conduct](#) (Paragraphs 1.2 and 1.4²).

(c) The process and timeframe for the investigation, when findings are expected to be released, and whether an interim report can be provided at this stage.

Our investigations are mostly confidential until we decide that a solicitor or firm should face proceedings before the Solicitors Disciplinary Tribunal. They commonly include dealing with analysis of client confidential and privileged information from solicitors and firms, which we acquire pursuant to our regulatory powers.

We recognise the level of public interest in Post Office matters and published an update on 19 January 2024, in which we said that on our broader investigation 'we expect further relevant evidence from the Inquiry in the coming months, when it will look at issues such as the conduct of the group litigation and governance. We expect to be in the best position to take any meaningful action to get the right outcome after the full facts and all the relevant issues have been aired through the inquiry.' We are however keeping this under review.

We will be pleased to keep the Committee updated in the coming months on matters relating to labelling of correspondence as and when are able to do so.

Yours sincerely



Paul Philip
Chief Executive
Solicitors Regulation Authority

cc: Adam Taylor, Committee Specialist (taylorag@parliament.uk)

¹ Principle 2 – act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons; Principle 5 - act with integrity

² Paragraph 1.2 of the Code of Conduct for Solicitors states you must not 'abuse your position by taking unfair advantage of clients or others'; Paragraph 1.4 states you must not 'mislead, or attempt to mislead your clients, the court or others, either by your own acts or omissions or by allowing or being complicit in the acts or omissions of others (including your client)'.