

**REMEDIES PROGRAMME IMPLEMENTATION GROUP (RPIG)**

**Minutes of the fourth meeting of the RPIG  
held on Friday 8 September 2017**

<i>Attendees</i>	
Sheila Kumar – CLC – Chair	Rachel Merelie – CMA
Fran Gillon – IPReg	Sharon Horwitz – CMA
Jill Durham – CILEx Regulation,	Paul Kellaway – CMA
Vanessa Davies – BSB	Matteo Bassi – CMA
Peter James – ICAEW	
Pat Adair, ICAEW	<i>Nicola Sinclair – OLC (item 2 by telephone)</i>
Howard Dellar – Faculty Office (items 1-7)	<i>Sam Chilvers – OLC (item 2 by telephone)</i>
Crispin Passmore – SRA	
Jane Malcolm – SRA	
Stephen Brooker – LSB	
Vibeke Bjornfors – LSB	<i>Apologies from Lynn Plumbley – CLSB, Caroline Wallace – LSB Paul Philip – SRA Helen Whiteman – CILEx Reg</i>

**Introduction Welcome and introductions and apologies for absence (Agenda item 1)**

1. The Chair welcomed Fran Gillon to the Group and congratulated her on appointment as Chief Executive of IPReg.

**Discussion and update re OLC data and timeline (Agenda item 2)**

2. Nicola Sinclair and Sam Chilvers provided an overview of OLC's change programme. One intended outcome of the programme was a new case management system. The OLC Board was scheduled to discuss the programme whilst the Group was meeting.

3. The Group discussed the information currently provided by OLC to the frontline regulators.
4. Vanessa Davies noted the potentially tight window to provide feedback to OLC and consider the impact on regulators' respective consultations. Jane Malcolm flagged that the SRA was also in the process of updating its IT systems. The Group noted that a degree of future-proofing was therefore necessary in any system design.
5. Crispin Passmore suggested that there was a need to ensure that the definitions and data taxonomy used for tier 1 complaints (as captured by regulators) was consistent across regulators and with the tier 2 data held by OLC. The Chair further noted that even where similar terms and labels were used, there might be subtle differences in how those terms were used which could make direct comparison and analysis difficult.
6. Sharon Horwitz said that identifying a common set of terms was necessary as part of any development of a single digital register. Paul Kellaway emphasised the need to consider the restrictions of any data licence used by OLC with regulators if there was a desire to republish any OLC data. OLC further noted that the Legal Services Act 2007 imposed limits on what data it was able to publish itself which would have an impact on what the regulators could publish. The current MOUs between OLC and regulators would affect constraints on data use and might need revision.
  - (a) Constraints on use under LSA would need consideration and OLC was asked to share any advice it received.
7. Jane Malcolm noted the existing work that had been conducted between regulators in mapping their regulatory data.
8. The Group agreed that further discussion at the Regulators Forum in October would be useful. The Chair asked OLC to provide a short note to regulators on the outcomes of the OLC Board discussions.
9. The OLC representatives also agreed to provide a paragraph or two on their change programme and data intentions that could be used in the regulators' consultation documents, as their own consultation is unlikely to be out until Q1 2018

**ACTION: Regulators to provide feedback to OLC on current data provision and any additional requirements to the timetable that OLC will advise.**

**ACTION: OLC to provide a paragraph for the consultation documents within the next two weeks**

**ACTION: OLC to send round an update next week about the outcome of the Board meeting**

### **Update on actions (Agenda item 3)**

10. Paul Kellaway provided a brief overview of progress on actions.

### **Action plan evaluation (Agenda item 4)**

11. Vibeke Bjornfors explained the LSB's approach to reviewing the regulators' respective action plans. All regulators had submitted action plans according to the CMA's proposed timetable and had all provided timely returns to the LSB as part of its fact checking exercise.
12. The LSB would publish an overarching document outlining its assessment of the plans, with comments on individual plans published as annexes. In making its assessment the LSB acknowledged that it had been looking at 'plans for plans' which would be expanded and developed as part of regulators' future consultations.
13. Vibeke presented an overview of what the LSB was likely to publish in its assessment. The LSB planned to publish its findings during September and would confirm the publication date with regulators in advance.
14. Following the proposed consultations and regulators' subsequent decisions, the LSB would plan to publish a further assessment of progress in 2018, in accordance with the role given to them in the CMA report.

### **Consultation update and next steps (Agenda item 5)**

15. Paul Kellaway provided an overview of the CMA's high-level review of regulators' draft consultation documents. Themes emerging included:
  - (a) The inclusion of monitoring and enforcement strategies was useful and the CMA encouraged those regulators who had not addressed these issues in their consultations to consider doing so.
  - (b) Proposed actions were particularly compelling where contextualised by evidence and research.

