

**REMEDIES PROGRAMME IMPLEMENTATION GROUP**

**Minutes of the tenth meeting**

**Held on Friday 1<sup>st</sup> March 2019**

**11.00 a.m. – 12.00 p.m.**

<i>Attendees</i>	
Stephen Ward, Council for Licensed Conveyancers in the <b>Chair</b>	Stephen Brooker, Legal Services Board
Vanessa Davies, Bar Standards Board ( <i>by telephone</i> )	Ian Waters, Association of Chartered Certified Accountants
Howard Dellar, Faculty Office	Paul Philip, Solicitors Regulation Authority ( <i>by telephone</i> )
Laura Murphy, Association of Chartered Certified Accountants ( <i>by telephone</i> )	Helen Whiteman, CILEx Regulation
Fran Gillon, Intellectual Property Regulation Board	Sarah Chambers, Legal Services Consumer Panel
Patricia Adair, Institute of Chartered Accountants in England and Wales	Laurentiu Ciocan, Legal Services Consumer Panel
Audrey Cosens, Council for Licensed Conveyancers	Nicki Smith, Council for Licensed Conveyancers

<i>Apologies for absence</i>	
Sheila Kumar, Council for Licensed Conveyancers	Peter James, ICAEW

**1. Introductions and Apologies for Absence**

The Chair welcomed attendees to the tenth meeting of the Group and noted apologies for absence.

**2. Minutes of the meeting held on 25 September 2018 and matters arising**

The minutes of the meeting held on 25 September 2018 were agreed as a correct record.

The Group was advised that the CMA had offered to continue to host approved minutes of its meeting on its website.

**3. Updates on Regulator Activities**

The Group received the following updates on recent developments:

- a) The CILEx Regulation transparency rules have been successfully implemented, with practitioners approaching full compliance. The next area of focus will be Immigration Practice.

CILEx had launched a new customer focused website this week, which included prominent links to Legal Choices ([www.cilexregulation.org.uk](http://www.cilexregulation.org.uk)).

- b) The Institute of Chartered Accountants in England and Wales (ICAEW) began a consultation on the Best Practice Guide to Price and Service Transparency on 8 February 2019 that will end on 20 March 2019 will be closely monitored.
- c) The Intellectual Property Regulation Board will consider the outcome of its transparency consultation at its next Board Meeting in April 2019.
- d) The Faculty Office transparency consultation has now ended and there was a considerable response. It is anticipated that the necessary rule changes will be made soon.
- e) The Association of Chartered Accountants (ACCA) transparency consultation ended in December. Whilst the exercise had generated no response, this could be attributed to the low level of licensed bodies under regulation.
- f) The Solicitors Regulation Authority's (SRA) transparency rules went live at the end of 2018. Software to monitor compliance with is being developed.

The digital badge scheme is now being used.

- g) Following Board approval in January 2019, the Bar Standards Board (BSB) is testing the transparency guidance which will be implemented in May 2019, subject to Board approval.

They will conduct an impact evaluation around research and how to monitor compliance with the guidance.

- h) The Council for Licensed Conveyancers (CLC) held roadshows in the autumn to discuss implementation of the transparency rules which came into effect on 6 December 2018. The websites of CLC regulated practices have been reviewed and indicate a good start with compliance and monitoring and enforcing compliance with the new rules had been mainstreamed.
- i) The Legal Services Board (LSB) will repeat its price research for publication at the end of 2019. It indicated that it would be helpful to have an indication of which of the transparency options most firms were tending to use, and members of the Group undertook to share this information when available.

**Action: Members to review firms' selection of transparency options and feed back to the LSB when the information is available**

Representatives of the Legal Services Consumer Panel recommended that regulators should include an impact evaluation following the implementation of the transparency requirements within their business planning.

The LSB is expecting the publication of transparency information to lead to the development of metrics, examples of which could be quality, price and means of redress. It was suggested that it would be useful for Group members to collaborate on a project to develop performance metrics and it was agreed that the Research Forum should be asked to consider the scope for cooperation on that task.

It was suggested that the tracking data compiled by the Legal Services Consumer Panel may also assist assessing the impact of the new rules although it was acknowledged that data from the tracker survey may not be sufficiently detailed for the assessment.

**Action: Task Research Forum to explore this.**

#### **4. Comparison websites and the use of data**

ICAEW raised concerns about the use of data about regulated entities that regulators are expected to make available to third parties such as comparison websites.

Whilst it was considered that regulation of comparison website companies should be a matter for the Competition and Markets Authority, concerns about the permitted use of data were explored.

Adherence to regulatory and statutory obligations for the publication of data on regulators' websites were discussed, in particular the publication and content of registers of regulated practices for consumers and for transparency purposes.

On the basis that all regulators have a statutory obligation to publish their registers in a searchable format, including disciplinary information where appropriate, it was suggested that data protection legislation should not be a barrier to the transparency of information about regulated entities. It was observed that the General Medical Council publishes disciplinary records.

It was agreed that Group members would share their respective disciplinary record publication policies for further discussion at the next meeting.

**Action: Group members to circulate their publication policies and to include the item on the next agenda for further discussion (*Now being explored by the Regulators Forum*)**

#### **5. Pioneer Funding Bids – Feedback and Next Steps**

The LSB asked to use the opportunity of this meeting to mention experience of submitting bids to the Pioneer Fund. The SRA had submitted a successful bid for

funding in conjunction with NESTA, the focus of which had been on the extension of artificial intelligence initiatives.

None of the smaller funding bids submitted by jointly by the LSB and front line regulators had been successful. Feedback provided to the LSB indicated that that the bids were not deemed to be sufficiently directed to providing immediate help for businesses to develop the market. It was noted that individual regulatory bodies had not received detailed feedback, and each submitting regulator would follow this up.

**Action: Regulators who submitted bids to the Pioneer Fund to seek feedback.**

## **6. Transparency of governance – Best Practice Discussion**

Whilst not strictly within the remit of the Remedies Programme Implementation Group, this item was added to the agenda further to discussion at the most recent meeting of chairs and chief executives hosted by the Legal Services Board.

Representatives of the BSB and CILEx Regulation, whose publication schemes had been assessed as fully compliant within the recent regulatory performance assessments offered to share their best practice and they asked Group members how best to do that.

It was agreed that BSB and CILEx Regulation colleagues would share their respective publication scheme, transparency policies and KPI templates with members of the Group in writing.

**Action CILEx Regulation and BSB to share transparency policies and KPI templates through the Regulator Forum**

## **7. Any Other Business**

No other items of business were raised.

## **8. Date of next meeting**

It was agreed to convene a further meeting of the Group in June.

**Action: CLC to liaise with Group members to set a further meeting of the Group in June.**