

**REMEDIES PROGRAMME IMPLEMENTATION GROUP**

**Minutes of the eleventh meeting**

**Held on Friday 7<sup>th</sup> June 2019**

**11.00 a.m. – 12.30 p.m.**

<i>Attendees</i>	
Sheila Kumar, Council for Licensed Conveyancers	Stephen Ward, Council for Licensed Conveyancers
Audrey Cosens, Council for Licensed Conveyancers	Nicki Smith, Council for Licensed Conveyancers (minutes)
Laura Murphy, Association of Chartered Certified Accountants	Vanessa Davies, Bar Standards Board
Helen Whiteman, CILEx Regulation	Cat Farrow, CILEx Regulation
Howard Dellar, Faculty Office	Peter James, ICAEW ( <i>by telephone</i> )
Fran Gillon, Intellectual Property Regulation Board ( <i>by telephone</i> )	Sarah Chambers, Legal Services Consumer Panel
Stephen Brooker, Legal Services Board	Laurentiu Ciocan, Legal Services Consumer Panel

<i>Apologies for absence</i>	
Lynn Plumbley, Costs Lawyer Standards Board	Paul Philip, Solicitors Regulation Authority
Ian Waters, Association of Chartered Certified Accountants	

**1. Introductions and Apologies for Absence**

The Chair welcomed attendees to the eleventh meeting of the Group and noted apologies for absence. She thanked Stephen Ward for chairing the previous meeting in her absence. Disappointment was expressed that there was no SRA representative at the meeting. A note had been provided. The Chair undertook to ensure that any questions would be fed back to the SRA.

**2. Minutes of the meeting held on 1 March 2019 and matters arising**

Minutes of the meeting held on 1 March 2019 were agreed as a correct record subject to the following amendments:

1(a) CILEx Regulation (CRL) – update title of Regulatory body.

1 (g) *Updates on Regulator Activities* “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*).

Updates on actions arising from the previous meeting were as follows:

On 6 June 2019 the Solicitors Regulatory Authority (SRA) published further guidance to help firms comply with their transparency rules that came into effect in December 2018.

The Research Forum had discussed the potential for collaboration on a project for performance metrics. It was agreed to seek an update.

**Action: To circulate update on the Research Forum's discussion**

Publication policies had been discussed by the Regulator Forum. It was agreed to compile a summary of the content of publication policies for review and consideration at the Group's next meeting.

No feedback on unsuccessful Pioneer Fund bids had been received. The second round of bids will commence later in the year. It was agreed to ask the SRA for an update on progress with its successful Pioneer Fund project.

**Action: SRA to share an update on progress with its Pioneer Fund project**

### **3. Updates on Regulator Activities**

The Group received the following updates on recent developments:

- a) CILEx Regulation was close to achieving full compliance with the Transparency Rules. The Digital Badge scheme is being used successfully with no security issues. Statistics on click throughs will be shared when available.
- b) The Intellectual Property Regulation Board published its transparency guidelines in May 2019. The use of a Digital Badge scheme is going well.
- c) The Faculty Office has submitted Transparency Rules to the LSB for approval.
- d) The Association of Chartered Accountants (ACCA) has paused work on the transparency rules pending the outcome the LSB's determination on Internal Governance Rules.
- e) The Solicitors Regulation Authority had provided a written update on its current activities. It was agreed to follow up on some of matters covered within the SRA's update as follows:
  - How the SRA would be assessing and discussing compliance with the transparency rules with those firms who do not have a website, along with information on the priority areas identified from its compliance analysis and next steps
  - A link to the SRA guidance on Client Care when published.
  - The ICAEW has posted a guide on what to expect when appointing an accredited probate practitioner, which may be a helpful comparison to the smile guide that the SRA is developing.
- f) The BSB will shortly be publishing their Transparency Rules and firms will be given until December 2019 to comply. A Digital Badge scheme had not been adopted, but comments from other regulators who were using the scheme would

be helpful for future consideration. The BSB's Board had resolved to withdraw from joint work on the Legal Choices website with effect from 1 November 2019, however officers would continue to assist with development of content as far as practicable. The Chair suggested, and it was agreed, that this issue should be discussed by the Legal Choices Governance Board at its next meeting.

- g) The Council for Licensed Conveyancers (CLC) has achieved full compliance with the transparency rules of all practices with websites. CLC is following up with any practice that does not have a website. The CLC has been successfully using a Digital Badge scheme for the past two years, with no security concerns. Updated guidance on client care had recently been published. The CLC is preparing a Consumer Charter, which would be published shortly. Quality indicators, including information on 1<sup>st</sup> tier complaints are compiled within the Annual Regulatory Return data.
- h) The ICAEW will shortly publish its Best Practice Guide to Price and Service Transparency. Issues with the publication of probate complaints data had been identified, due to the extent of the regulated community, which would render the information difficult to publish. It had taken a voluntary route but if market movement was inadequate after one year it will move to rules.
- i) The Legal Services Board (LSB) will shortly go live with a new corporate website. They are progressing with their work on price research. It is focussing on the Government's agenda to reduce the optimum response time from 8 weeks to 4 weeks.
- j) The Legal Choices Consumer Panel indicated that the pace of transparency implementation is somewhat slower than anticipated and that a gap in performance between the leading regulators and those taking less or no action was widening which is a matter of concern. It will be running a workshop in September 2019, in conjunction with the Legal Ombudsman which will look at how to extract good quality data from complaints. Input from Regulators may be invited.

The Group highlighted that compilation and analysis of complaints data would be greatly facilitated by additional information from the Legal Ombudsman. It was observed HMLR requisition data, which the Land Registry is being encouraged to publish, fails to make sufficient distinction between errors on the part of practices from those of HMLR.

The Group also had a discussion around the publication of disciplinary information. The ICAEW had sought legal advice on the consequences of publishing data. The Group agreed that it would be helpful if the legal advice could be made available to its members and the BSB undertook to co-ordinate an information request to the ICAEW on behalf of the Group.

**Action: ICAEW to continue work to underpin consistent approaches to publication of disciplinary information**

**Action: To update the LSB following the Legal Choices Governance Board's discussion of the BSB's decision to withdraw its involvement.**

#### **4. Any Other Business**

The Chief Executive Officer of CILEx Regulation announced that this would be her last RPIG meeting as she would be leaving CILEx Regulation. The Group wished her well and thanked her for her involvement.

#### **5. Date of next meeting**

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

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