- (c) Respondents might be able to provide more insightful comments where either the nature of proposed rules or guidance or the anticipated outcome were clearer.
  - (d) To allow better comparison between legal services providers providing the same services, but regulated by different regulators, there was scope for greater consistency in the scope of any required disclosure on regulatory protections.
  - (e) Including a brief description of how the proposals fit into other ongoing regulatory changes or cross-regulator work streams (such as Legal Choices or the single digital register) might better explain context. There was potential for cross-regulator cooperation on aligning pilot areas of law to be flagged.
16. The CMA offered to provide further comments on additional drafts to regulators on request. The Group noted that there had been regular interactions between the regulators to discuss proposals, particularly when considering particular areas of law to focus on. However, there was a limit to consistency between regulators' consultations as existing differences in regulatory requirements necessarily meant that proposed actions would differ. Not all regulators would be producing consultation documents. SRA, CilexReg, CLC and BSB had already been shared – IPReg and ICAEW would follow.
17. The regulators agreed to develop common framing in approach to common issues as appropriate. Crispin Passmore noted that some consumer research was already ongoing and would share this with members of the Group when available.

**ACTION: SRA to share consumer testing research.**

**ACTION: CMA to send detailed comments back to those who had shared their documents**

18. The LSB had completed fieldwork on conducting its price research and was in the process of analysing the results, drafting its report and conducting quality assurance. Initial findings, which had not yet been subject to quality assurance, indicated little if any change in the number of legal services providers making price information available. This would be due to be published in October. The LSB was planning to publish its updated research on the Legal Needs of Small Businesses by the end of 2017.

## Progress on joint work streams (Agenda item 6)

### *Legal Choices*

19. The Group noted materials circulated by Jane Malcolm in advance of the next Legal Choices governance board meeting later in September. Funding had been agreed for the coming year and it was hoped that Governance and future funding arrangements could be agreed at the board meeting.
20. Sharon Horwitz asked about the proposed content. The materials circulated did not make it clear if the revised content would provide consumers help in identifying if they had a legal need. Jane Malcolm confirmed that it would. Crispin Passmore added that the partnership with the consumer advisory panel would probably also help with this aspect – people using Legal Choices had likely identified that they had a need – what was needed was route to get people to reach Legal Choices, which might be addressed by developing links and signposting from organisations that consumers typically looked to in the first instance.

### *GOV.UK*

21. Vanessa Davies told the Group that the BSB had met with MOJ to discuss content on GOV.UK and had provided the results of a mapping exercise whereby content on GOV.UK could be better directed to Legal Choices. Vanessa identified a need to consider how to manage any change to GOV.UK, both through identifying content owners and considering whether to wait until Legal Choices was redeveloped before encouraging government to introduce or update links.

### *Single digital register*

22. Jane Malcolm provided an update on the SRA's proposed approach to updating its IT systems and some of the challenges that the cross-regulator data mapping exercise had identified (such as the way names are captured). It was likely that a data analyst would need to be brought in to assist with this.
23. Peter James noted the extensive experience of the ICAEW in providing data to a common regulatory register. The Group discussed whether there was scope to establish a similar governance structure for any cross-regulator work on a digital register. Jane Malcolm noted that to date most discussion had taken place through the Regulators' Forum. Vanessa Davies felt that at present the SRA was still at an early feasibility stage and a more formalised governance structure might be premature at present. Howard Dellar noted that if costs were going to be incurred and which would be borne by the regulators, there would be impacts on the Practising Certificate Fee and

appropriate governance would need to be in place. Some repurposing of other research monies might be a possibility. Again this would be discussed in the Regulators forum.

24. The intention was to have a separate workstream for this piece and to keep it separate to Legal Choices.

### **Engagement with third parties (Agenda item 7)**

25. The Chair provided an update on engagement with consumer bodies – several had responded positively and a follow-up letter would be sent as appropriate. The Group discussed where consumer bodies would add most value in addition to direct consumer research. The Group agreed that it would be a useful way of eliciting views on a range of issues from a number of bodies – smaller consumer bodies and special interest groups might not otherwise proactively choose to contribute to a consultation on regulatory rule changes.
26. The CMA offered to host an event of consumer and special interest groups, possibly in November. SRA and LSB research could be presented to provide further context to the work of the regulators.

**ACTION: Chair and CMA to liaise regarding dates for a roundtable with consumer bodies and to start to organise the event. Lists of possible invitees to be circulated.**

27. The Group discussed how best to engage self-regulatory bodies – it was felt that a roundtable, shortly after consultations closed would be a sensible approach.

**ACTION: CMA to circulate a list of self-regulatory bodies which it proposed to invite to a roundtable to be organised for a date in January to March. Regulators to supplement the list as appropriate**

**ACTION: Chair to send round list of those already invited with an update on responses**

28. The Group discussed the need to engage with their respective representative bodies. The CMA reiterated its willingness to meet with interested stakeholders where it would be useful. Some of these meetings had already taken place eg with the Law Society and Society of Licensed Conveyancers and further opportunities had been found.

**ACTION: Vanessa Davies to liaise with the CMA regarding the date for a possible joint meeting between the BSB, Bar Council and CMA**

**ACTION: Peter James to liaise with the CMA regarding the date for a possible joint meeting between the ICAEW professional body, ICAEW regulator and CMA**

**Next steps (Agenda item 8)**

29. The Group discussed what its role should be going forward in light of the fact that the Terms of Reference anticipated a review at the end of twelve months, and whether the CMA should continue to take an active part in the Group.
30. It was agreed that the Group should continue in its current form until the LSB had reviewed proposed rule changes, which would likely be Summer 2018. The Group recognised the role of the CMA in liaising with regulators and welcomed its continued involvement.

**AOB**

31. There was no other business.